

V. Halting Human Trafficking with a Record Number of Successful Investigations and Prosecutions

Since 2001, the Department has achieved a record number of human trafficking investigations and prosecutions through a unique victim-centered approach that focuses on three important themes: sex trafficking, labor trafficking, and child sex trafficking. Successful prosecutions of sex and labor trafficking depend on the elements of force, fraud, or coercion that render the victim's role involuntary. Because trafficking is modern-day slavery, then-Attorney General John Ashcroft designated the Civil Rights Division, in early 2001, as the principal architect of the Department's comprehensive response to human trafficking. The Civil Rights Division presently collaborates with the Federal Bureau of Investigation, United States Attorneys' Offices, the Criminal Division, and the Office of Justice Programs, as well as the Department of Homeland Security's Bureau of Immigration and Customs Enforcement,⁴³ to uncover and investigate these criminal enterprises, to prosecute and hold traffickers accountable for their criminal conduct, and, most importantly, to rescue victims and return to them their dignity.

In 2004, the Federal Bureau of Investigation took an important step toward the vigorous investigation of trafficking crimes when it launched the Involuntary Servitude and Slavery/Trafficking in Persons Initiative. This initiative has achieved important results in the manner in which the Bureau uncovers and investigates these cases in coordination with

⁴³ Until 2002, the Bureau of Immigration and Customs Enforcement was a component of the Department of Justice, then known as the Immigration and Naturalization Service.

WANTED BY FBI

INVOLUNTARY SERVITUDE

RICARDO ALEJANDRO MENDEZ RAMOS

AKA: CHINO



**SEX: MALE
HGT: 5' 4"
HAIR: BLACK
POB: MEXICO**

**RACE: WHITE
EYES: DARK BROWN
DOB: 5/24/81
BUILD: SMALL**

THIS SUBJECT IS WANTED FOR RECRUITING, ENTICING, HARBORING AND TRANSPORTING FEMALES FOR THE PURPOSE OF PROSTITUTION.

\$\$ REWARD \$\$

the Civil Rights and Criminal Divisions. The Bureau's Civil Rights Unit, the primary Bureau agency charged with investigating crimes implicating the federal civil rights statutes, spearheaded the following actions:

- Developed and disseminated a general human trafficking investigative protocol intended to standardize human trafficking investigations by each FBI field office. This protocol serves as an informal investigative field-guide for the FBI field supervisor and investigators, covering activities from the initial investigation to post-trial and post-sentencing activities. For example, the protocol requires the prompt removal of victims out of harm's way and the apprehension of all identified human trafficking subjects;

- Implemented commercial sex trafficking intelligence collection requirements and disseminated those requirements to every Bureau Field Intelligence Group. These requirements will allow the FBI to analyze trafficking related intelligence such as trends in working conditions, transportation routes, and countries of origin;
- Established a mechanism for agents to share information about the initiation of human trafficking, alien smuggling, and child prostitution cases across Bureau components;
- Expanded the Bureau's outreach to national human trafficking victim advocacy organizations, such as the Freedom Network and the International Justice Mission, to establish contacts and leverage partnerships through field offices, especially those that are partners in the Department's multi-disciplinary anti-trafficking task forces;
- Commenced, in October 2005, human trafficking threat assessments in each of the nation's 56 Bureau field offices. The threat assessments are intended to help the Bureau determine the nature and scope of human trafficking and to develop a more informed response to this criminal activity. Once completed, field offices will use their assessments to develop more aggressive investigations and to guide their participation in the Department's anti-human trafficking task force initiative, especially their work with local governmental and non-governmental organizations;⁴⁴ and

- Created, in November 2005, a case tracking database to track and maintain human trafficking intelligence data from the Bureau's field offices regarding the Department's prosecutorial decisions, identifying emerging trends and reporting significant events in the field to the Bureau's Civil Rights Unit or the Crimes Against Children Unit, as appropriate. The Bureau's intelligence gathering is beginning to provide the Department with critical analysis.

A. Sex Trafficking

Human trafficking typically manifests itself in compelled service either for forced labor or in the "sex industry." Sadly, in both areas, sexual abuse of female victims is common.

