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## Identifying the Unknown: Challenges and Solutions to U.S. Human Trafficking Investigations

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**Abstract:** *The United States serves as a primary facilitator for anti-trafficking efforts throughout the world. Its yearly published Trafficking in Persons Report (TIP) outlines the efforts of each country to combat human trafficking. Countries are then classified into four tiers based on their compliance with the Trafficking Victims Protection Act (TVPA). The United States is a Tier 1 country meaning it fully*

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*complies with the minimum standards of the TVPA. Despite its successful compliance, the United States continues to encounter problems when investigating human trafficking. Therefore, this paper will focus on trafficking investigations within the United States. It will provide information on current efforts to combat human trafficking among local, state and federal law enforcement agencies. Challenges to these investigations will be identified along with potential solutions and lessons learned. After researching studies on current law enforcement efforts, it was determined agencies need better training to identify the indicators of trafficking, skills for interviewing victims, improved collaboration among agencies at each level of government, and uniform response protocols. The information provided will be beneficial to not only law enforcement agencies, but anyone who may assist with trafficking cases or encounter trafficking victims.*

## **Introduction**

It is a common misconception in the United States that human trafficking is a problem overseas—a third-world problem—that could not possibly occur within our borders. This could not be farther from the truth. Although the issue has received extensive attention from the media, it has yet to surface as a major concern among the members of our society. In reality, trafficking occurs across the country and, according to the legal definition, it does not require the transporting of women or children across borders to be categorized as human trafficking (Logan, Walker, & Hunt, 2009). Human trafficking includes forced labor, sex trafficking, bonded labor and involuntary domestic servitude (Trafficking in Persons Report, 2011). The problems stemming from trafficking do not just affect the individuals victimized; the criminal industry of trafficking has recently been cited as a threat to national security and public health (Rizer & Glaser, 2011; Lopiccolo, 2008). Due to inadequate legislation in the United States, Congress passed the Trafficking Victims Protection Act of 2000 which was the first comprehensive United States law to address human trafficking (Clawson, Dutch, & Cummings, 2006). Its goal was to improve identification of trafficking victims and the prosecution of traffickers. Fortunately, law enforcement agencies at the federal, state, and local level have significantly improved their efforts to combat human trafficking over the past few years; however, there remain gaps in these efforts which should be addressed in order to improve investigations. Although the federal government has taken the lead to initiate public awareness campaigns and proactive investigations, local agencies and service providers are more often the lead investigators, working with far fewer resources and training. The purpose of this paper is to outline the problem of human trafficking in the United States, define the roles of those agencies responsible for investigating trafficking cases, and to identify the challenges faced in human trafficking cases and potential solutions proposed from the agencies involved in these investigations.

## **Defining the Problem**

Each year an estimated 800,000-900,000 people become victims of human trafficking—14,500 to 17,500 of which are trafficked into the United States (Farrell, McDevitt, & Fahy, 2010). Between 2000 and 2010, it is estimated that 175,000 people were trafficked into the United States (Patel, 2011). Today, the United States serves as a “source, transit, and destination country for men, women, and children subjected to human trafficking” (Trafficking in Persons Report, 2011). Continued globalization has allowed traffickers to capitalize on their ability to infiltrate numerous industries, thus making human

trafficking the fastest growing criminal enterprise in the world generating billions of dollars each year (Lopiccolo, 2008). Sex trafficking occurs in the United States through street prostitution, massage parlors, and brothels, while labor trafficking occurs in domestic service, agriculture, manufacturing, janitorial services, hotel services, hospitality industries, construction, health and elder care, and strip club dancing (Trafficking in Persons Report, 2011). Foreign women and children from poverty-stricken conditions are most vulnerable to trafficking, as are runaways within the United States (Clawson & Dutch, 2008). Foreign victims trafficked into the United States tend to originate from Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador, and the Dominican Republic (Trafficking in Persons Report, 2011). Most often foreigners become victims of labor trafficking while domestic residents more often become the victims of sex trafficking (Banks & Kyckelhahn, 2011). In 2010, there were 103 human trafficking prosecutions in the United States (Trafficking in Persons Report, 2011). Yet, it has been noted throughout the literature that the number of prosecutions and victims identified far undermine the actual number of traffickers and victims involved (Farrell, McDevitt, & Fahy, 2010). It is almost impossible to estimate the true number of victims trafficked into the United States each year due to the number of undocumented immigrants, the discrete nature of the crime (Logan, Walker, & Hunt, 2009) and, according to some, political manipulation to mask the actual severity of the problem (Lopiccolo, 2008).

