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Criminal Justice Data: Human Trafficking

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Criminal Justice Data: Human Trafficking

Human traffickers exploit vulnerable individuals for commercial sex and forced labor in a variety of legal and illegal industries, both across the United States and around the world. While some estimates of the incidence of human trafficking exist, comprehensive data on human trafficking within the United States are not available.

Criminal Justice Data. One method for understanding a particular type of crime, such as human trafficking, is to examine available criminal justice data. While some data exist at the state and federal levels, there are limitations to their utility.

- The Federal Bureau of Investigation (FBI) collects data from local, state, and federal law enforcement agencies on certain criminal offenses known to law enforcement through its Uniform Crime Reporting (UCR) program. In 2013, the FBI began collecting certain human trafficking data as part of this program, and agency participation in collecting these data has increased over time. As of January 2021, the FBI retired its prior crime data reporting system, the Summary Reporting System (SRS), in favor of the National Incident-Based Reporting System (NIBRS). NIBRS collects more detailed data about a larger number of crimes than the SRS, including information on the demographics of the victim and offender, the time and place of incidents, any associated weapons or drugs, the relationship between the victim and offender, and whether a computer was used to perpetrate the crime. These data may improve understanding of the nature of human trafficking. However, the FBI has indicated that the overall participation rates in NIBRS during 2021 were low, which will affect the resulting statistics that might aid in the understanding of the extent of human trafficking in the United States.
- Investigations and prosecutions of human trafficking cases can provide another snapshot of human trafficking. Most federal investigations of human trafficking are carried out by the FBI and U.S. Immigration and Customs Enforcement, Homeland Security Investigations. Nonetheless, these data can only speak to the portion of human trafficking offenses that (1) fall under the jurisdiction of federal law enforcement and (2) are officially investigated and potentially prosecuted at the federal level.

Non-Criminal Justice Data. In the absence of comprehensive criminal justice data on human trafficking, other sources of data, such as information from victim service providers or survey data, can be leveraged for additional insight.

- The National Human Trafficking Hotline Data. This hotline collects data on reported, but unverified by law enforcement, instances of human trafficking across the United States. These reports are made by individuals reporting victimization themselves, community members, and nongovernmental organizations, among others.
- Victim Services Data. A range of services may be available to certain victims of trafficking. Data on various forms of immigration relief, for example, can provide snapshots into a subset of the noncitizen victim population. Further, a number of federal agencies administer grants that fund organizations serving trafficking victims; data provided by grantees can offer insight into trafficking victims receiving federally funded services.
- Survey and Study Data. The federal government and other entities conduct and fund several studies that capture data on human trafficking, as either an express purpose or an included variable. These studies can also provide insight into trafficking victim experiences or victim estimates in certain locales.

There are several domains in which Congress may consider actions to improve or expand data about human trafficking in the United States. With respect to criminal justice data, policymakers may examine the collection of human trafficking data through the FBI's UCR program and take steps to incentivize law enforcement participation in NIBRS. They may also direct data collection on trafficking victimization through surveys such as the National Crime Victimization Survey. In addition, policymakers may consider requirements to enhance data collection by federal grantees serving trafficking victims and debate options to enhance human trafficking awareness broadly so as to affect the many arenas in which human trafficking data may be made available.

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Human trafficking occurs across the United States and around the world. Traffickers exploit vulnerable individuals for commercial sex and forced labor in a variety of legal and illegal industries. While some estimates exist, comprehensive data on the incidence of human trafficking within the United States are not available. Some metrics suggest that more foreign victims may be involved in labor trafficking than in sex trafficking, and that more U.S. citizen victims may be involved in sex trafficking than labor trafficking.¹ In addition, the federal government prosecutes more individuals for sex trafficking than for labor trafficking offenses.²

For over two decades, Congress has been legislating to counter human trafficking in the United States. Through the Trafficking Victims Protection Act of 2000 (TVPA, Division A of P.L. 106-386) and its subsequent reauthorizations, Congress has passed legislation aimed at preventing human trafficking, strengthening criminal laws aimed at investigating and prosecuting traffickers, and providing protections and services for survivors.³ Nonetheless, while Congress has taken steps to bolster data collection on human trafficking, there remains a knowledge gap about its true prevalence.

This report provides an overview of human trafficking and a discussion of the challenges involved in gathering data on its prevalence. It outlines existing human trafficking datasets and their limitations, and highlights issues that policymakers may consider in debates about expanding data and building knowledge on the extent and nature of human trafficking.

Conceptualizing Human Trafficking

Human trafficking in the United States is broadly conceptualized in two categories: sex trafficking and labor trafficking. Federal statutes do not formally define human trafficking or trafficking in persons. Rather, the TVPA defines *severe forms of trafficking in persons* as:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁴

Under the TVPA, force, fraud, or coercion are necessary elements to establish trafficking of an adult victim, but are not necessary elements to establish sex trafficking of a victim under age 18. It is not necessary to prove that people have moved across jurisdictional boundaries to establish that human trafficking has occurred. The term *human trafficking* is often used interchangeably with *human smuggling*, but they are distinct. As the U.S. Department of Homeland Security (DHS) has noted, “[h]uman trafficking does not require crossing a border. Human trafficking victims have been exploited by their trafficker for commercial sex acts or labor. By contrast, human smugglers engage in the crime of bringing people into the United States, or unlawfully

¹ U.S. Department of State, *2021 Trafficking in Persons Report: United States*, <https://www.state.gov/reports/2021-trafficking-in-persons-report/united-states/>. This is based on individuals receiving trafficking victim services provided by the U.S. Department of Health and Human Services (HHS).