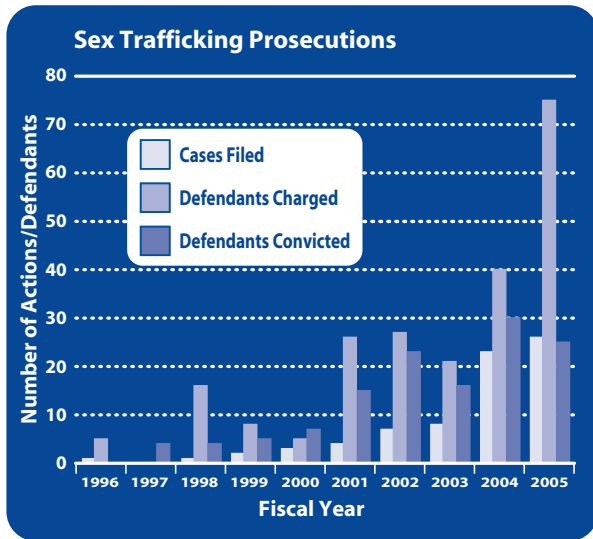
Sex trafficking is both a crime and a phenomenon. The TVPA's "sex trafficking" statute⁴⁵ makes it illegal to use force or coercion to obtain persons for commercial sexual activity, with special provisions regarding the involvement of minors. Other activities that the Department considers part of the phenomenon of sex trafficking, such as servitude for non-commercial sexual activity or compelled service in strip clubs or other non-prostitution sectors of the sex industry, are properly prosecuted under traditional slavery statutes or even the forced labor statute, but are no less components of sex trafficking than commercial sexual activity.

There has been a dramatic increase in sex trafficking cases filed and prosecuted by

⁴⁴ FED. BUREAU OF INVEST., HUMAN TRAFFICKING INITIATIVE ELEC. COMM'N TO ALL FIELD OFFICES (Oct. 21, 2005).

⁴⁵ 18 U.S.C. § 1591.

FIGURE 4.



the Civil Rights Division and United States Attorneys' Offices over the past five years. Between fiscal years 2001 and 2005, federal prosecutors filed 68 cases of sex trafficking, an 871% increase over the seven cases the Civil Rights Division and United States Attorneys' Offices filed between fiscal years 1996 and 2000. Also during that same time period, the Civil Rights Division and United States Attorneys' Offices charged 189 defendants with sex trafficking, a 456% increase over the 34 defendants charged between fiscal years 1996 and 2000. In addition to the new records set in investigations and prosecutions of sex trafficking, the Civil Rights Division and United States Attorneys' Offices have achieved impressive results in convicting traffickers. From fiscal years 2001 to 2005, federal prosecutors obtained the convictions of 109 sex trafficking defendants, a 445% increase over the 20 defendants convicted during the previous five fiscal year period.

Sex trafficking may occur in any American community – urban, suburban, or rural – and involves both aliens and United States citizens. Sex trafficking can occur in bars, farm worker camps, and sex entertainment and prostitution enterprises. The traffickers are endlessly inventive. While the public stereotype of these cases involve large-scale international organized crime syndicates, forced prostitution cases often involve groups of family members or even individual pimps. In *United States v. Jimenez-Calderon*, a group of family members recruited women and teenaged-girls from the Mexican state of Tlaxcla to come to the United States with promises of love and marriage, only to hold them in prostitution through force and by threatening them and their families in Mexico.⁴⁶ The defendants in *Jimenez-Calderon* received sentences ranging from 16 months to 17 years of incarceration.⁴⁷

Cases involving victims that are United States citizens that might not have been brought under the Mann Act are now being brought using the TVPA sex trafficking statute, which does not require interstate travel. In *United States v. Gates and Heyward*, two defendants pled guilty in 2003 and 2004 to sex trafficking for running an internet prostitution business from their home, at times using girls as young as 14 to perform sexual acts. Defendant Gates, who beat the women who disobeyed him and provided drugs to support some of the women's addictions, was sentenced to more than 14 years in prison. His girlfriend and co-defendant, Heyward, received a sentence of 9 years of incarceration.⁴⁸

⁴⁶ *United States v. Jimenez-Calderon*, 135 Fed. App'x 561 (3d Cir. 2005).

⁴⁷ *Id.*

⁴⁸ *United States v. Gates and Heyward*, No. 01-00205 (D.D.C. 2004).

