

July 2007

# HUMAN TRAFFICKING

## A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes





Highlights of [GAO-07-915](#), a report to congressional requesters

## Why GAO Did This Study

Human trafficking is a transnational crime whose victims include men, women, and children and may involve violations of labor, immigration, antislavery, and other criminal laws. To ensure punishment of traffickers and protection of victims, Congress passed the Trafficking Victims Protection Act of 2000 (TVPA), which is subject to reauthorization in 2007. The Departments of Justice (DOJ) and Homeland Security (DHS) lead federal investigations and prosecutions of trafficking crimes. As requested, this report discusses (1) key activities federal agencies have undertaken to combat human trafficking crimes, (2) federal efforts to coordinate investigations and prosecutions of these crimes, and (3) how the Bureau of Justice Assistance (BJA) supported federally funded state and local human trafficking task forces. GAO reviewed strategies, reports, and other agency documents; analyzed trafficking data; and interviewed agency officials and task force members.

## What GAO Recommends

GAO recommends that the Attorney General and Secretary of DHS develop and implement a strategic framework to enhance collaboration and the Attorney General direct BJA to develop and implement a plan to help focus technical assistance to the task forces. DOJ and DHS generally agreed with the need for enhanced collaboration, and DOJ identified steps to assist the task forces.

[www.gao.gov/cgi-bin/getrpt?GAO-07-915](http://www.gao.gov/cgi-bin/getrpt?GAO-07-915).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Robert Goldenkoff at (202) 512-2757 or [GoldenkoffR@gao.gov](mailto:GoldenkoffR@gao.gov).

## HUMAN TRAFFICKING

# A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes

## What GAO Found

Since the enactment of the TVPA in 2000, federal agencies have (1) investigated allegations of trafficking crimes, leading to 139 prosecutions; (2) provided training and implemented state and local initiatives to support investigations and prosecutions; and (3) established organizational structures, agency-level goals, plans, or strategies. For example, agencies have trained new and current personnel on investigating and prosecuting trafficking in persons crimes through their agency training academies and centers, provided Web-based training, and developed and disseminated guidance on case pursuance. Agencies have also sponsored outreach and training to state and local law enforcement, nongovernmental organizations, and the general public through a toll-free complaint line, newsletters, national conferences, and model legislation. Finally, some agencies have established special units or plans for carrying out their antitrafficking duties.

Federal agencies have coordinated across agencies on investigations and prosecutions of trafficking crimes on a case-by-case basis, determined by individual case needs, and established relationships among law enforcement officials across agencies. For example, several federal agencies worked together to resolve a landmark trafficking case involving over 250 victims. However, DOJ and DHS officials have identified the need to advance and expand U.S. efforts to combat trafficking through more collaborative and proactive strategies to identify trafficking victims. Prior GAO work on interagency collaboration has shown that a strategic framework that includes, among other things, a common outcome, mutually reinforcing strategies, and compatible policies and procedures to operate across agency boundaries can help enhance and sustain collaboration among federal agencies dealing with issues that are national in scope and cross agency jurisdictions.

To support U.S. efforts to investigate trafficking in persons, BJA has awarded grants of up to \$450,000 to establish 42 state and local human trafficking law enforcement task forces. BJA has funded the development of a train-the-trainer curriculum and a national conference on human trafficking and taken further steps to respond to task force technical assistance needs. Nevertheless, task force members from the seven task forces we contacted and DOJ officials identified continued and additional assistance needs. BJA does not have a technical assistance plan for its human trafficking task force grant program. Prior GAO work has shown the need for agencies that administer grants or funding to state and local entities to implement a plan to focus technical assistance on areas of greatest need. BJA officials said they were preparing a plan to provide additional and proactive technical assistance to the task forces, but as of June 2007 had not received the necessary approvals.