² U.S. Department of State, *2021 Trafficking in Persons Report: United States*, <https://www.state.gov/reports/2021-trafficking-in-persons-report/united-states/>.

³ White House, *The National Action Plan to Combat Human Trafficking*, December 2021.

⁴ 22 U.S.C. §7102.

transporting and harboring people already in the United States, in deliberate evasion of immigration law. In some situations, human smuggling may result in human trafficking.”⁵

Barriers to Measuring Human Trafficking

Collecting data on the true scope of human trafficking can be difficult for a number of reasons. An overarching issue is that human trafficking is an underground activity, which makes it difficult to detect and measure. As the Federal Bureau of Investigation (FBI) has noted, “due to the nature of human trafficking, many of these crimes are never reported to law enforcement.”⁶ Researchers have identified various data collection challenges, including the following:⁷

- **Inconsistent Definitions.** Across the United States, jurisdictions have different legal definitions related to trafficking, which vary based on “who is defined as a trafficker, what actions constitute trafficking, and the severity of the criminal and financial penalties offenders will face.”⁸ The lack of a common definition of human trafficking used by all jurisdictions prevents precise measurement.
- **Underground Actions.** Perpetrators of trafficking intentionally conceal their illicit activities—including from entities such as law enforcement agencies that the federal government relies on to measure the prevalence of trafficking. The concealed nature of trafficking contributes to the inability to precisely measure its prevalence.
- **Lack of Awareness.** Researchers have noted that officials and other points of contact might not properly identify human trafficking victims when they interact with them. This has been seen among law enforcement, health professionals,⁹ and others. Even if officials and service providers do identify trafficking victims, they may not record information in a way that can be shared (and thus contribute to public knowledge about the extent of human trafficking), or they may be prohibited from doing so based on data and privacy restrictions.
- **Realization of Victimization.** Researchers have noted that victims of trafficking often do not self-identify as such. This may be influenced by various factors including victim grooming¹⁰ and lack of public awareness about the nature of trafficking, which can contribute to a lack of personal awareness among victims.

⁵ U.S. Department of Homeland Security (DHS), *Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*, January 2020, p. 5. Congress has generally placed more legislative attention on countering human trafficking and providing services and support to victims than it has on countering human smuggling. As such, this section is more heavily focused on federal efforts to counter human trafficking. As noted previously, the federal definition of *severe forms of trafficking in persons* is at 22 U.S.C. §7102. Human trafficking criminal violations are outlined in 18 U.S.C. Chapter 77. Alien smuggling violations are outlined at 8 U.S.C. §1324.

⁶ Federal Bureau of Investigation (FBI), *Human Trafficking in the Uniform Crime Reporting (UCR) Program*, 2013.

⁷ Amy Farrell and Ieke de Vries, “Measuring the nature and prevalence of human trafficking,” in *The Palgrave International Handbook of Human Trafficking*, eds. J Winterdyk, J. Jones (2020).

⁸ National Conference of State Legislatures, *Human Trafficking Overview*, <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking.aspx>.

⁹ For more information about awareness training for health professionals, see CRS Report R47100, *Human Trafficking Awareness Training for Health Care Professionals*.

¹⁰ Victim grooming is a process of manipulation that involves a perpetrator targeting a victim, gaining their trust, meeting their needs, isolating them to create dependency, exploiting them, and maintaining control of them. For more information, see Polaris Project, *Love and Trafficking: How Traffickers Groom & Control Their Victims*, February 11, 2021.

In these instances, victims may not self-report or confirm their victimization to law enforcement, service professionals, or researchers who may be in a position to collect data on human trafficking.

Sources of Human Trafficking Data

While comprehensive data on human trafficking are not available, snapshots of data from various sources may be able to offer insight into its extent and nature. Further, these data snapshots provide insight from various perspectives, including from self-reports of victimization, from researchers administering surveys, and from various points in the criminal justice system. Notably, these snapshots may not be mutually exclusive, though the true extent to which they overlap is unclear. For instance, individuals who report potential victimization to the National Human Trafficking Hotline may or may not also report this information directly to law enforcement, and their victimization may or may not also be captured by victim service providers (VSPs) or in any number of research studies. The sections below provide examples of how certain segments of data can contribute to an understanding of human trafficking from various perspectives.

Criminal Justice Data

Examining available criminal justice data is one way to understand the scope of a particular crime, such as human trafficking. While some data exist at the state and federal levels, there are some limitations to their utility, as outlined below.

Federal Bureau of Investigation Crime Data Collection

The FBI collects crime data on certain offenses known to law enforcement. Since 1930, the FBI has been collecting and reporting crime statistics through its Uniform Crime Reporting (UCR) program.¹¹ The FBI began collecting certain human trafficking data as part of the UCR program in 2013.¹² The UCR Human Trafficking data collection program (UCR-HT) collects data on offenses known to the police, case clearances,¹³ and arrests for two categories of human trafficking: commercial sex acts and involuntary servitude.¹⁴ State reporting to the UCR program is voluntary, and the FBI reports that from 2013 (when the FBI began collecting human trafficking data) to 2020 (the last year for which data are available), state participation in human trafficking data collection increased from 13 states¹⁵ to 47 states and Puerto Rico.¹⁶ Increasing

¹¹ The UCR program was initially comprised of the Summary Reporting System (SRS), but in the late 1980s the FBI allowed states to submit crime data through the National Incident-Based Reporting System (NIBRS). On January 1, 2021, the FBI retired the SRS program and only collects data using NIBRS.