Many cases in the past few years involving individuals from countries of the former Soviet republics have involved compelled service in “exotic dancing.” In *United States v. Gasanov*, a husband and wife were convicted at trial and sentenced to serve 5 years in prison and to pay \$516,150 in restitution for bringing Uzbeki women to El Paso, Texas, under the guise of a student researcher exchange program, only to hold them in compelled service in strip clubs by confiscating their immigration documents and making threats against their families.⁴⁹ In *United States v. Maksimenko*, five defendants have pled guilty for their roles in a scheme to enslave Ukrainian women in Detroit-area strip clubs through threats and extortion and one has been sentenced. The remaining four defendants await sentencing.⁵⁰

Sometimes victims are held in sexual slavery without any commercial aspect. In *United States v. Soto*, eight men were convicted in 2003 for their roles in an alien smuggling organization that would hold vulnerable alien women as “concubines,” forcing them to cook, clean, and submit to the sexual demands of the alien smugglers through force, threats, and punitive rape. The lead defendant in the *Soto* case was sentenced to 23 years of incarceration following his guilty plea.⁵¹

In some communities, women are imported to work as “bargirls.” While this is not technically sex trafficking under the TVPA, as it does not involve a sex act, the

women are treated as sex objects and forced to entertain male bar patrons, dancing and drinking with them at their pleasure. In *United States v. Kang*, for example, a Korean couple lured Korean women to New York City with promises of good jobs as hostesses in their nightclub, but subjected them to physical abuse, held them for repayment of a \$10,000 debt, and attempted to force them into prostitution.⁵² Seven defendants pled guilty to forced labor and obstruction of justice charges. The defendants included a Federal Air Marshal and a Department of Homeland Security agent who attempted to force one of the victims to get on a flight to South Korea to keep her from testifying against the Kangs.⁵³ In another “bar girl” case, *United States v. Molina*, six Hondurans in Ft. Worth, Texas, received sentences of up to more than 5 years of incarceration following their guilty pleas to conspiring to harbor the women and make them repay their alien smuggling debts by entertaining the male patrons of the defendants’ bars.⁵⁴

B. Labor Trafficking

Labor trafficking occurs when a victim is forced to work in an area of the economy that would otherwise be a legal form of labor absent the force, fraud, or coercion. This phenomenon commonly is found in farms, factories, and households. Similar to sex trafficking, if a person is subjected to coercive force such that he cannot leave his employer’s service, he is considered a victim regardless of whether he initially chose

⁴⁹ *United States v. Gasanov*, No. 01-1423 (W.D. Tex. 2001).

⁵⁰ *United States v. Maksimenko*, No. 02-80745 (E.D. Mich. 2005).

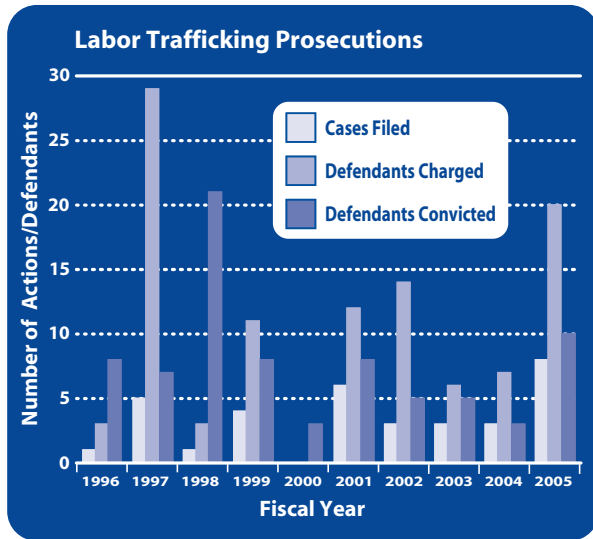
⁵¹ *United States v. Soto*, No. 03-341 (S.D. Tex. 2004).

⁵² *United States v. Kang*, No. 04-87 (E.D.N.Y. 2004).

⁵³ *Id.*

⁵⁴ *United States v. Molina*, No. 114-A (N.D. Tex. 2002).

FIGURE 5.



to perform that type of work, or even if he received some pay for his labor. There is no requirement that the victim be transported by the defendant.