Human trafficking not only impacts the victims involved, but it has recently been targeted as a threat to national security (Rizer & Glaser, 2011; Lopiccolo, 2008). The National Security Directive 22, signed in 2002 by President Bush, established a potential link between human trafficking and terrorism. Two years later, Congress passed the Intelligence Reform and Terrorism Prevention Act which established the Human Smuggling and Trafficking Center whose duty it is to study the issues of human trafficking and smuggling in support of terrorist activities. Again a year later, the Trafficking Victims Protection Act (TVPA) Reauthorization of 2005 organized an interagency task force to study this relationship (Rizer & Glaser, 2011). Most recently, the 2010 National Security Strategy mentions terrorists now receive funding and logistical support from trafficking networks that have formed alliances with government and state security services to broaden their capabilities (National Security Strategy, 2010). Traffickers are often part of a larger “organized crime ring” that can manipulate local governments to cooperate (Logan, Walker, & Hunt, 2009). With government attempts to interrupt traditional sources of funding for terrorist organizations, the organizations have now turned to organized crime groups for money. Rizer and Glaser (2009) claim human trafficking is characteristic of a “decaying” society which is often subject to a corrupt government (p. 76). They provide the example of Cuba, Iran, and North Korea—each a Tier 3 country on the Trafficking in Persons Report. All three countries pose a significant risk to the United States and each fails to comply with the minimum standards of the TVPA. The U.S. government has also recognized the public health threat posed by human trafficking because of its risk of spreading AIDS (Rizer & Glaser, 2009). Again, we see that trafficking is not just a third-world problem, it is posing a severe threat in the United States as well.

### **Challenges Faced and Solutions**

Agencies encounter numerous challenges in attempting to investigate human trafficking. There are few identified victims of trafficking when compared to the total estimated number of victims. Logan, Walker, and Hunt (2009) phrase it as the victims being part of a “covert society” that is hidden from everyone except the traffickers themselves (p. 6). It is therefore more difficult to identify trafficking

victims, especially when they are not likely to identify themselves upon confrontation with law enforcement (Clawson & Dutch, 2008). A study conducted by Clawson, Dutch, and Cummings (2006) revealed local and state law enforcement were in need of training on trafficking laws, techniques to identify cases, and interviewing methods. However, in order to successfully implement these types of training, there needs to be improved coordination between law enforcement agencies, nongovernmental organizations (NGO), and prosecutors. Each of these areas can provide specialized skills and knowledge from their jobs which should be disseminated to other groups who may also respond to trafficking cases. Too often these groups are unaware of what others are doing or what they are capable of doing. Regarding training on the indicators of trafficking, some of the more easily identifiable indicators include the person's ability to speak English, signs of nervousness when asked about citizenship, and when another person always speaks on their behalf (Clawson, Dutch, & Cummings, 2006). Brief training courses on the identification of these indicators could make a huge difference in the number of trafficking cases documented. The media's neglect of domestic victims of human trafficking has been attributed to the misconception of trafficking among U.S. citizens (Clawson & Dutch, 2008). Local law enforcement and service providers should work more closely with the media to ensure accurate and effective information is publicized on a recurring basis. The media often waits until a story develops they consider newsworthy to broadcast. One victim identified or one trafficker arrested should be sufficient to notify the public that human trafficking is occurring in their own community.