¹² The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457) required the FBI to collect human trafficking offense data.

¹³ The UCR program defines *case clearances* as follows: “In the UCR Program, a law enforcement agency reports that an offense is cleared by arrest, or solved for crime reporting purposes, when three specific conditions have been met: Arrested, Charged with the commission of the offense, Turned over to the court for prosecution (whether following arrest, court summons, or police notice).” For more information, see <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/clearances#>.

¹⁴ U.S. Department of Justice (DOJ), Bureau of Justice Statistics (BJS), *Human Trafficking Data-Collection Activities, 2021*, October 2021, <https://bjs.ojp.gov/content/pub/pdf/htdca21.pdf> (hereinafter, “BJS Human Trafficking”).

¹⁵ DOJ, “Human Trafficking in the Uniform Crime Reporting (UCR) Program,” <https://ucr.fbi.gov/human-trafficking>.

¹⁶ FBI, *2020 Crime in the United States: Human Trafficking*. Data for California and Kansas were submitted through

participation rates at the state and jurisdictional levels should be taken into account to prevent confusing an increase in reporting with an increase in the rate of human trafficking. Further, the increase in participation to 47 states should not be taken to indicate near complete UCR trafficking data, as the number of agencies reporting data within each state is variable.

As noted previously, states differ in their conceptualizations of human trafficking. As such, in order to collect comparable data on human trafficking offenses across the country, the FBI requires states that report data to use the definitions of human trafficking as outlined in 22 U.S.C. §7102 (see the “Conceptualizing Human Trafficking” section above). Using these definitions, states reported 2,023 incidents of human trafficking in 2020—of which 1,693 were commercial sex acts, 329 were involuntary servitude, and 1 was unspecified.¹⁷ There were 393 offenders arrested in association with these incidents, of which 26 were juveniles.

As of January 2021, the FBI retired its prior crime data reporting system, the Summary Reporting System (SRS), in favor of the National Incident-Based Reporting System (NIBRS).¹⁸ NIBRS collects more detailed data about a larger number of crimes than SRS and thus is expected to improve the quality and utility of national crime data.¹⁹ NIBRS may also improve human trafficking data by collecting information on the demographics of victims and offenders, the time and place of incidents, any associated weapons or drug use, the relationship between victims and offenders, and whether a computer was used to perpetuate the crime.²⁰ However, the FBI indicated that overall participation rates in NIBRS during 2021 were low and that this will affect the FBI’s ability to generate certain types of statistics.²¹ The FBI has not made any remarks specific to the UCR-HT program, but lower NIBRS participation rates are likely to affect human-trafficking data.

Federal Investigations and Prosecutions

In addition to UCR offense and arrest data, information about federal investigations and prosecutions of human trafficking cases can provide another snapshot of human trafficking. Nonetheless, these data can only speak to the portion of human trafficking offenses that (1) fall under the jurisdiction of federal law enforcement and (2) are officially investigated and potentially prosecuted at the federal level. Most federal investigations of human trafficking are conducted by the FBI and Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI). The FBI investigated 663 human trafficking cases and arrested 121 individuals for trafficking violations in FY2020; ICE investigated 947 cases and arrested 1,746

the Bureau of Indian Affairs.

¹⁷ FBI, *2020 Crime in the United States: Human Trafficking*.

¹⁸ For more information, see CRS Report R46668, *The National Incident-Based Reporting System (NIBRS): Benefits and Issues*.

¹⁹ For example, NIBRS collects more information about each incident, including the victim-offender relationship, the types of property damaged or stolen, and bias motivation (e.g., race, religion, sexual orientation, disability, gender, gender identity), among other things. NIBRS also allows for all crimes that occurred during a single incident to be reported, instead of following the SRS program’s hierarchy rule that required law enforcement agencies to report only the most serious offense if an incident included several crimes.

²⁰ BJS Human Trafficking.

²¹ For 2021, the FBI has received NIBRS data from 9,881 (53%) of the 18,818 law enforcement agencies (LEAs) in the country. Because this falls short of the FBI’s 60% participation threshold, 2021 quarterly data were released for “individual city agencies with populations of 100,000 or greater” but not by region or aggregate population. For more information, see CRS Insight IN11936, *NIBRS Participation Rates and Federal Crime Data Quality*.

individuals.²² These data only include those human trafficking cases that came to the attention of federal law enforcement, were within the FBI's or ICE's jurisdiction, and were able to receive federal investigative resources. Even if law enforcement becomes aware of a potential crime, it may not have the resources to conduct an investigation. Competing priorities coupled with finite resources can be limiting factors in law enforcement's ability to investigate any potential crime.²³

The U.S. Department of Justice (DOJ), through various components, prosecutes federal human trafficking cases. In FY2020, DOJ filed 210 cases against a suspected 337 human traffickers, of whom 308 were suspected of predominantly engaging in sex trafficking and 29 were suspected of predominantly engaging in labor trafficking. DOJ secured convictions against 309 human traffickers in FY2020.²⁴

Limitations of Criminal Justice Data

Criminal justice data serve an important role in understanding the extent and nature of crime; however, these data have limitations. As noted previously, these data only reflect those incidents that come to the attention of law enforcement.²⁵ This is a limitation of criminal justice data generally, but it is further exacerbated with offenses that are less likely to be reported to law enforcement.²⁶ Human trafficking sits at the intersection of several issues that are associated with a lower likelihood of reporting to law enforcement, including, among other things, sexual offenses, trauma, and immigration.²⁷

In addition, aggregated measures of crime are affected by participation rates among individual law enforcement agencies.²⁸ National and state crime statistics become more accurate and reliable as more law enforcement agencies report data to programs like UCR. Data quality concerns may arise both from low rates of overall participation and if participation drops in certain types of law enforcement agencies. For example, if agencies from non-metropolitan or rural areas participate in programs like NIBRS at a lower rate than agencies from more populous areas, then the data may not sufficiently capture regional variability in crimes like human trafficking.