Over the past five years, the Civil Rights Division and United States Attorneys' Offices have prosecuted a record number of labor trafficking cases. Between fiscal years 2001 and 2005, the Civil Rights Division and United States Attorneys' Offices filed 23 labor trafficking cases, an increase of 109% over the 11 labor trafficking cases federal prosecutors filed between fiscal years 1996 and 2000. In these cases, 59 defendants were charged with labor trafficking, an increase of 28% over the 46 defendants charged during the previous five fiscal year period.⁵⁵

As in sex trafficking cases, vulnerable United States citizens may find themselves trapped in a forced labor situation, unable to escape because of threats or coercion. For example, in *United States v. Michael Lee*, where the crime occurred prior to enactment of the TVPA, defendants recruited homeless African-American men for their orange-picking operation. Once employed, the workers were involuntarily held through the use of beatings, threats, and the use of a "company store" debt run up by short-term loans for rent, food, cigarettes, and cocaine. Three defendants were convicted in 2001 and received prison terms of up to 4 1/2 years of incarceration.⁵⁶

Forced labor situations often appear in parts of the agricultural sector that require "stoop labor," work that involves cultivating and harvesting of crops, such as vegetables, by hand and stooping over. One such case, *United States v. Garcia*,⁵⁷ involved the first successful defense of the TVPA against a constitutional challenge. In that case, four defendants received sentences of up to nearly 4 years of incarceration in 2005 for recruiting young undocumented Mexican aliens from the Arizona border and transporting them to New York with false promises of good wages, only to force them to work in the fields for little or no pay and house them in overcrowded and filthy conditions through threats to turn them over to the Border Patrol.⁵⁸ In their constitutional chal-

⁵⁵ Two seminal labor trafficking cases are responsible for the large number of defendants charged in 1997-98. *United States v. Paoletti*, No. 97-768 (E.D.N.Y. 1997), the "Deaf Mexican" trinket peddling case, involved 18 defendants, while *United States v. Flores*, 199 Fed. Cir. 1328 (4th Cir. 1999), involved 6 defendants. Prosecution and victim protection in these two cases are ongoing. In 2005, as a result of the work of the Office of International Affairs, Renato Paoletti and Jose Paoletti became the first Mexican citizens ever extradited to the United States for human trafficking offenses.

⁵⁶ *United States v. Michael Lee*, No. 00-14065 (S.D. Fla. 2000).

⁵⁷ *United States v. Garcia*, No. 02-110, 2003 WL 22938040 (W.D.N.Y. 2003).

⁵⁸ *Id.*

lenge, the defendants argued that the TVPA was unconstitutionally vague, inviting arbitrary and discriminatory enforcement, and that Congress exceeded its authority in



Traffickers in [United States v. Ramos](#) attacked this van to prevent their victims from escaping.

enacting it because it did not involve interstate commerce. A federal district court disagreed and found that the TVPA's terms are clear and provide adequate notice of the

conduct it prohibits.⁵⁹ The court also found that Congress had the power to enact the TVPA under the Thirteenth Amendment to the Constitution.⁶⁰

In another example of forced “stoop labor,” two brothers were convicted in 2002 in *United States v. Ramos*⁶¹ for using threats and debt bondage to hold migrant workers in their employment for the duration of the harvesting season and for assaulting the owner of a transportation service to cut off any avenue of escape the workers might have had from the area. The Ramos brothers were sentenced to 15 years of incarceration and ordered to forfeit \$3 million in proceeds from their slavery operation.

Domestic servant cases continue to be a regular part of the Department's forced labor portfolio. Sadly, in many of these cases the young female victims are subjected not only to long hours and low pay for their work as nannies and maids, but suffer sexual abuse at the hands of their captors as well.



Prosecutors in [United States v. Mubang](#) argued that taking a girl from her home on the left to the Silver Spring, Maryland home helped to project the trafficker's intimidating and coercive power.

⁵⁹ *Id.* at * 2.

⁶⁰ *Id.*

⁶¹ *United States v. Ramos*, 130 Fed. App'x 415 (11th Cir. 2005), *cert. denied*, 126 S. Ct. 388 (2005).

