

Testimony of

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Human trafficking is an abominable crime. It deprives victims of the most fundamental of rights – the right to be free. Human trafficking affects individuals and communities around the globe, including those here in the United States. I am very proud to appear today in support of H.R 3887, the *William Wilberforce Trafficking Victims Protection Re-authorization Act of 2007*. I am joined today by my colleague and research partner Jack McDevitt, the Director of the Institute on Race and Justice and Associate Dean of the College of Criminal Justice at Northeastern University. Over the past four years we have conducted research on law enforcement's ability to identify, investigate, and respond to human trafficking in local communities throughout the United States. I will use my time today to address the problem of human trafficking in the United States and discuss the ways this important legislation can help improve our responses to this crime.

**Background**

During my career I have conducted extensive research in the field of policing with a particular focus on understanding how police respond to new or newly-recognized crimes. For example, my research with Jack McDevitt on hate crime identification includes two major studies conducted for the Bureau of Justice Statistics - *Improving the Quality and Accuracy of Bias Crime Statistics Nationally* (2000) and *Bridging the Information Disconnect in National Bias Crime Reporting* (2002) - which have added significantly to our understanding of the challenges local law enforcement face identifying, investigating, and reporting information about newly defined crimes such as hate crimes. My research in policing has covered such topics as hate crime

reporting, police integrity, and racial disparities in traffic enforcement. In addition to research on police practices, I have conducted a number of studies focused on the treatment of women in the criminal justice system. I am currently the co-recipient of the 2006 W.E.B. DuBois Research Fellowship from the National Institute of Justice. Dean Jack McDevitt, who joins me today, has three decades of experience conducting research on and working with law enforcement, including directing the New England Regional Community Policing Institute, providing domestic and international police training to thousands of officers and conducting analysis of crime trends, and most recently examining hate crime and racial profiling issues. It is from a background in police research that I approach questions about human trafficking today.

Earlier this year, Dean McDevitt and I completed a two-year study for the National Institute of Justice (NIJ) entitled *Understanding and Improving Local Law Enforcement Responses to Human Trafficking* (2007). This study, which is undergoing peer review at NIJ, provided the first comprehensive assessment of the current state of U.S. local, state, and county law enforcement responses to human trafficking. Utilizing a random survey of over 3,000 law enforcement agencies, this study measures how often and under what conditions different law enforcement agencies identify human trafficking cases and evaluates whether such recognition leads to investigations, interventions, and/or prosecution. The study provides detailed information about the characteristics of human trafficking victims and perpetrators as well as the nature of those cases that have been identified by law enforcement. Additionally, the study examines the experiences of multi-agency human trafficking task forces funded in 42 local communities by the Department of Justice, Bureau of Justice Assistance. My expertise on law enforcement responses to human trafficking is also informed by a current project undertaken with Dean McDevitt and researchers from the Urban Institute to develop the first national human trafficking reporting system for the Bureau of Justice Statistics. This system will provide standardized data collection and reporting on human trafficking investigations originating from local and state law enforcement agencies working with federal human trafficking task forces.

### **The Problem of Human Trafficking**

Modern day human trafficking takes many forms. Individuals may be held against their will as domestic workers, working for little or no pay, and prevented from finding other employment. Others may be forced into prostitution and isolated from people who could provide a means of escape. Victims can be from distant foreign countries or our own local communities. At present, we have few reliable measures of the extent of human trafficking in the U.S. or internationally. While a number of researchers have attempted to develop estimates of the prevalence of human trafficking (Belser et al., 2005; Clawson et al., 2006a; Miko, 2004), there are a number of inherent challenges to identifying incidents of human trafficking and problems coordinating information systematically across data systems for those cases which are identified (Laczko et al., 2005). There are, however, a number of useful accounts of specific types of human trafficking victimization (Hughes et al., 2001), the characteristics of trafficking in specific geographic regions (U.N. Office of Drugs and Crime, 2006), and the challenges of providing services to human trafficking victims (Clawson et al., 2003). It is important to recognize that scholarship on human trafficking is relatively new. While we are still some way from developing accurate estimates of human trafficking victimization, we have important

information about how often and under what circumstances law enforcement agencies in the U.S. identify cases of human trafficking.