This is directly connected to a third limitation of criminal justice data: administrative resource shortages. The ability of law enforcement agencies to participate in criminal justice data programs, like NIBRS, is tied to their ability to direct financial and technical resources toward these ends.

²² DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2020*, March 2022.

²³ For a discussion of police discretion, see, for example, DOJ, National Institute of Justice, *'Broken Windows' and Police Discretion*, October 1999.

²⁴ DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2020*, March 2022.

²⁵ Further, data on incidents that come to the attention of law enforcement cannot inform on whether or how these cases may flow through the criminal justice system, including formal investigations, prosecutions, or sentencing and corrections.

²⁶ M Xie and EP Baumer, "Crime victims' decisions to call the police: Past research and new directions," *Annual Review of Criminology*, vol. 2, no. 1 (2019) (hereinafter, "Xie and Baumer, Crime victims' decisions to call the police").

²⁷ Xie and Baumer, *Crime victims' decisions to call the police*; and Pew Research Center, "What the data says (and doesn't say) about crime in the United States: Which crimes are most likely to be reported to police, and which are most likely to be solved?," November 20, 2020.

²⁸ For more information, see CRS Insight IN11936, *NIBRS Participation Rates and Federal Crime Data Quality*.

Non-Criminal Justice Data

Criminal justice data on human trafficking—whether at the federal, state, or local level—captures just a portion, albeit unknown, of the universe of human trafficking crimes. In the absence of comprehensive criminal justice data on human trafficking, other sources of data, such as information from VSPs or survey data, can be leveraged for additional insight into these crimes.

National Human Trafficking Hotline

The National Human Trafficking Hotline, funded by the U.S. Department of Health and Human Services (HHS) and operated by the Polaris Project, collects data on potential instances of human trafficking across the United States.²⁹ These reports are made by individuals reporting their victimization, community members, and nongovernmental organizations, among others. Reports, or signals, to the hotline come through various means—calls, texts, emails, online chats with hotline staff, and tip reports using a standardized online form. The hotline reviews the substantial signals it receives for evidence of potential human trafficking. In 2020, the hotline received information on 10,583 potential instances of human trafficking. Of these, about 72% were categorized as sex trafficking, about 10% as labor trafficking, about 3% as both sex and labor trafficking, and about 15% as unspecified.

Several factors limit the scope of these data. For instance, hotline data are on reported, but not verified, incidents of human trafficking. They are limited to instances in which an individual reports their own victimization or suspects human trafficking of others and reports it to the hotline.

Victim Services Data

Immigration Relief

Trafficking victims include both U.S. citizens and noncitizens, and under federal law there are certain protections from removal that are sometimes available to eligible noncitizen victims of trafficking. Just as comprehensive data on the prevalence of human trafficking in the United States is unknown, the number of noncitizen victims—and moreso the number of victims who may be eligible for immigration relief—is also unknown in part because not all human trafficking victims avail themselves of the protections available to them.³⁰

T nonimmigrant status. Noncitizen victims of trafficking are potentially eligible for T nonimmigrant status, which protects them from removal and provides a path to permanent residency. There are a number of conditions on qualifying for T status, which may affect the number of applications by trafficking victims.³¹ From a data standpoint, these limited applications

²⁹ See National Human Trafficking Hotline, *Hotline Statistics*, at <https://humantraffickinghotline.org/states>. The data tracked by the hotline only include those reports the hotline receives, and thus represent an unknown subset of total human trafficking cases in the United States.

³⁰ For more information on immigration relief available for trafficking victims, see CRS Report R46584, *Immigration Relief for Victims of Trafficking*.

³¹ *Ibid.* To qualify, a noncitizen must (1) demonstrate that he/she is a victim of a severe form of trafficking in persons; (2) be physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a U.S. port of entry because of such trafficking, or be admitted to the United States to participate in investigative or judicial processes associated with such trafficking; (3) have complied with any reasonable request for assistance to law enforcement in the investigation or prosecution of acts of trafficking unless unable to do so due to physical or psychological trauma, or being under age 18; and (4) be likely to suffer extreme hardship involving unusual

bound what can be learned from these data about the scope of noncitizen trafficking. In FY2021, 1,702 trafficking victims submitted applications for T nonimmigrant status, and U.S. Citizenship and Immigration Services (USCIS) approved 829 of these applications.³²

U nonimmigrant status. U nonimmigrant status is available to certain noncitizen victims of qualifying crimes³³—including human trafficking—and may be available to trafficking victims who do not qualify for T status. U status also provides a path to permanent residency. Like T status, there are various conditions on eligibility, which may affect the number of applications by trafficking victims,³⁴ and in turn bound what can be learned from these data about the scope of noncitizen trafficking. In addition, publicly available USCIS data on the U status do not delineate the type of victimization; as such, it cannot be determined what portion of U status applications may be affiliated with trafficking victims. In FY2021, USCIS received 21,874 applications for U nonimmigrant status and approved 10,003 of these applications.³⁵