For instance, in *United States v. Mubang*,⁶² a naturalized United States citizen of Cameroonian origin was convicted of having brought an 11 year-old girl from Cameroon to the United States to provide free labor to care for her two children and to perform household chores. While at the Mubang home, the victim received no wages, was isolated, was not allowed to attend school, and was subject to verbal and physical abuse, such as being struck with a cable, a high-heeled shoe, and a metal broom handle which left a scar that was still visible years later. Mubang, who fled before sentencing, was captured and is currently serving a sentence of more than 17 years of incarceration.

Similarly, in 2004, in *United States v. Trisanti*, a Los Angeles woman was convicted of involuntary servitude for trafficking two victims into the United States from Indonesia and forcing them to work as domestic servants through threats and physical violence. Trisanti was sentenced to more than 3 years in prison and ordered to pay over \$205,000 in restitution.⁶³

C. Child Sex Trafficking

Within the Department, the Child Exploitation and Obscenity Section of the Criminal Division has taken a leading role in overseeing the prosecution of cases of sex trafficking of minors. Sex trafficking in children occurs when persons under the age of 18 are provided or obtained for a commercial sex act. Prior to the passage of the TVPA, this aspect of human trafficking was traditionally dealt with by law enforcement under the label "Commercial Sexual Exploitation of Children" ("CSEC"), and all states have statutes criminalizing child

"Our society has no place for those who prey on children and no tolerance for child prostitution or sex trafficking."

*—Attorney General Alberto R. Gonzales,
December 16, 2005.*

prostitution. It is a continuing challenge to incorporate long-established child protective services, family court, and anti-CSEC activities and programs into the anti-trafficking effort.

Child sex trafficking may also involve child sex tourism, which occurs when individuals travel to foreign countries to engage in sexual acts with children who are often the victims of trafficking. As with child prostitution, the Child Exploitation and Obscenity Section has taken the leading role in overseeing the development of anti-sex tourism policies and resulting prosecutions. United States Attorneys' Offices nationwide, with guidance or co-counsel assistance from the Child Exploitation and Obscenity Section, have obtained at least 50 sex tourism indictments or complaints and at least 29 convictions between 2003 and 2005 under the PROTECT Act, with approximately 60 investigations currently pending.

Like other forms of trafficking, child sex trafficking can occur in any community. The TVPA supplemented the Mann Act, which prohibits the interstate transportation of persons for prostitution or other illegal sexual activity, by extending federal jurisdiction to situations in which the pimps did not cross a state line with their minor victims. In recent years, the Department has prosecuted cases of child sex trafficking across the

⁶² *United States v. Mubang*, No. 03-0539 (D. Md. 2003).

⁶³ *United States v. Trisanti*, No. 03-473 (C.D. Cal. 2003).

nation. In *United States v. Sims*, for example, Maurice Sims transported a 16 year-old girl from El Dorado, Arkansas, to Atlanta, Georgia, for purposes of prostitution. Along the way he beat and raped his victim. Sims was prosecuted in the Northern District of Georgia and sentenced to life in prison in 2004 for kidnapping, trafficking, and transportation across state lines for criminal sexual purposes, among other crimes.⁶⁴

Additionally, the Department is strategically and aggressively using forfeiture laws to increase a defendant's punishment, create greater disincentives, and, ultimately, fully disable and dismantle criminal networks engaged in human trafficking. The Department has been particularly innovative in its use of forfeiture in cases involving child prostitution. In several of those cases, Department prosecutors negotiated plea agreements requiring child pimps to set up monetary funds to provide for the rehabilitation, education, and job training of their young victims. In *United States v. Boehm*,⁶⁵ for example, the defendants agreed to distribute cocaine and cocaine base to persons under the age of 21 and to recruit minors for sexual purposes in exchange for money and crack cocaine. All five defendants were sentenced to terms of imprisonment ranging from 3 years to more than 13 years. Boehm, as part of his plea agreement, also forfeited his residence and provided \$1.2 million in trust for the future benefit of his victims.⁶⁶ The trust fund will compensate Boehm's victims for expenses stemming from drug treatment, counseling, and educational and professional training.

Usually, when people commit crimes, the best the criminal justice system can do is punish the offender and occasionally have him repay the out-of-pocket expenses of the victims. This plea not only does that, but attempts to give the victims future opportunities for treatment, counseling, and even an education.