Not only should law enforcement and NGOs be educated on identifying the indicators of human trafficking, but educating the public is crucial so that upon encountering warning signs in their neighborhoods, they can report it directly to law enforcement officials. Law enforcement agencies have come to depend on numerous community sources for victim referrals including, but not limited to, health clinics, hospital personnel, sexual assault shelters, social workers, school personnel, etc. (Clawson & Dutch, 2008). These sources often have direct contact with victims but are unaware due to a lack of education. Farrell, McDevitt, and Fahy (2010) conducted a study of 3,189 municipal, county, and state law enforcement agencies. Findings showed the chance of identifying human trafficking cases increased by 132% when training was provided by departments. The chances increased by 288% when protocols were enacted for trafficking identification and response, and chances of identifying human trafficking increased by 98% when specialized personnel were involved (Farrell, McDevitt, & Fahy, 2010). Unfortunately, they found that less than 10% of state and local law enforcement agencies had protocols or policies on human trafficking. Therefore, Farrell, McDevitt, and Fahy (2010) recommend the DOJ and other policing organizations establish "model protocols" to distribute to law enforcement agencies which would provide specific instructions on conducting investigations (p. 223). Local law enforcement agencies need detailed protocols to distribute to their officers. This would allow officers to know the exact questions to ask potential victims and a chain of command to contact up to and including federal agencies. It should never be assumed that a town or city is too small to have a human trafficking problem, and therefore, the federal government should give attention to areas of all sizes. Further, law enforcement agencies should continue to organize task forces whose responsibility it is to investigate human trafficking cases. Task forces have proven to be one of the most effective strategies to identify trafficking cases. Also, surveillance operations and raids have been identified as a best practice for investigations (Clawson, Dutch, & Cummings, 2006).

A second issue for law enforcement investigations is when trafficking victims are mistakenly identified as illegal immigrants or prostitutes and thus are treated as criminals (Farrell, McDevitt, & Fahy, 2010; Rand, 2009). Regarding sex trafficking cases, the victim's refusal to cooperate with law enforcement is often misinterpreted when law enforcement view the victim as a voluntary participant (Rand, 2009). To address this issue there should be better training at the local level and among community organizations. Officers need to learn how to investigate more thoroughly in order to uncover whether what appears to be criminal behavior might actually be human trafficking. Training should not be restricted to managerial positions but should cover an entire organization, including new recruits (Farrell, McDevitt, & Fahy, 2010). The Farrell, McDevitt, and Fahy (2010) study found less than 20% of small-to-medium sized agencies (population under 75,000) provided human trafficking training (p. 215). So law enforcement officers continue to approach cases of prostitution the same way without training on how to alter their questioning. Further, training should incorporate community leaders and multi-disciplinary teams to enhance collaboration efforts among different law enforcement agencies and service providers who may work together. An innovative strategy may be to require officers to speak one-on-one with trafficking survivors to gain valuable insider information. For officers who have never encountered a trafficking victim, only prostitutes, this may help them distinguish between the actions of a prostitute who engages in the behavior voluntarily and a trafficking victim. Friedman adds that more consistency of laws is necessary which view the girls involved as victims rather than criminals (Friedman, 2005).

A third challenge is the lack of resources, including officers to investigate, training opportunities for victim identification, service providers to provide victim assistance, and advocates to educate the public to identify potential victims (Clawson & Dutch, 2008; Rand, 2009). To address this issue, community members are an often untapped resource who could divert some responsibility from law enforcement in the process of identifying victims. The public awareness campaigns used by federal agencies should be applied at the local level. Campaigns should be promoted in different languages and target community members (Logan, Walker, & Hunt, 2009). Communities should be encouraged to take action against prostitution and child labor. If the community takes a strong, unified position against these activities, then traffickers may be deterred from engaging in such crimes. A community occupied by citizens who refuse to involve themselves in their surroundings only works to enhance crime. This is one reason why trafficking and child labor often go unnoticed. Citizens may see the signs but either fear getting involved or view it as further criminal behavior. Language barriers continue to pose a significant problem for law enforcement and service providers; more individuals with these skills should be recruited. Agencies could also promote the services needed to local high schools to encourage students to major in these academic areas in college. Perhaps more resources would be directed to human trafficking investigations if there were improved data collection on the issue. Currently, few—if any—studies have been conducted on local law enforcement agencies for smaller cities. The primary focus has been on larger cities with higher crime rates. Expanding the scope of research studies may give the government a more accurate estimate of the occurrence of trafficking within U.S. borders. Also, a national human trafficking database should be established (Farrell, McDevitt, & Fahy, 2010) to maintain detailed records accessible to all law enforcement agencies. The Human Trafficking Reporting System (HTRS) only collects data entered by DOJ-funded anti-trafficking task forces.