The Victims of Trafficking and Violence Protection Act 2000 (TVPA) was the first comprehensive federal law to protect victims of trafficking and prosecute offenders. Reauthorized in 2003 and 2005, the TVPA increased the investigative powers of law enforcement and provided additional funding to combat trafficking involving U.S. citizens. In addition to federal efforts to combat trafficking, 30 states have passed legislation criminalizing human trafficking and directing law enforcement agencies to adopt training programs to enhance identification and interdiction efforts (Farrell, 2006). The TVPA has proven to be an incredibly important piece of legislation to help victims of human trafficking in the U.S. and I urge the passage of this pending reauthorization.

### **Law Enforcement Responses to Human Trafficking in the United States**

The enforcement of the law in the United States is predominately carried out by the approximately 18,000 local, county, and state law enforcement agencies representing diverse environments and dealing with different local crime problems. Successful national responses to the crime of human trafficking depend, in some part, upon local law enforcement to understand and respond to these crimes. Previous research on law enforcement responses to human trafficking in the U.S. has generally been confined to the experiences of a small number of police agencies serving major metropolitan areas (Clawson et al., 2006b; Wilson et al., 2006). These more limited studies suggested local law enforcement agencies can be well positioned to identify human trafficking victims who may be hidden within the jurisdictions. This is the case because these agencies know their own communities and are involved in routine activities which bring them into contact with local criminal elements where human trafficking may be occurring.

To better understand the experiences of a large number of diverse law enforcement agencies operating throughout the U.S. a nationally representative sample of approximately 3,000 state, county, and municipal law enforcement agencies in the U.S. were surveyed to measure the current perceptions of local law enforcement about human trafficking and measure the frequency in which they investigate such cases (Farrell et al., 2007).<sup>1</sup> The survey addressed four main areas: 1) the perceptions of trafficking held by law enforcement and the preparation agencies have taken to address the problem; 2) the frequency in which law enforcement identifies and investigates cases of human trafficking and 3) the characteristics of those cases investigated by law enforcement, and 4) the investigation and prosecution of human trafficking cases. Some of the preliminary results are presented below. These findings reflect our

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<sup>1</sup> Since law enforcement agencies serving larger populations may encounter human trafficking more frequently than agencies in smaller communities, the original random sample was supplemented with all remaining agencies (not included in the random sample) serving populations over 75,000 and all law enforcement agencies working in partnership with existing federally funded Bureau of Justice Assistance (BJA) human trafficking task forces who were not originally included in either the random or large city samples.

interpretation of the data and we hope may inform future efforts to enhance responses to human trafficking, such as those contained in H.R. 3887.<sup>2</sup>

### *Perceptions and Preparation*

Existing perceptions of local law enforcement strongly affect how new crime laws such as trafficking laws are interpreted and implemented. As with many crime control initiatives that included the federalization of crime and/or incentives to state and local law enforcement agencies to prioritize particular types of crime investigations (e.g., drugs, guns, and homeland security), it is critical to understand how these initiatives are adopted and integrated into the culture of local agencies and how patrol officers put these priorities into practice on the street. The results from the national human trafficking survey suggest most local law enforcement officials across the U.S. today perceive human trafficking as rare or non-existent in their own communities. Agencies serving larger communities (over 75,000 in population), however, were more likely to identify human trafficking, particularly sex trafficking, as a more pervasive problem in their local community.

Due in part to the attitudes about human trafficking cited above, preparation to identify and investigate human trafficking has been minimal by local law enforcement agencies across the U.S. Approximately 21 percent of agencies nationwide have had some type of human trafficking training, 10 percent have a protocol or policy on human trafficking, and only 6 percent have designated specialized units or personnel to investigate these cases. Medium to large agencies serving populations over 75,000 have made more preparations to identify and investigate cases of human trafficking. Approximately 40 percent of these agencies have adopted training, yet only 13 percent have a policy or protocol and only 16 percent have designated specialized units or personnel to investigate human trafficking. Thus, despite widespread efforts to increase awareness of human trafficking in the U.S., a majority of law enforcement agencies remain unprepared to identify and investigate such cases. The education and training provided for by section 213 of the William Wilberforce Trafficking Victim Re-authorization Act of 2007 will provide support and incentives to further educate local law enforcement about the best ways to identify and investigate these crimes.