-Tim Burgess, United States Attorney for the District of Alaska, announcing the plea agreement in United States v. Boehm on March 19, 2004.

An important vehicle for the Department's efforts to combat child sex trafficking is the Federal Bureau of Investigation's Innocence Lost Initiative. Launched in 2003, the Innocence Lost Initiative is implemented by the Bureau's Violent Crimes and Major Offenders Section, in partnership with the Child Exploitation and Obscenity Section, United States Attorneys' Offices, and the National Center for Missing and Exploited Children ("NCMEC") to address the problem of domestic child prostitution in the United States. The Department's Office of Juvenile Justice and Delinquency Prevention has supported NCMEC's training activities in connection with this initiative with an approximate total of \$126,000 since 2004. The Violent Crimes and Major Offenders Section first identified 14 Bureau field offices located in areas where there is a high incidence of prostituted children. The Section then asked each of these offices to establish a task force to address the problem through a variety of federal criminal statutes including the Mann Act, TVPA, and RICO, where appropriate, to neutralize the entire criminal enterprise. The Section asked the remaining 42 Bureau field offices to assess whether the localities they serve have a substantial child prostitution problem.

⁶⁴ See *United States v. Sims*, No. 04-048, 2006 WL 14581 (11th Cir. 2006) (remanding case for re-sentencing under advisory rather than mandatory guidelines).

⁶⁵ *United States v. Boehm*, No. 04-003 (D. Alaska 2001).

⁶⁶ *Id.*

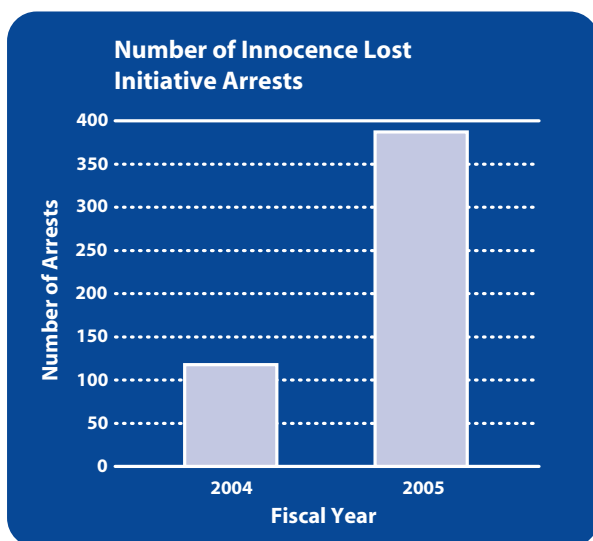
As of September 30, 2005, Innocence Lost Initiative Task Forces have been instituted in Atlantic City; Boston; Chicago; Detroit; Harrisburg, Pennsylvania; Indianapolis; Los Angeles; Miami; Toledo; Portland, Oregon; San Francisco; and Washington, D.C. In connection with this initiative, federal law enforcement agencies, prosecutors, and social service providers were brought to NCMEC's Washington, D.C.-area offices, where groups from the same jurisdiction were trained together in order to cultivate cooperation, partnership, and an effective integration among the critical enforcement entities in each city. To date, more than 400 key personnel have been trained. As a result of the Department's substantial investigative efforts through this Initiative, the Child Exploitation and Obscenity Section has seen a marked increase in the number of requests from both Assistant United States Attorneys and Bureau agents in the field for advice, guidance, and co-counsel on child prostitution cases.

On December 16, 2005, Attorney General Alberto R. Gonzales announced that more than 30 child victims were identified in connection with the latest phase of Innocence Lost, bringing the total number of child victims identified to more than 200 since the Innocence Lost Initiative began. This effort resulted in the arrest of 19 individuals. Between 2004 and 2005, the Innocence Lost Initiative has resulted in 139 open investigations, 505 arrests, 60 complaints, 70 indictments, and 67 convictions.