The fourth problem is poor victim/witness interviewing procedures. Improved skills for interviewing victims and witnesses are absolutely necessary in order to move forward in an investigation.

All levels of government continue to encounter this problem. Customs and Border Patrol (CBP) has mandatory training and protocols in place to screen unaccompanied children for trafficking victimization; however, a study reported the screenings are not effective because they are not conducted in a child appropriate manner by child welfare specialists in acceptable facilities (Trafficking in Persons Report, 2011). The federal government and lawmakers have made significant strides to enhance punishments for human trafficking and to improve investigations; however, there needs to be more emphasis on the victims. Testimony from the victims involved can greatly enhance the chances of successful prosecution. One suggestion has been to provide victims with a case manager throughout the investigation so the victim will have all the necessary information (Rand, 2009). Case managers can build a rapport with victims and work as liaisons between the victim and law enforcement. The incorporation of psychiatric services may also help victims overcome their fear which, consequently, could help the investigation if the victim is then willing and able to cooperate. Brian Smith, a police officer from California with extensive experience investigating human trafficking as a vice investigator and Coast Guard member, advises that victim interviews "...should include questioning about their happiness, reason for coming, their journey, promises made to them, and expectations" (Smith, 2012). A second suggestion to improve the interview process, focused on the southwest border, has been to improve training for consular officers to reduce vulnerabilities in visa programs (Trafficking in Persons Report, 2011); however, border patrol agents need training on visa fraud identification as well.

Overall, local and state law enforcement agencies have to be willing to take a proactive stance and not expect federal law enforcement agencies to conduct initial investigations while waiting to participate in the response efforts. Federal government agencies need to direct more training toward smaller law enforcement agencies rather than solely focusing on the largest cities.

### **Current Agencies' Efforts to Combat Human Trafficking**

The four primary federal agencies involved in anti-trafficking efforts include the Department of State (DOS), Department of Defense (DoD), Department of Justice (DOJ), and the Department of Homeland Security (DHS). Several other federal agencies have become more involved including the Department of Agriculture (USDA), the Department of Labor (DOL), the Department of Education (ED), the Department of Health and Human Services, among several others. The following is a brief summary of the major agency and department efforts to combat human trafficking. To begin, the DOS Office to Monitor and Combat Trafficking in Persons publishes the Trafficking in Persons Report (TIP) each year which identifies the efforts of each country to combat human trafficking, and places each country into tiers based on its compliance with minimum guidelines of the TVPA (Trafficking in Persons Report, 2011). The DOS Bureau of Population, Refugees, and Migration provides funding for anti-trafficking programs worldwide. The Bureau of Democracy, Human Rights, and Labor helps to identify human trafficking involving labor violations. The DOD promotes its demand reduction campaign to ensure its employees are aware of the signs of human trafficking. All civilians and military employees are required to take annual trafficking awareness training. The DOJ Human Trafficking Prosecution Unit prosecutes traffickers from cases investigated by the FBI or Immigration and Customs Enforcement (ICE), as well as local, state, and other federal agencies (Trafficking in Persons Report, 2011).

Although the federal government has the resources, manpower, and knowledge-base to conduct investigations, it must be emphasized that local and state law enforcement agencies are most likely to encounter victims and traffickers. Therefore, attempts have been made to better coordinate efforts between all levels of government, the nonprofit sector, and service providers. One of the most effective strategies came from the DOJ Bureau of Justice Assistance (BJA). The Bureau began funding anti-trafficking task forces in 2008. Thirty-eight anti-trafficking task forces received funding in 2010, consisting of representatives from local, state, and federal law enforcement as well as NGO service providers (Trafficking in Persons Report, 2011). Federally-funded human trafficking task forces opened 2,515 suspected incidents of human trafficking for investigation between January 2008 and June 2010 (Banks & Kyckelhahn, 2011). The BJA currently funds the Indiana Protection of Abused and Trafficked Humans (IPATH) Task Force located in Indianapolis.