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### Abbreviations

AUSA	Assistant U.S. Attorney
BJA	Bureau of Justice Assistance
CEOS	Criminal Division/Child Exploitation and Obscenity Section
CRT/CS	Civil Rights Division/Criminal Section
DHS	Department of Homeland Security
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
FBI	Federal Bureau of Investigation
FLSA	Fair Labor Standards Act
HSTC	Human Smuggling and Trafficking Center
HTP	Human Trafficking Prosecution
ICE	Immigration and Customs Enforcement
ICE TIPS	ICE Trafficking in Persons Strategy
JTN	Justice Television Network
OVC	Office for Victims of Crime
SAC	Special Agent in Charge
TVPA	Trafficking Victims Protection Act of 2000
WHD	Wage and Hour Division

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United States Government Accountability Office  
Washington, DC 20548

July 26, 2007

The Honorable Ileana Ros-Lehtinen  
Ranking Member  
Committee on Foreign Affairs  
House of Representatives

The Honorable F. James Sensenbrenner  
House of Representatives

Human trafficking is a transnational crime whose victims include men, women, and children and may involve violations of labor, immigration, antislavery, and other criminal laws. Victims of trafficking are bought, sold, sometimes transported across national boundaries, and forced to work in legal or illegal situations, including the sex industry, sweatshops, domestic service, and agriculture, among others.<sup>1</sup> What usually distinguishes trafficking from crimes such as alien smuggling or other labor law violations is the trafficker's use of force, fraud, or coercion to compel these victims into, or hold them in, the employment situation. Despite international acknowledgment of the trafficking problem as a human rights violation, estimates of the number of victims remain questionable because of methodological weaknesses, gaps in data, and numerical discrepancies.<sup>2</sup> Since the mid-1990s, the United States has played a leading role in putting trafficking in persons on the international community's agenda and pursued trafficking crimes within the United States. By 2000, various U.S. policymakers had determined that existing U.S. statutes scattered enforcement authority across the government and did not adequately protect trafficking victims, deter trafficking, and bring traffickers to justice.

As a result, in October 2000, Congress passed the Trafficking Victims Protection Act of 2000 (TVPA) to ensure just and effective punishment of traffickers and protection of victims.<sup>3</sup> Among other things, the TVPA made

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<sup>1</sup>The terms "human trafficking" and "trafficking in persons" are often used interchangeably. In this report, we use the term "trafficking in persons," as referred to in U.S. law, except where source documents use the term "human trafficking."

<sup>2</sup>See GAO, *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad*, GAO-06-825 (Washington, D.C.: July 18, 2006).

<sup>3</sup>Pub. L. No. 106-386, div. A, 114 Stat. 1464, 1466-91 (2000).

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it illegal to obtain or maintain persons for commercial sexual activity, using force, fraud, or coercion for those 18 or over (but proof of force, fraud, or coercion is not required for those under 18), and to use certain kinds of force or coercion to provide or obtain persons for any labor or services (e.g., work in farms, factories, and households). The act also updated and supplemented existing involuntary servitude statutes used to prosecute trafficking crimes, enhanced the penalties for trafficking crimes, and provided a range of new protections and assistance for victims of trafficking. Congress reauthorized the act in 2003 and 2005, and it is subject to reauthorization in 2007.<sup>4</sup>

Nevertheless, pursuing trafficking in persons crimes continues to present special challenges to federal investigators and prosecutors. Since the primary eyewitness to and evidence of the crime is typically the trafficking victim, the first step in pursuing these crimes is usually to identify victims. Yet these victims are often hidden from view, employed in legal or illegal enterprises, do not view themselves as victims, or are considered to be criminals or accessories to crimes (e.g., prostitutes or smuggled aliens) subject to incarceration or deportation. A nongovernmental organization, average citizens, or even state and local law enforcement working in the community may be the first point of contact for a trafficking victim, rather than federal law enforcement.

Moreover, trafficking in persons cases are difficult to pursue because they are multifaceted, complex, and resource intensive. Federal agencies have to determine whether those identified as potential victims have in fact been trafficked and then secure their cooperation in order to pursue the investigation and prosecution of the traffickers. Victims may be reluctant to testify because of trauma, fear, loyalty to the trafficker, or distrust of law enforcement. Moreover, a single case may involve one or hundreds of victims, requiring housing, food, and other services from federal agencies; diverse offenses, such as violent crime, labor exploitation, sex crimes, alien smuggling, organized crime, and financial crimes; and collection of significant evidence from overseas.

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<sup>4</sup>Pub. L. No. 108-193, 117 Stat. 2875 (2003); Pub. L. No. 109-164, 119 Stat. 3558 (2006).