Continued presence.³⁶ Trafficking victims may be eligible for continued presence, which is not an immigration status but can offer protection from removal, among other benefits. Federal law enforcement officials who encounter an individual who “is a victim of a severe form of trafficking and may be a potential witness to such trafficking” may request that DHS allow the noncitizen victim to remain in the United States.³⁷ The TVPA gave the Secretary of Homeland Security the authority to grant continued presence for trafficking victims, and the law also prescribed circumstances under which it can be utilized.³⁸ As outlined for T and U status, conditions regarding when continued presence can be granted may limit the number of trafficking victims given this form of relief. In FY2020, ICE granted 117 requests for continued presence and issued 56 extensions for requests that were previously granted.³⁹

and severe harm upon removal. To receive T status, the alien must also be admissible to the United States or obtain a waiver of inadmissibility.

³² DHS, USCIS, *Number of Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status: Fiscal Years 2008 – 2022*.

³³ Qualifying criminal activity refers to one or more of the following or any similar activity in violation of federal or state criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter, murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. For other examples of qualifying crimes, see DHS, *U and T Visa Law Enforcement Resource Guide*, p. 7, at https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf.

³⁴ A victim must demonstrate that he/she suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activities; that, as certified by a law enforcement or immigration official, he/she (or if the noncitizen victim is a child under age 16, the child’s parent, guardian, or friend) possesses information about the criminal activity involved; that he/she has been, is being, or is likely to be helpful in the investigation and prosecution of the criminal activity by federal, state, or local law enforcement authorities; and that the criminal activity violated the laws of the United States or occurred in the United States.

³⁵ DHS, USCIS, *Number of Form I-918, Petitions for U Nonimmigrant Status by Fiscal Year, Quarter, and Case Status: Fiscal Years 2009 – 2022*.

³⁶ *Continued presence* refers to the Secretary of Homeland Security’s discretionary authority to use a variety of statutory and administrative mechanisms to ensure a noncitizen’s continued presence in the United States.

³⁷ 22 U.S.C. §7105(c)(3)(A)(i).

³⁸ 22 U.S.C. §7105(c)(3).

³⁹ DOJ, *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2020*, March 2022. These are the most recent publicly available data.

Looking at the set of trafficking victims who have been granted immigration relief provides a window into the noncitizen population of trafficking victims in the United States. However, it represents only a subset of this population. It does not capture, for instance, victims who for any number of reasons have not come to the attention of officials, who do not apply for immigration relief, or who apply for immigration relief but are denied.

Grants for Trafficking Victim Services

The TVPA authorizes DOJ and HHS to provide grants for trafficking victim services.⁴⁰ Data on victims served by organizations that receive grants under these departments' programs provide a snapshot of the portion of trafficking victims in the United States who receive services from DOJ and HHS grantees. While these data do not represent the broader population of trafficking victims or even those receiving services from providers not funded through these programs, they help provide some insight into federally funded efforts to protect and serve survivors.

DOJ Grants for Trafficking Victim Services. DOJ, through the Office for Victims of Crime (OVC), administers grants that can be used for a range of services for trafficking victims, including efforts to expand or strengthen victim services programs, law enforcement task forces, VSPs taking a multidisciplinary approach to countering trafficking, and transitional housing assistance, among others.⁴¹ DOJ notes that from July 2019 through June 2020, there were 227 grantees that served 9,854 individuals—both confirmed trafficking victims and individuals who showed strong indicators of trafficking victimization. Of those individuals served, 5,968 were new victims served that year and 3,886 were existing victims served.⁴²

HHS Grants for Trafficking Victim Services. HHS, through the Office on Trafficking in Persons (OTIP), funds grantees who provide case management and support services for foreign national and domestic (i.e., lawful permanent resident and U.S. citizen) trafficking victims. Services can include housing, mental health counseling, medical care, and legal support, among others.⁴³ In FY2020, HHS funded one grantee (the U.S. Committee for Refugees and Immigrants) to provide case management services for foreign national victims, and this grantee served 1,457 victims. HHS also funded 11 grantees that served 884 domestic victims of human trafficking.⁴⁴

Other Grants for Victim Services

Several other federal grant programs allow grantees to aid human trafficking victims as part of larger victims service programs. However, the reporting requirements for these grants vary, and data on trafficking victims served by these grantees may not be available. For example, the 2013 Violence Against Women Act (VAWA) reauthorization (P.L. 113-4) stated that victim services and legal assistance programs authorized under VAWA are available to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims human trafficking. The 2013 reauthorization also amended the program areas of several grants to include services for

⁴⁰ 22 U.S.C. §7105(b)(2).

⁴¹ For detailed information on these programs, see DOJ, OVC, *Human Trafficking: Grants & Funding*, <https://ovc.ojp.gov/program/human-trafficking/grants-funding>.

⁴² DOJ, OVC, *Human Trafficking: OVC Efforts*, <https://ovc.ojp.gov/program/human-trafficking/ovc-efforts>; and DOJ, Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2020, March 2022. These are the most recent publicly available data.