Several DHS component agencies are involved in human trafficking cases including ICE, Citizenship and Immigration Services (CIS), CBP, U.S. Coast Guard, and the Federal Law Enforcement Training Center (FLETC). DHS began promotion of its Blue Campaign in 2010 to increase awareness, protect victims, and improve law enforcement response to human trafficking. For example, one of the many initiatives of the Blue Campaign involves wallet-sized human trafficking indicator cards produced by ICE and brochures promoting Continued Presence, a temporary immigration status to human trafficking victims, which provides information on eligibility and application guidelines (Blue Campaign, 2010). As the largest investigative arm of DHS, ICE conducts domestic and international investigations on human trafficking including child sex tourism, and forced child labor. Under ICE is Homeland Security Investigations (HSI) which has its own public awareness campaigns, such as Hidden in Plain Sight, and HSI also manages a victim assistance program. CBP conducts public awareness campaigns and screens unaccompanied children in an attempt to identify trafficking victims. The participation of CBP is critical as border patrol agents are often the first line of defense against the trafficking of foreign victims into the United States. CIS trains its officers as well as NGOs and law enforcement to identify human trafficking. CIS issues T Nonimmigrant Status (T Visas) which allows victims to stay in the United States and assist law enforcement in the investigation of human trafficking cases. The Coast Guard works with other federal agencies in maritime operations to identify illegal migration. Finally, the FLETC provides human trafficking training for all levels of government and campus law enforcement. The TVPA of 2000 established the President's Interagency Task Force to Monitor and Combat Trafficking—a cabinet-level entity that works to coordinate government efforts to combat trafficking. The above-mentioned agencies are all members of this task force as well as the Directorate of Intelligence, the White House Offices of Management and Budget, National Security Council, and Domestic Policy Council (President's Interagency Task Force, 2009). In addition, DOJ, along with DHS and DOL, created Anti-Trafficking Coordination Teams which join federal investigators and prosecutors to implement coordinated, proactive federal interagency investigations and prosecutions (Trafficking in Persons Report, 2011).

These are just a handful of the current programs federal agencies are involved in to combat human trafficking. Why, then, are there so few prosecutions despite the extent of federal government programs? Data from the HTRS found that in 92% of sex trafficking cases and 61% of labor trafficking cases, the lead agency was a state or local government agency (Banks & Kyckelhahn, 2011). The federal government may be better organized to identify and prosecute more significant human trafficking cases,

but it is the state and local agencies that are in proximity to traffickers and victims. In May 2011, for example, the FBI Violent Crimes Task Force, along with IMPD, conducted a raid on the north side of Indianapolis. The raid was part of an operation that led to the arrest of 19 people involved in a multi-state human trafficking ring that brought women from Central America to work as prostitutes in four Midwestern cities, including Indianapolis (McQuaid, 2011). Local and state law enforcement agencies are not prepared to initiate investigations of this caliber.

## **Conclusion**

*“We uphold our most cherished values not only because doing so is right, but because it strengthens our country and keeps us safe. Time and again, our values have been our best national security asset—in war and peace, in times of ease, and in eras of upheaval.”* –President Barack Obama, National Archives, May 21, 2009.

Despite the obvious advances in efforts to combat human trafficking, the significant gap between trafficking prosecutions and the estimated number of actual victims trafficked into the country each year leads one to conclude that human trafficking remains a serious problem. Similar to responses to natural and man-made disasters, responses to human trafficking begin at the local level. Although the federal government has implemented countless public awareness campaigns and training sessions, local law enforcement agencies are still in need of specific training and resources. This paper has provided a few of the many solutions that should be executed in a timely manner. The government has recognized the threat posed by human trafficking on a national level, yet the public remains unaware or unwilling to confront the issue in their own communities. One of America’s greatest strengths is the will of its people and we should not give the impression that this modern form of slavery will be tolerated to any extent within our borders. The strong value the United States places on human rights is what makes it so influential around the world and we must work to maintain these values in the continued face of adversity.

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