Again, many cases of child sex tourism involve child sex trafficking, and the Department is committed to aggressively prosecuting these cases. For example, in 2003, in the first prosecution under the PROTECT Act, Michael Clark, who had been arrested in Cambodia for sexually abusing two Cambodian boys (ages 10 and 13), was charged with attempting to engage in illicit sexual conduct after travel in foreign commerce. Clark pled guilty to the charges and was sentenced to 8 years of imprisonment. In connection with his plea, Clark reserved the right to appeal the constitutionality of the PROTECT Act, arguing that Congress exceeded its power to enact criminal laws that do not involve interstate commerce and that criminalizing activities in a foreign country violate due process and international law. Clark's appeal is currently pending before the United States Court of Appeals for the Ninth Circuit.⁶⁷

Also in 2003, in *United States v. Russell*,⁶⁸ an American man was prosecuted when an investigation revealed that he had traveled to the Philippines on numerous occasions over a two-year period in order to engage in sexual acts with children and to produce child pornography for the purpose of importation into the United States. At least

FIGURE 6.



⁶⁷ *United States v. Clark*, 315 F. Supp. 2d 1127 (W.D. Wash. 2004).

⁶⁸ *United States v. Russell*, No. 03-3283 (S.D. Cal. 2003).

three Philippine children have been identified as victims of Russell, who pled guilty and was sentenced to more than 3 years of imprisonment.

D. Coordination Within the Department of Justice

The Department's anti-trafficking investigative and prosecution strategy requires effective intra-departmental collaboration to bring the specialties of each component to bear on these multi-faceted, complex, and labor-intensive criminal cases. The following components are important contributors to the Department's activities in support of the President's directive to combat human trafficking:

- The Civil Rights Division's Criminal Section
- The Criminal Division, particularly its Asset Forfeiture and Money Laundering Section, Child Exploitation and Obscenity Section, Domestic Security Section, International Criminal Investigative Training Assistance Program, Office of International Affairs, Office of Overseas Prosecutorial Development, Assistance and Training, and Organized Crime and Racketeering Section
- The Executive Office of United States Attorneys and United States Attorneys' Offices nationwide
- The Federal Bureau of Investigation and its Field Offices
- The Office of Community Oriented Policing Services
- The Office of Justice Programs, particularly its Bureau of Justice Assistance, Bureau of Justice Statistics, National

Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime

- The Office of Legal Policy
- The Office of Legislative Affairs
- The Office on Violence Against Women

Representatives from the Civil Rights Division, the Criminal Division, and the Federal Bureau of Investigation meet periodically to share information and to identify ways to leverage resources to identify and combat trafficking in persons, among other criminal activity. In addition, the Office of Legal Policy convenes regular meetings of Department of Justice components to coordinate the development of policies regarding the Department's anti-human trafficking activities. The Criminal Section of the Civil Rights Division, in early 2003, authored a comprehensive legal monograph on trafficking issues to assist United States Attorney personnel in the field to prosecute trafficking cases more effectively. The monograph has been distributed at the Department's training center, the National Advocacy Center, and at human trafficking training workshops.

Both the Civil Rights Division and the Child Exploitation and Obscenity Section publish newsletters that provide valuable information regarding human trafficking prosecutions, case analysis, and developments that are important to the work of other Departmental components and the non-governmental organizations that advocate on behalf of trafficking victims. The Civil Rights Division provides investigators, prosecutors, and victim assistance professionals with technical assistance regarding human trafficking and keeps the field of trafficking victim advocates informed about the Division's

efforts to prevent and prosecute this crime. And, since 2003, the quarterly Child Exploitation and Obscenity Section newsletter has discussed issues of sex tourism and trafficking in all but two editions.

From the time that the TVPA was enacted, the Department recognized that alien smuggling, document fraud, and various forms of human trafficking, while constituting separate offenses, can be integrally related, as discussed above.⁶⁹ The trafficking of victims across international borders virtually always involves alien smuggling, possibly including some type of fraud or misrepresentation. Perhaps the most direct manifestation of cooperation between the Civil Rights and Criminal Divisions is that in 2002 the Civil Rights Division detailed several experienced attorneys to the Criminal Division's Alien Smuggling Task Force for a three-year period. Over the past three years, those Civil Rights prosecutors worked with their Criminal Division colleagues to target the criminal infrastructure that makes international trafficking possible. Examples include successful prosecutions involving the fraudulent adoption of Cambodian babies, the sexual exploitation of Estonian women employed in massage parlors, and large-scale fraudulent leasing of foreign workers to major United States companies. The three-year details, which recently ended, demonstrate the concrete, effective results that can be obtained through innovative approaches to anti-trafficking cooperation.