⁴³ For more information on the programs that support foreign national and domestic victims, see HHS, OTIP, *Victim Assistance Grants*, <https://www.acf.hhs.gov/otip/victim-assistance/victim-assistance-grants>.

⁴⁴ DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2020*, March 2022. These are the most recent publicly available data.

trafficking victims. Many VAWA grantees submit data on the types of victims served (e.g., domestic violence, sexual assault, stalking victims) and the services provided; however, the data do not presently include specific information on trafficking victims. Similarly, DOJ’s Office on Juvenile Justice and Delinquency Prevention (OJJDP) has funded programs aimed at victims of child exploitation and human trafficking; however, beyond data on how many grants were funded and at what amounts, there is little public information on victims served.

Survey and Study Data

Surveys conducted by the federal government and other researchers can provide additional perspectives from which to examine the nature and extent of human trafficking. These surveys can be useful in capturing snapshots of data from certain angles, including various segments of the criminal justice system (e.g., corrections, arrests, prosecution), among certain communities, and at specific points in time. However, like the other data discussed in this report, they do not represent the totality of human trafficking.

Government Surveys and Studies

The federal government conducts and funds several studies across agencies that capture data on human trafficking, as either an express purpose or an included variable.⁴⁵ For example, in 2016 OJJDP funded a national study by the Center for Court Innovation called “Youth Involvement in the Sex Trade.”⁴⁶ Several studies that include data about human trafficking are conducted by or in partnership with the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ). For instance, NIJ funded a 2016 study about the involvement of organized crime in human trafficking in the United States.⁴⁷ Studies funded or conducted by these agencies and their partners might be one-time efforts or they might collect data at regular intervals. For example, BJS developed the Human Trafficking Reporting System (HTRS) in 2007 and collected data from 38 human trafficking task forces in 2007 and 2008; however, this data collection was not repeated.⁴⁸ BJS also conducts the Census of Tribal Law Enforcement Agencies (CTLEA), which is a recurring survey that includes data on arrests for human trafficking made by tribal law enforcement agencies.⁴⁹

BJS has highlighted some of their surveys that capture data about human trafficking, including the National Survey of Victim Service Providers (NSVSP), the Survey of State Attorneys General Offices–Human Trafficking (SSAGO-HT), the Federal Justice Statistics Program (FJSP), the National Corrections Reporting Program (NCRP), and Criminal Cases in State Courts (CCSC).

National Survey of Victim Service Providers. To supplement information on federal grants to service providers that serve trafficking victims exclusively or as part of their larger victim

⁴⁵ For a chart of government funded research of human trafficking, see <https://www.state.gov/human-trafficking-research-chart-of-u-s-government-funded-research/>.

⁴⁶ DOJ, OJJDP, “Youth Involvement in the Sex Trade: A National Study,” March 2016, <https://ojjdp.ojp.gov/library/publications/youth-involvement-sex-trade-national-study>.

⁴⁷ DOJ, NIJ, “An Empirical Analysis of the Intersection of Organized Crime and Human Trafficking in the United States,” 2017, <https://nij.ojp.gov/library/publications/empirical-analysis-intersection-organized-crime-and-human-trafficking-united>.

⁴⁸ DOJ, BJS, HTRS, <https://bjs.ojp.gov/data-collection/human-trafficking-reporting-system-htrs#:~:text=The%20Human%20Trafficking%20Reporting%20System,by%20the%20Department%20of%20Justice>.

⁴⁹ BJS Human Trafficking; for the most recent survey information, see <https://bjs.ojp.gov/funding/opportunities/o-bjs-2022-171271>.

populations, BJS's NSVSP can provide insight into the breadth of victims, including trafficking victims, that are served by state, local, and nonprofit victim service programs. The 2019 NSVSP included questions regarding how many sex trafficking and labor trafficking victims received services from VSPs along with certain demographic characteristics of the victims. While some VSPs provided data on the actual or estimated number of trafficking victims served, others did not.⁵⁰ Nonetheless, in future iterations of this survey, these data could help supplement public knowledge about trafficking victims who are receiving services across the country.

Survey of State Attorneys General Offices. BJS conducts a survey of state attorneys general offices' roles in handling certain types of offenses.⁵¹ The 2018 survey focused on human trafficking, and included data from 43 states, the District of Columbia, and three territories (American Samoa, Guam, and the Northern Mariana Islands).⁵² The survey collected information on relevant laws determining the respondents' civil and criminal jurisdiction over human trafficking, charging practices, how cases are commonly referred to state attorneys general (e.g., referred from state and local law enforcement), case outcomes, and characteristics of offenders and victims.⁵³ Unless BJS continues to highlight human trafficking, the SSAGO may focus on other topic areas in future iterations.

Federal Justice Statistics Program. FJSP has collected annual data on federal criminal cases since 1979. These data may include “the number of persons investigated, prosecuted, convicted, incarcerated, sentenced to probation, released pretrial, and under parole or other supervision” as well as “initial prosecution decisions, referrals to magistrates, court dispositions, sentencing outcomes, sentence length, and time served.”⁵⁴ Data for FJSP are collected from the U.S. Marshals Service, Drug Enforcement Administration (DEA), Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and Federal Bureau of Prisons.⁵⁵ According to BJS, human trafficking data collected as a component of FJSP fall under three federal statutes: Peonage, slavery, and trafficking in persons, 18 U.S.C. §§1581-1595; Production of child pornography, 18 U.S.C. §§2251-2251A; and Transportation for illegal sexual activity and related crimes, 18 U.S.C. §§2422-2423.4.⁵⁶ These data have been used to publish reports specific to human trafficking.⁵⁷

National Corrections Reporting Program. NCRP has collected annual offender-level data from state departments of corrections since 1983.⁵⁸ These data include prison admissions and releases, year-end custody populations, parole entries and discharges, demographic information, conviction offenses, sentence length, minimum time to be served, credited jail time, type of admission, type

⁵⁰ DOJ, BJS, *National Survey of Victim Service Providers (NSVSP)*, 2019. As part of the survey, VSPs were asked to provide the actual or estimated number of human trafficking and other victims served.