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Accordingly, investigating and prosecuting trafficking crimes requires collaboration<sup>5</sup> among multiple components of the Departments of Justice (DOJ) and Homeland Security (DHS) with responsibilities for investigating and prosecuting trafficking crimes. Identifying trafficking and victims can also involve collaboration between DOJ and DHS agencies and components of the Departments of Labor (DOL) and State (DOS) that may uncover information relevant to the pursuit of trafficking crimes in the course of carrying out their missions. Collaboration is also needed between federal agencies and state and local law enforcement and nongovernmental organizations. Recognizing the need to leverage these resources to identify victims and support federal efforts to pursue traffickers, DOJ's Bureau of Justice Assistance (BJA), working with the Office for Victims of Crime (OVC), implemented a competitive grant program in 2004 to fund human trafficking law enforcement task forces composed of state and local law enforcement agencies, field offices of federal agencies, and victim and social service organizations with the support of the local U.S. Attorney. As of fiscal year 2006, BJA had funded 42 task forces across the country.

As requested, to ascertain the status of U.S. efforts to investigate and prosecute trafficking crimes, this report discusses (1) key activities federal agencies have undertaken to combat trafficking in persons crimes, (2) federal efforts to coordinate investigations and prosecutions of trafficking in persons crimes and whether these efforts might be enhanced, and (3) how BJA supported federally funded state and local human trafficking task forces and whether these efforts might be improved. This review is part of a larger body of work we have conducted on U.S. efforts to combat trafficking in persons, here and abroad. A companion report that examines

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<sup>5</sup>As defined in previous GAO work, for the purpose of this report we define "collaboration" as any joint activity by two or more organizations that is intended to produce more public value than could be produced when the organizations act alone. We use the term "collaboration" broadly to include interagency activities that others have variously defined as "cooperation," "coordination," "integration," or "networking." See GAO, *Results-oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005).



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U.S. and multilateral efforts to combat human trafficking overseas was also issued today.<sup>6</sup>

To determine key activities federal agencies have undertaken to combat trafficking in persons crimes, we reviewed agency reports describing these activities and strategies and memorandums applicable to federal efforts to address these crimes. We interviewed officials from DOJ, including the Federal Bureau of Investigation (FBI), Civil Rights Division/Criminal Section (CRT/CS), Criminal Division/Child Exploitation and Obscenity Section (CEOS), and the Executive Office for U.S. Attorneys; DHS U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (CIS); DOL's Wage and Hour Division; DOS's Bureau of Diplomatic Security and Office to Monitor and Combat Trafficking in Persons; and the Human Smuggling and Trafficking Center (HSTC).<sup>7</sup> From the FBI, ICE, CRT/CS, and CEOS, we obtained and analyzed relevant data on the cases investigated and prosecuted, including numbers of cases, defendants charged, and convictions, as well as, where possible, estimates of the resources used to do so. We discussed the sources of these data with federal agency officials to determine that these data were sufficiently reliable to show trends in agencies' activities undertaken to investigate and prosecute trafficking crimes.

To determine what efforts federal agencies have undertaken to coordinate investigations and prosecutions of trafficking in persons crimes and whether these efforts might be enhanced, we reviewed pertinent documents, such as agency reports, strategies, and memorandums to field offices, which described or directed agency and interagency coordination on trafficking activities. We interviewed officials from DOJ headquarters, including FBI, CRT/CS, CEOS, and the Executive Office for U.S. Attorneys; ICE and CIS; DOL's Wage and Hour Division; DOS's Bureau of Diplomatic Security and Office to Monitor and Combat Trafficking in Persons; and

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<sup>6</sup>See GAO, *Human Trafficking: Monitoring and Evaluation of International Antitrafficking Projects Are Limited, but Experts Suggest Improvements*, [GAO-07-1034](#) (Washington, D.C.: July 26, 2007). We previously issued *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad*, [GAO-06-825](#) (Washington, D.C.: July 18, 2006).

<sup>7</sup>The Intelligence Reform and Terrorism Prevention Act of 2004 established the Human Smuggling and Trafficking Center, to be jointly run by the Departments of State, Justice, and Homeland Security, in order to collect and disseminate information to help prevent clandestine terrorist travel and facilitation of migrant smuggling and trafficking in persons. 8 U.S.C. § 1777.

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HSTC. We also interviewed field personnel from FBI, ICE, DOL, and selected U.S. Attorney's Offices. In addition, we used relevant GAO reports on enhancing interagency collaboration as criteria.