The Department has taken a number of steps to ensure that its components are well trained in the Department's strategy of victim-centered, proactive investigations. Here are some examples:

- In October 2001, the Civil Rights Division conducted training on the

unique victim protections and services of the TVPA for almost 100 federal victim-witness coordinators at the Department's training facility, the National Advocacy Center in Columbia, South Carolina.

- In October 2002, the Civil Rights Division organized comprehensive anti-trafficking training for federal prosecutors and agents at the National Advocacy Center. Approximately 150 federal prosecutors and agents attended the training.
- In November 2002, the Attorney General issued "blue sheets" for prosecutors, outlining the new TVPA crimes and adding guidance regarding the prosecution of such crimes to the U.S. Attorneys' Manual. The "blue sheets" highlight human trafficking as a priority and provide a comprehensive source of information and resources within the Department and related agencies.
- In fiscal year 2003, the Civil Rights Division provided periodic training at the Federal Bureau of Investigation training center in Quantico, Virginia, for Bureau and Immigration and Customs Enforcement agents.
- In January 2004, the Civil Rights Division and the Office of Legal Education of the Executive Office of United States Attorneys hosted a comprehensive training session for federal agents and prosecutors at the Department's National Advocacy Center. Furthermore, the Civil Rights Division actively participates in human trafficking training sessions at United States Attorneys' Offices as part of the regular curriculum offered to Federal Bureau of Inves-

⁶⁹ See Part I, "An Introduction to Human Trafficking."

tigation, Department of Homeland Security Bureau of Immigration and Customs Enforcement, and Department of State Diplomatic Security Service agents.

- Since 2003, the Criminal Division's Child Exploitation and Obscenity Section has annually trained Assistant United States Attorneys and Federal Bureau of Investigation agents at the National Advocacy Center regarding the investigation of cases involving the commercial exploitation of minors for sex (also known as domestic child sex trafficking), child prostitution, trafficking, and sex tourism.

E. Interagency Coordination

Implementation of the President's directive to combat human trafficking requires meaningful inter-agency coordination. Much of the coordination has been accomplished through the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, and subsequently the Senior Policy Operating Group, discussed above.⁷⁰ In connection with these efforts, the Department has engaged with other federal agencies to create additional vehicles of inter-agency coordination.

The most significant achievement in this regard is the Department's support of the Human Smuggling and Trafficking Center, which is led by a steering committee comprised of representatives from the Department of Justice, including the Federal Bureau of Investigation, and the Departments of Homeland Security and State, among others. The Center provides a mechanism to bring together federal agency rep-

resentatives from policy, law enforcement, intelligence, and diplomatic areas to work together on a full-time basis to achieve increased effectiveness among federal law enforcement and to convert intelligence about human trafficking, alien smuggling, and clandestine terrorist travel into effective law enforcement activities. Analysts accomplish this function by identifying issues related to migrant smuggling or trafficking in persons and then forwarding their findings to the relevant federal agencies or interagency organizations for consideration and appropriate action. The Center has been under development since mid-2004 and, shortly thereafter, started initial operations.

In addition, the Department in July 2004 entered into a Memorandum of Understanding with the Department of Homeland Security and the Department of Health and Human Services streamlining protocols for the Health and Human Services ("HHS") certification of victims (or in the case of minors, eligibility letters) rescued in connection with Department of Justice or Homeland Security law enforcement efforts. A determination by HHS, in consultation with the Department, that victims have been subjected to a "severe form of trafficking" and are cooperating with law enforcement enables these individuals to qualify for federally-funded or administered benefits and services to the same extent as refugees.⁷¹ The agreement marked an important step toward the coordination of treatment of potential trafficking victims by agents of the Departments of Homeland Security and Justice through better information sharing. It is important to note that over 30% of the investigations initiated by the Department since 2001 were begun by agents of the Bureau of Immigration and Customs Enforcement.

⁷⁰ See Part II, "An Administration Priority," above for a discussion about the Senior Policy Operating Group.

⁷¹ Trafficking Victims Protection Act, Pub. L. No. 106-386 §§ 107(b)(1)(A), (B), and (E) (codified at 22 U.S.C. §§ 7105(b)(1)(A), (B), and (E)).