⁵¹ DOJ, BJS, *Survey of State Attorneys General Offices (SSAGO)*, <https://bjs.ojp.gov/data-collection/survey-state-attorneys-general-offices-ssago#methodology-0>.

⁵² DOJ, BJS, *Human-Trafficking Offenses Handled by State Attorneys General Offices, 2018*, <https://bjs.ojp.gov/library/publications/human-trafficking-offenses-handled-state-attorneys-general-offices-2018>, (hereinafter, “Human-Trafficking Offenses Handled by State Attorneys General Offices”).

⁵³ BJS Human Trafficking; Human-Trafficking Offenses Handled by State Attorneys General Offices.

⁵⁴ DOJ, BJS, *Federal Justice Statistics Program (FJSP)*, <https://bjs.ojp.gov/data-collection/federal-justice-statistics-program-fjsp#publications-0>, (hereinafter, “Federal Justice Statistics Program”).

⁵⁵ Federal Justice Statistics Program.

⁵⁶ BJS Human Trafficking.

⁵⁷ See, for example, <https://bjs.ojp.gov/library/publications/federal-prosecution-human-trafficking-cases-2015>.

⁵⁸ DOJ, BJS, *National Corrections Reporting Program (NCRP)*, <https://bjs.ojp.gov/data-collection/national-corrections-reporting-program-ncrp>.

of release, and time served. Relevant here is that this program collects data on the number of individuals who are incarcerated in state prisons for a human trafficking offense.⁵⁹ In 2019, the most recent year for which data are available, 32 states reported on human trafficking-related offenses, and 1,675 people were serving sentences related to human trafficking.

Criminal Cases in State Courts. CCSC is a newer data collection program that collects case-level data from state courts.⁶⁰ Data collection began in 2018, but the 2018 sample size was determined to be too small to generate national statistics about state court activities. The project is ongoing but has yet to publish data or analyses. These data are to include information about defendant demographics, defendants' legal representation, charges at the time of filing and disposition, adjudication status, and sentencing.⁶¹ According to BJS, "After the initial collection, BJS will be able to assess the extent to which the CCSC can provide information on prosecutions, convictions, and sentences imposed by state courts for human-trafficking offenses. BJS will also examine the feasibility of identifying the non-trafficking criminal charges most commonly associated with human-trafficking cases. This collection is ongoing, and data and analyses from this effort are forthcoming."⁶²

Academic Surveys and Studies

Academic studies and surveys can be valuable sources of data about human trafficking in the United States. Researchers have unique expertise in various domains of human trafficking that may extend beyond the criminal justice and victim services data discussed above. Researchers are often able to utilize connections to communities, organizations, and individuals to gather data about these experiences that lead to useful insights into human trafficking. For example, a 2016 study used interviews with individuals "currently involved in the commercial sex industry" and a cross-sectional survey to determine possible risk factors for domestic child sex trafficking in the United States.⁶³ Another 2016 study surveyed police, prosecutors, and court personnel and examined case records to gather data on what variables may influence the decision to prosecute human trafficking cases in state courts.⁶⁴ A full review of the academic literature on human trafficking is beyond the scope of this report; however, this type of work serves an important role in developing a comprehensive understanding of human trafficking and the community and criminal justice response.

Policy Considerations

There are several domains in which Congress may consider actions to improve or expand data about human trafficking in the United States. First, with respect to criminal justice data, policymakers may examine the collection of human trafficking data through the FBI's UCR program. As mentioned previously, one concern may be law enforcement's low participation rates

⁵⁹ BJS Human Trafficking.

⁶⁰ DOJ, BJS, *Criminal Cases in State Courts (continuation award)*, <https://bjs.ojp.gov/funding/opportunities/bjs-2020-18653>.

⁶¹ BJS Human Trafficking.

⁶² *Ibid.*, p. 5.

⁶³ Lisa Fedina, Celia Williamson, and Tasha Perdue, "Risk Factors for Domestic Child Sex Trafficking in the United States," *Journal of Interpersonal Violence*, vol. 34, no. 13 (July 2019).

⁶⁴ Amy Farrell, Monica J DeLateur, and Collen Owens et al., "The Prosecution of State-Level Human Trafficking Cases in the United States," *Anti-Trafficking Review*, vol. 6 (May 2015).

in NIBRS after the SRS program was retired.⁶⁵ In a 2018 guidance document, the FBI estimated that it would take individual law enforcement agencies up to two years to transition from SRS to NIBRS.⁶⁶ NIBRS is more complicated than SRS and the conversion may require financial and technical resources that LEAs are not able to access or spare. For example, an initial cost estimate for setting up NIBRS in Anderson, SC, a town with approximately 27,000 residents and 100 sworn police officers, ranged from \$130,000 to \$200,000.⁶⁷ Federal grant funds have been made available to help agencies make the transition to NIBRS. From FY2018 to FY2021, BJA required Edward Byrne Memorial Justice Assistance Grant (JAG) recipients that were not certified as NIBRS-compliant to dedicate 3% of any JAG award toward that end. The Jabara-Heyer NO HATE Act (P.L. 117-13) also authorized grant funding to create state-run hate crime reporting hotlines and aid states or units of local government in implementing NIBRS. The FY2022 Commerce, Justice, Science, and Related Agencies Appropriations Act (P.L. 117-103) included \$5 million for the Jabara-Heyer grants. However, given the FBI's statements about the low participation rates affecting its ability to calculate national estimates,⁶⁸ Congress may consider directing increased funds toward NIBRS adoption.