To assess how BJA has supported federally funded state and local human trafficking task forces and whether these efforts might be improved, we analyzed relevant documents and grant reports from BJA, including grant solicitations, performance reports, and Web site information; met with BJA, OVC, and CRT/CS officials to discuss the documents and technical assistance to the task forces; made site visits to three task forces; and conducted telephone interviews with key participants from four other task forces. The task forces contacted were judgmentally selected based on the length of time funded (fiscal year 2004); different levels of success, based on BJA performance measures (e.g., number of identified potential trafficking victims); and focus (e.g., trafficking for labor, sex, or both). We interviewed key task force participants (e.g., Assistant U.S. Attorneys, local and federal law enforcement, and representatives of nongovernmental organizations) from the seven task forces. Although this approach does not allow for generalizing, it provided additional information on steps federal agencies took to support state and local human trafficking task forces. In addition, we reviewed relevant GAO reports on federal agencies' administration of grants or funding to state and local entities.

We conducted our work from June 2006 through June 2007 in accordance with generally accepted government auditing standards. Appendix I presents more details about the scope and methodology of our work.

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## Results in Brief

Since the enactment of the TVPA in 2000, federal investigative and prosecutorial agencies have undertaken several key activities to combat trafficking in persons crimes, such as (1) investigating allegations of trafficking leading to 139 prosecutions;<sup>8</sup> (2) providing training, outreach, and state and local initiatives to support investigations and prosecutions; and (3) addressing agency responsibilities by establishing special units and developing agency-level goals, plans, and strategies. For example, federal agencies have provided training on trafficking in persons to their new and

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<sup>8</sup>This number does not include any CEOS/Innocence Lost National Initiative prosecutions for trafficking of U.S. children for commercial sex or trafficking prosecutions brought by U.S. Attorney's offices and not reported to CRT/CS.

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current personnel using a variety of techniques, including integrating information on trafficking into the curriculum at the respective training academies and centers, providing Web-based training through internal agency Web sites, and developing and disseminating guidance on how to pursue these cases. Agencies have also sponsored outreach and training to state and local law enforcement, nongovernmental organizations, and the general public, for example, through a toll-free complaint line, newsletters, and national conferences. Finally, ICE and CRT/CS have established special units focused on trafficking, and ICE, FBI, CRT/CS, and DOL have developed goals, strategies, or plans for carrying out their antitrafficking responsibilities.

Federal agencies have coordinated investigations and prosecutions of trafficking crimes across agencies on a case-by-case basis, but their approaches to expand the scope of efforts to combat trafficking could benefit from an overall strategic framework to help enhance and sustain interagency collaboration on trafficking in persons. Agencies have described their coordination as reactive, and coordination has occurred as determined by the needs of individual cases and the established relationships among law enforcement officials across agencies. For example, federal agencies worked together to successfully resolve a landmark trafficking case involving over 250 victims. Federal agencies identified additional activities needed to expand U.S. efforts to identify trafficking victims and institutionalize collaborative relationships among federal agencies and between federal agencies and state and local law enforcement and nongovernmental organizations. These included developing coordinated proactive approaches to identify trafficking victims; intelligence gathering; analysis of trafficking patterns; and expanding outreach to non-law-enforcement agencies, nongovernmental organizations, and other law enforcement agencies. However, the current coordinating mechanisms do not address the interagency collaboration needed for this level of expanded effort, and individual agency plans only address individual agency goals linked to agency missions—none of which is linked to a common governmentwide outcome for investigations and prosecutions of trafficking crimes. Additionally, while no single agency can bring traffickers to justice, agencies have differing views on leadership of U.S. efforts to investigate and prosecute trafficking and information sharing policies. Our previous work has shown that a strategic framework that, at a minimum, includes agencies working together toward a common outcome with mutually reinforcing strategies; agreed-on roles and responsibilities; and compatible policies, procedures, and other means to operate across agency boundaries can help enhance and sustain collaboration among federal agencies dealing with issues, such as trafficking in persons, that are national in scope and cross agency

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jurisdictions.<sup>9</sup> Establishing such a strategic framework to investigate and prosecute trafficking in persons crimes, as developed by federal agencies to address the unique challenges posed by these crimes, could help federal agencies enhance and sustain the collaboration needed to expand their efforts to combat trafficking crimes.