### *Identifying Cases of Human Trafficking*

Though law enforcement agencies are often unprepared to identify and respond to human trafficking, significantly more cases of human trafficking were identified by local law enforcement agencies in the national survey than may have come to the attention of federal officials. Approximately 7 percent of the law enforcement agencies in the random sample reported having investigated a case of human trafficking. The proportion of agencies identifying cases of human trafficking ranged from 3 percent of the smallest agencies (serving

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<sup>2</sup> This project was supported by Award No. 2005-IJ-CX-0045 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the authors and do not necessarily reflect the views of the Department of Justice

populations under 5,000) to 59 percent of the largest agencies (serving populations over 250,000). Cases were identified by law enforcement agencies serving all sizes of communities and 43 states indicate having at least one law enforcement agency that has investigated a case of human trafficking.

Extrapolating from the findings from the random sample, we estimate that approximately 907 law enforcement agencies in the U.S. would have investigated at least one case of human trafficking between 2000 and 2006. Of those agencies that identified investigating cases of human trafficking between 2000 and 2006<sup>3</sup>, the number of human trafficking investigations per agency rose dramatically each year. From an average number of cases investigated by each agency more than doubled from 3 cases in 2000 to 8 cases in 2006.

The study provides some information that may help us understand why some agencies identify human trafficking incidents and others do not. Law enforcement agencies that identified cases of human trafficking most often learned about the incidents during the course of other investigations (e.g., drug raids, calls for domestic violence). Additionally, 92 percent of those agencies who identified cases of human trafficking reported a connection between trafficking and other existing criminal networks such as those involving drug distribution or prostitution in their local community. A strong relationship was found between perceptions of the problem of human trafficking in the local community and level of preparation adopted by local law enforcement. Such preparations subsequently appear to improve the likelihood that law enforcement agencies identify cases of human trafficking. For example, agencies with a special unit, protocols, or training were 2 to 3 times more likely to identify cases of human trafficking than those without such preparations, even after controlling for other relevant characteristics of the community and agency.

Additionally, agencies associated with Bureau of Justice Assistance human trafficking task forces had a deeper understanding of the crime of human trafficking, had made more preparations for their officers to be able to identify these cases, and as a result had identified and prosecuted more human trafficking cases than similar agencies that were not associated with such task forces.

#### *Characteristics of Human Trafficking Incidents*

On average, the human trafficking victims identified by law enforcement are young. Approximately 62 percent of all trafficking victims identified by law enforcement were younger than 25, including 16 percent that were under 18 years old. Victims of sex trafficking are proportionately younger than other trafficking victims with 31 percent of the identified sex trafficking victims being under 18 years old. Overall, the majority of human trafficking victims identified were female (70.8 percent). However, agencies who only investigated cases of labor trafficking reported proportionately more of the victims they encountered were male (62

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<sup>3</sup> If an agency reported investigating a case of human trafficking between 2000 and 2006 they were subsequently asked to complete a more detailed follow up survey that collected information on the characteristics of these cases and the processing of these cases through Federal or state systems. Sixty six percent of the agencies that indicated they investigated a case of human trafficking in the national survey completed the detailed follow-up survey.

percent). Conversely, perpetrators of trafficking tend to be older than their victims (28.9 percent were in their thirties) and were much more likely to be male (70 percent).

A majority of law enforcement agencies reported that trafficking victims they encountered came from Mexico (60 agencies) followed by the United States (37 agencies) and China (26 agencies). The high number of agencies reporting victims from the United States indicates a continued need to recognize the existence of domestic as well as transnational human trafficking cases. Interestingly, the majority of law enforcement agencies report that perpetrators and victims originate from the same countries. In fact the top 10 “countries of origin” are the same for both victims and perpetrators.