One of the largest federally funded surveys to capture victimization data, the National Crime Victimization Survey (NCVS),⁶⁹ does not include questions about respondents' experiences with human trafficking.⁷⁰ The NCVS is an annual survey, administered by BJS since 1973, of self-reported victimizations. The NCVS surveys residents age 12 and older from a sample of households about the scope and nature of any victimizations (i.e., frequency, characteristics, and consequences) they may have experienced. This interview-based methodology enables the NCVS to include data on criminal victimizations both reported and unreported to law enforcement. Given the hesitancy of some communities and individuals to report their victimization to the police, the NCVS may capture data that is missing from the UCR data, particularly for crimes like human trafficking that may often involve immigration, victim concerns they may be prosecuted, and trauma.⁷¹ Thus, the NCVS may be a valuable data source in addition to criminal justice data collection like UCR when examining the totality of human trafficking in the United States. Congress may consider instructing BJS to add human trafficking questions to this survey. It is common for surveys attempting to capture experiences with human trafficking not to explicitly ask "Have you experienced human trafficking?" as participants may be hesitant to admit that they have or may not understand the totality of experiences that could fall under this label.⁷² Instead,

⁶⁵ For more information, see CRS Insight IN11936, *NIBRS Participation Rates and Federal Crime Data Quality*.

⁶⁶ FBI, "30 Questions and Answers About NIBRS Transition," <https://www.fbi.gov/file-repository/ucr/30-faqs-about-nibrs-transition-oct-2018.pdf/view>.

⁶⁷ DOJ, BJS, National Crime Statistics Exchange, *Estimating Costs for Transitioning to the National Incident-Based Reporting System (NIBRS)*, https://www.bjs.gov/content/pub/pdf/Local%20Agency%20-%20Estimating%20Cost%20for%20Transitioning%20to%20NIBRS_01232017.pdf.

⁶⁸ Nonparticipating jurisdictions have included both small community LEAs and large metropolitan police forces such as the New York Police Department and Los Angeles Police Department.

⁶⁹ BJS, *National Crime Victimization Survey (NCVS)*, <https://bjs.ojp.gov/data-collection/ncvs>.

⁷⁰ The survey does include questions about forced or coerced sexual contact. For 2020 NCVS crime incident reports, see https://bjs.ojp.gov/content/pub/pdf/ncvs20_cir.pdf. For the 2020 NCVS basic screen questionnaire, see https://bjs.ojp.gov/content/pub/pdf/ncvs20_bsq.pdf.

⁷¹ Common reasons given for not reporting to police include "fear of reprisal or getting the offender in trouble, believing that police would not or could not do anything to help, and believing the crime to be a personal issue or too trivial to report"; DOJ, BJS, *Criminal Victimization, 2020*, <https://bjs.ojp.gov/library/publications/criminal-victimization-2020>, p. 7.

⁷² For example, a person may not consider themselves a human trafficking victim if they are trafficked by a person whom they consider an intimate partner.

surveys may ask about specific life experiences that are consistent with the legal definition of human trafficking to determine how many people in a given sample have these experiences.⁷³ NCVS may employ a similar strategy to capture these data.

As noted, in addition to the trafficking-specific grant programs, there are a number of additional grant programs that may serve human trafficking victims; however, there is a lack of publicly available data about who these programs serve and how. These data may not only provide a clearer picture of how federal grants serve victims, but may also inform discussions about incident rates, co-occurring victimizations, the types of services needed, and resource shortages. As part of efforts to assess how well federal programs may be servicing victims, Congress may be interested in gathering additional information from these programs about the victims served—including trafficking victims.

Underlying the adequacy of data from various sources, criminal justice and otherwise, is the foundational issue of human trafficking awareness. Enhancing training for individuals across industry sectors—from criminal justice to medical professionals—to recognize and respond to human trafficking may improve not only the data available with respect to human trafficking victimization but also the services that can be made available to the survivors. A number of federal agencies engage in human trafficking awareness efforts,⁷⁴ and policymakers could look to enhance these activities as part of broader efforts to improve data on human trafficking.

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⁷³ For example, a report from the Minnesota Indian Woman’s Sexual Assault Coalition and Prostitution Research & Education asked participants about life experiences to see if they met “a conservative legal definition of sex trafficking.” In the context of this study, trafficking was defined as “a form of prostitution that involves third party control and exploitation” (p. 11). Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon, “Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota,” Minnesota Indian Women’s Sexual Assault Coalition and Prostitution Research & Education, October 2011, <https://www.niwrc.org/resources/report/garden-truth-prostitution-and-trafficking-native-women-minnesota>.

⁷⁴ More information about human trafficking awareness training efforts across the federal government is available at <https://www.state.gov/humantrafficking-public-awareness-training>.

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