To support U.S. efforts to identify trafficking victims and investigate and prosecute trafficking in persons crimes, BJA established a competitive grant program to fund state and local law enforcement human trafficking task forces, but lacks a plan to identify and focus the task forces' technical assistance needs. Since 2004, BJA has awarded 42 task force grants (22 in fiscal year 2004 and 10 each in fiscal years 2005 and 2006) of up to \$450,000 each, for a 3-year period for a total of a total of \$17,324,182. According to BJA, it has used \$1,433,000 of its general funds to provide technical assistance to the task forces, including financing the development of a train-the-trainer curriculum on human trafficking, delivering training sessions using the curriculum, and funding the national conference on human trafficking held in New Orleans in October 2006. In addition BJA reported that it had taken steps to help it respond to human trafficking task force technical assistance needs, including using task force performance measures to help resolve task force performance issues; providing task forces with information to help them submit better performance data; and conducting site visits, in conjunction with other DOJ components, to some task forces. Nevertheless, DOJ officials and task force members also pointed to continued and additional technical assistance and training needs, including advanced training on techniques to facilitate law enforcement and nongovernmental organizations working together to interview trafficking victims, standardized protocols, or a Web site to facilitate information sharing among the task forces. At the time of our review, BJA did not have a technical assistance plan for its human trafficking task force initiative. Our previous work on federal grant programs has shown the need for agencies that administer grants or funding to state and local entities to implement a plan to focus technical assistance efforts on areas of greatest need.<sup>10</sup> BJA told us that it was developing a plan to provide additional and proactive technical assistance to the task forces, but as of June 2007 had not received the necessary approvals.

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<sup>9</sup>See [GAO-06-15](#).

<sup>10</sup>See GAO, *Community Services Block Grant Program: HHS Should Improve Oversight by Focusing Monitoring and Assistance Efforts on Areas of High Risk*, [GAO-06-627](#) (Washington, D.C.: June 29, 2006).

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To help ensure that the U.S. government maximizes its ability to enforce laws governing trafficking in persons, we recommend that the Attorney General and the Secretary of Homeland Security, with other agencies that support these enforcement efforts, develop and implement a strategic framework for investigating and prosecuting trafficking crimes that, at a minimum, defines and articulates a common outcome; establishes mutually reinforcing or joint strategies; agrees on roles and responsibilities; and establishes compatible policies, procedures, and other means to operate across agency boundaries. In addition, to enable BJA to better support the federally funded state and local human trafficking task forces, we recommend that the Attorney General direct the Director of the Bureau of Justice Assistance to develop and implement a plan to help focus technical assistance to the task forces.

DOJ and DHS generally agreed with the content of our report and the need for enhanced collaboration to expand U.S. efforts to investigate and prosecute trafficking crimes. Regarding our recommendation to the Attorney General and the Secretary of Homeland Security to develop a strategic framework to coordinate U.S. efforts to investigate and prosecute trafficking crimes, DOJ proposed that the report identify the need for continued collaboration, but not mandate one particular collaborative model. We acknowledged that it was not our intent to prescribe a particular collaborative model and that specific elements of and structures for developing and implementing the strategic framework would be developed by the agencies involved. We added language to our report that reinforces this point. Commenting on this recommendation, DHS said that ICE would support such a framework if certain considerations were taken into account, such as recognizing that agencies' roles in a particular case would vary by available resources, local priorities, and the nature of the case and investigation. GAO would expect that the agencies involved in developing and implementing this framework would determine how to address these considerations. DOJ identified the efforts it would be undertaking by October 1, 2007, to address our recommendation that the Attorney General call on the Director of BJA to develop a plan for providing technical assistance to the human trafficking law enforcement task forces.

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## Background

Congress passed the Trafficking Victims Protection Act of 2000 to combat trafficking in persons. As the centerpiece for U.S. antitrafficking efforts, the TVPA advanced a three-pronged victim-centered approach—prevention of trafficking, protection and assistance for victims of trafficking, and prosecution and punishment of traffickers. Among its