Law enforcement agencies seem to specialize in one type of human trafficking investigation. Thirty six percent of the agencies who investigated at least one case only investigated cases of sex trafficking, 34 percent only investigated cases of labor trafficking and only 30 percent investigated both labor and sex trafficking cases. There are at least two potential explanations for this phenomenon: first, it may be the case that individual jurisdictions have only one type of human trafficking occurring in their jurisdiction or second, that there is a certain amount of specialization in agencies that have investigated human trafficking cases and that agencies focus on the problem in which they have experience.

#### *Outcomes of Human Trafficking Investigations*

Since 2000, a little more than half of agencies who investigated cases of human trafficking have brought formal charges against individuals involved in human trafficking. Of those agencies that brought any formal charges, 32 percent reported filing federal charges, and of those filing federal charges, 61 percent prosecuted cases under federal TVPA statutes. Agencies associated with federally funded human trafficking task forces were more than twice as likely to file federal charges when compared to other non-task force agencies (55 percent compared to 25 percent). Law enforcement agencies reported that a large number of investigations do not result in arrests, but if an arrest is made, is the case is highly likely to lead to a conviction.

### **Challenges to Law Enforcement Identification and Response to Human Trafficking**

#### *Victim Identification*

Victims of human trafficking are difficult to identify. Perpetrators of human trafficking depend in large part on victim fears of attracting attention from law enforcement. This fear is fueled by the fact that victims often change statuses over time – shifting from individuals engaged in illegal or deviant behavior (e.g. smuggled aliens, prostitutes) to crime victims. As a result, victims may fear reprisal if they identify themselves to law enforcement. There is some evidence from the national survey of law enforcement to indicate that victim fears may be justified. When asked about outcomes for foreign victims of human trafficking, law enforcement agencies responding to the survey indicated that about one-quarter of the victims received T-visas and about an equal proportion were deported. Identifying victims of human trafficking will always be complicated by definitional ambiguities and the shifting statuses of victims, but H.R. 3887 takes a number of important steps to help alleviate this tension, such as

allowing the Secretary of Homeland Security to stay the removal of an individual who has made a *prima facie* case of human trafficking.

#### *Victim Cooperation*

The most frequent challenge faced by law enforcement agencies investigating cases of human trafficking was a lack of victim cooperation (reported by 70 percent of those agencies who have investigated cases). Paradoxically, non-cooperation and fearfulness on the part of the victim is also one of the most important indicators that alerts law enforcement to the possibility of human trafficking. The majority of law enforcement agencies responding to the national survey believe that victims do not cooperate with law enforcement due to fear of retaliation to themselves or their family, as well as a lack of trust in the criminal justice system. H.R. 3887 includes a number of important provisions to support victims and to enhance their sense of security, such as permitting the lawful entry of parents and siblings of the victims who may be in danger of retaliation and creating provisions for persons who are not able to participate in law enforcement interviews due to the physical or psychological trauma of trafficking experience to receive visas. Additionally, section 214 of H.R. 3887 authorizes the establishment of programs to provide assistance to U.S. citizen victims of trafficking (in addition to foreign victims) and suggests the services should be coordinated across providers. The act also provides some accountability for these programs by mandating a study of U.S. citizen and foreign victim service delivery gaps – a critically important step to improving and overcoming the challenge inherent in working with human trafficking victims.

Despite many changes included in H.R. 3887 to improve victim cooperation with law enforcement, efforts to eradicate human trafficking through the criminal justice system may ultimately require innovative investigative and prosecutorial strategies. This legislation takes an important step in this direction by suggesting the annual human trafficking conferences include discussion of using existing federal and state laws that do not require force, fraud, or coercion as elements of crime to prosecute traffickers.

#### *Cross Agency Coordination*

As recognized by section 234 of this legislation, investigation of human trafficking often involves a number of federal, state and local law enforcement agencies with different legal mandates. Occasionally, these administrative differences can impede efforts to support victims and to arrest perpetrators. Examination of multi-agency human trafficking task forces has identified a number of inter-agency coordination challenges that exist in such partnerships. The Department of Justice and Department of Labor Coordinators provided for in this legislation will go a long way toward enhancing cooperation at the operational level between agencies within and across each Department. Another example of coordination challenges is the need to record and share information across agencies working on human trafficking cases. Such information is critical for understanding the characteristics of human trafficking cases nationally. The national human trafficking data reporting system that we are currently designing for the Bureau of Justice Statistics will greatly enhance law enforcement's ability to share information and learn from each other's experiences. This system is anticipated to provide much need information about the human trafficking cases encountered by local law

enforcement which will ultimately help improve law enforcement's ability to support victims and bring perpetrators to justice.

### **Contextualizing Efforts to Combat Human Trafficking and Moving Forward**

Identifying and responding to the crime of human trafficking is a complex and difficult task. While some have criticized law enforcement's ability to address this problem, it is instructive to place responses to human trafficking within the context of police responses to other "new crimes" (e.g. domestic violence, rape, hate crime). For example, there are many parallels between the hate crime enforcement efforts of the early 1990s and human trafficking enforcement efforts today. In 1990, most local law enforcement had never heard of the term "hate crime," though many had dealt with these crimes under different labels for years. After the Federal government led an effort to educate local law enforcement about best practices to identify and investigate hate crimes, today we have nearly 8,000 hate crimes identified and investigated by local law enforcement each year. While more needs to be done to bring additional hate crime victims forward, we have a system place today that supports hate crime victims, holds hate crime offenders accountable through a mix of state and federal legislation, and collects systematic information on hate crime identification and investigations.

A number of lessons from these past experiences can inform our efforts to prepare law enforcement to combat human trafficking in local communities. First, in the area of hate crime enforcement, there was an initial need for definitional clarity about the criminal behavior in question before we could construct effective law enforcement and victim service responses. This same challenge appears to be true of human trafficking today. Human trafficking is a complex crime that can take many forms. Proving clear and consistent information about the elements of force, fraud, and coercion will be necessary to improve law enforcement's understanding of the crime. Second, the Federal Bureau of Investigation (FBI) recognized that hate crimes were relatively rare events in most communities, demanding some level of specialization within each police agency. Specifically, the FBI recommended a two-tier response strategy where patrol officers would receive general training on the elements of hate crime and then refer potential cases to a trained local hate crime officer who would then lead the investigations. Employing such a strategy for human trafficking would require officers in an agency to be trained to recognize the basic indicators of human trafficking, while a specially trained officer, who understands the specific requirements of force fraud or coercion for example, would lead the investigations. Early indications from the national law enforcement survey reflect the power of such models, suggesting that law enforcement agencies with specialized personnel are more likely to successfully identify and investigate cases of human trafficking. These past experiences show us that with the appropriate training, tools, and development of routines, local law enforcement can and will understand and respond to the problem of human trafficking in local communities.

Modern slavery, in all forms, represents an affront to core American values. Though such offenses are not new, the TVPA and its subsequent reauthorizations provide a powerful framework through which law enforcement, service providers, and governmental officials can develop focused and coordinated responses. In order to support efforts to assist victims and prosecute traffickers, we need to develop a much better understanding of the dynamics of this



crime. More work should be done to understand how criminals and criminal networks become involved in human trafficking, how human trafficking affects local communities, the most effective strategies to restore victims, and the best ways to coordinate those agencies involved in preventing and combating trafficking.

Human trafficking is a challenging crime to address. Victims are reluctant to come forward, many law enforcement agencies do not perceive this crime to be occurring in their community, and offenders are difficult to interdict and convict. Law enforcement agencies have faced and overcome similar challenges in the past. Through strong Federal leadership and legislation such as the William Wilberforce Trafficking Victims Protection Re-Authorization Act, local communities can enhance their efforts to identify and assist victims of this horrendous crime and bring its perpetrators to justice.

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