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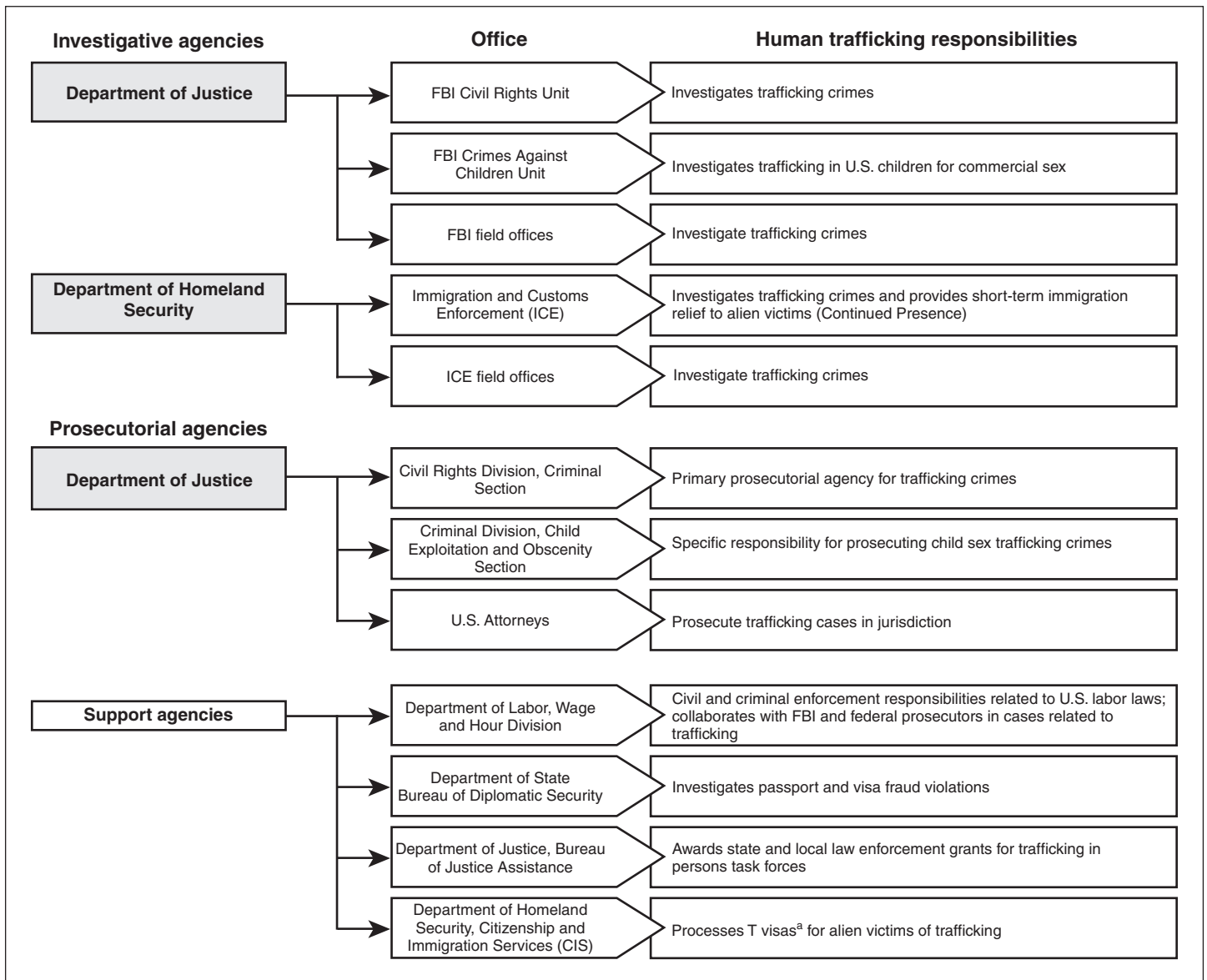
provisions, the TVPA addressed identified gaps in existing law and enhanced the tools available to pursue these crimes. Specifically, the act criminalized the obtaining or maintaining of persons for commercial sexual activity, using force, fraud, or coercion for those 18 or over (but not for those under 18), and to use certain kinds of force or coercion to provide or obtain persons for any labor or services (e.g., work in farms, factories, and households). It also included nonviolent coercion and threats of harm to third persons in federal involuntary servitude laws; made attempted trafficking crimes punishable; criminalized the holding of actual or purported identity documents in the course of committing, or with the intent to commit, any trafficking crime; and increased the maximum penalty for slavery and involuntary servitude offenses from 10 to 20 years or to a life sentence if the offense involved factors like death, kidnapping, or aggravated sexual abuse. In addition, the TVPA required restitution for victims of trafficking and forfeiture of traffickers' assets and provided legal status and special benefits to aliens certified as trafficking victims in the United States who are willing to assist law enforcement efforts against traffickers.<sup>11</sup> (App. II identifies specific statutory provisions relevant to investigating and prosecuting trafficking in persons crimes.)

Responsibilities for pursuing trafficking crimes fall to multiple federal agencies, including the FBI and ICE, which investigate these crimes; CRT/CS, CEOS, and U.S. Attorney's Offices, which prosecute traffickers; and other agencies within DHS and DOJ and components of DOL and DOS that support U.S. efforts to investigate and prosecute trafficking in persons. Figure 1 depicts these key agencies and their respective responsibilities related to the investigation and prosecution of trafficking in persons crimes.

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<sup>11</sup>Under the TVPA, certification that a victim is willing to assist law enforcement is made by the Secretary of Health and Human Services after consultation with the Attorney General. Certification is a prerequisite for benefits only for victims 18 and older.

**Figure 1: Federal Agencies with Primary Responsibilities for Investigating and Prosecuting Trafficking in Persons Crimes**



Source: GAO analysis of agency documents.

<sup>a</sup>T visas grant eligible alien victims of trafficking nonimmigrant status for up to 4 years, with the possibility of an extension.

In addition, to coordinate the implementation of the TVPA, the act directed the President to establish an Interagency Task Force to Monitor and Combat Trafficking in Persons and authorized the Secretary of State

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to create the Office to Monitor and Combat Trafficking in Persons to provide assistance to the task force. In February 2002, the President issued an executive order creating this cabinet-level task force and then in December issued National Security Presidential Directive 22, which identified trafficking in persons as an important national security issue and directed federal agencies to strengthen their collective efforts, capabilities, and coordination to support the goal of abolishing human trafficking.<sup>12</sup> Subsequently, the 2003 TVPA reauthorization statutorily established the Senior Policy Operating Group (SPOG) to address interagency policy, program, and planning issues regarding the TVPA's implementation.<sup>13</sup> In addition, HSTC, which is staffed by detailees from DHS, DOJ, DOS, and the intelligence community, among other places, collects and disseminates intelligence information to build a comprehensive picture of human trafficking.<sup>14</sup>

Pursuing trafficking investigations and prosecutions also needs the support of state and local law enforcement, who may be in the best position to find trafficking victims because of their familiarity with their respective jurisdictions, and nongovernmental organizations, from whom victims may more readily seek assistance. To leverage these resources to support federal efforts to investigate and prosecute trafficking in persons, DOJ designed, developed, and instituted a task force approach that it presented during the first National Training Conference on Human Trafficking: Rescuing Women and Children from Slavery, held in Tampa, Florida, in July 2004. DOJ invited 21 teams of 20 federal, state, and local law enforcement and nongovernmental service providers from communities that it believed to have potential trafficking problems to attend the conference. After the conference, the teams were expected to work together on human trafficking in their respective communities. To implement the approach, BJA, the DOJ component responsible for supporting local, state, and tribal efforts to achieve safer communities, developed and implemented a human trafficking law enforcement task force competitive grant program. These grants were to be awarded to state or local police agencies that work with the local U.S. Attorney's Office, federal law enforcement entities, and nongovernmental organizations that

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<sup>12</sup>National Security Presidential Directive 22 (NSPD 22), signed on December 16, 2002.

<sup>13</sup>The SPOG had previously functioned under the name Senior Policy Advisory Group.

<sup>14</sup>In December 2006, the HSTC Steering Group approved amendments to the HSTC Charter. DHS/ICE now nominates the Director. The nomination is still subject to the approval of the Steering Group.



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may come into contact with victims of trafficking. In addition, in spring 2003, the FBI's Crimes Against Children Unit, DOJ's Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children launched the Innocence Lost National Initiative in 14 U.S. cities where the FBI field offices had identified a high incidence of trafficking of U.S. children for commercial sex.

As trafficking in persons is a transnational crime, federal agencies may need to obtain information and assistance directly from individual foreign governments and through international law enforcement organizations in order to investigate and prosecute trafficking in persons cases in the United States. Multilateral and extradition treaties provide the authority for U.S. investigative and prosecutorial agencies to request information and assistance on criminal cases, including trafficking in persons, from approximately 175 individual foreign governments.<sup>15</sup> Working through ICE and FBI personnel stationed at U.S. embassies, U.S. investigative and prosecutorial agencies have obtained a broad spectrum of assistance from individual foreign governments and with such assistance have successfully prosecuted traffickers. This assistance has included obtaining documentary evidence and corroborating witness testimony, protecting U.S. trafficking victims' family members in a foreign country, apprehending fugitive traffickers, and extraditing defendants. In addition, U.S. agencies may obtain information through the International Criminal Police Organization, Interpol, which serves as a conduit for a cooperative exchange of information on criminal activities from its 186 member countries.<sup>16</sup>

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<sup>15</sup>Mutual Legal Assistance Treaties (MLAT) are intended to enable law enforcement to efficiently and effectively obtain evidence, information, and testimony from abroad in a form admissible in courts of the requesting state. Extradition treaties govern the preconditions for, and exceptions to, the surrender of a fugitive from justice found in one country to another country claiming criminal jurisdiction over the fugitive.

<sup>16</sup>Located in Lyon, France, Interpol does not maintain a force of international police officers or agents. The United States has participated in Interpol since 1938, with the authority for that participation resting with the Attorney General (22 U.S.C. § 263a). Established in 1969, the Interpol-U.S. National Central Bureau, headed since 2003 alternatively by officials from DOJ and DHS, is the central point of contact for Interpol business in the United States (Memorandum of Understanding between the U.S. Department of Homeland Security and the U.S. Department of Justice Pertaining to U.S. Membership in the International Criminal Police Organization [INTERPOL] and related matters, May 2003).

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## Federal Agencies Have Undertaken Key Activities to Combat Trafficking in Persons Crimes

Subsequent to the enactment of the TVPA, federal agencies reported 139 prosecutions<sup>17</sup> and hundreds of investigations of trafficking for commercial sex or labor as of June 2007. To support federal efforts to identify victims and investigate and prosecute these crimes, agencies (1) provided training to agency personnel to raise awareness and increase the skills needed to identify victims and pursue trafficking investigations and prosecutions, (2) carried out outreach and training to raise public awareness of and skills in identifying trafficking victims, and (3) engaged state and local knowledge and resources by funding state and local trafficking in persons task forces and developing and disseminating a model state law. In addition, to address their responsibilities related to trafficking in persons crimes, some agencies have established special units, agency-level goals, or plans or strategies. Federal investigative and prosecutorial agencies have generally drawn from existing resources to carry out these efforts (app. III provides information on resources).

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## Federal Agencies Reported a General Increase in Investigations and Prosecutions of Trafficking in Persons Beginning in Fiscal Year 2001

With the enhanced tools available to federal investigators and prosecutors as a result of the enactment of the TVPA, federal agencies reported a general increase in the number of prosecutions and investigations of trafficking in persons crimes. These data are an indicator of the level of agency effort in pursuit of these crimes, since fiscal year 2001, although they are limited by a number of factors. Trafficking crimes and their victims are hidden and not readily identifiable. Traffickers may be charged or convicted of other than trafficking crimes (e.g., kidnapping, immigration violations, or money laundering) for strategic or technical reasons. Also, limitations of agency data systems, which are primarily case management systems, may not allow for the extraction of trafficking data per se. In addition, availability of individual agencies' data may be limited by factors pertinent to that agency; for example, ICE was only established in 2003. Moreover, agency data are not comparable across agencies nor can data on investigations be linked to data on prosecutions. As a result of these limitations, however, the actual number of investigations and prosecutions that have led to the incapacitation of traffickers may be greater than the numbers that have been reported by federal agencies.

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<sup>17</sup>This number does not include any CEOS/Innocence Lost National Initiative prosecutions for trafficking of U.S. children for commercial sex or trafficking prosecutions brought by U.S. Attorney's offices and not reported to CRT/CS.

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CRT/CS reported 139 prosecutions from fiscal year 2001 to June 14, 2007,<sup>18</sup> as compared with 19 cases for fiscal years 1995 to 2000. These cases included 39 defined by CRT/CS as labor trafficking and 100 as trafficking for commercial sexual activity. According to CRT/CS officials, the number of prosecutions varies in any given year, because of differences in the complexity of the cases. (See app. IV for illustrations of the complexity of cases.) FBI and ICE provided data on numbers of trafficking cases opened. The FBI's Civil Rights Unit reported opening a total of 751 trafficking in persons cases between fiscal year 2001 and April 5, 2007. However, these data do not include investigations involving trafficking that are classified as other types of crime, for example, alien smuggling cases that also involve trafficking in persons. ICE reported opening a total of 899 trafficking in persons cases, for fiscal year 2005 through May 31, 2007.<sup>19</sup> Both FBI and ICE data may include cases involving investigations handled jointly by the two agencies. In addition, as part of the Innocence Lost National Initiative, the FBI's Crimes Against Children Unit reported 327 cases opened on trafficking of U.S. children for commercial sex between fiscal year 2004 and June 5, 2007. Appendix III presents additional data related to trafficking in persons investigations and prosecutions; including arrests; indictments; convictions; and restitution to the victims, as required under the TVPA, where appropriate.

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### Federal Agencies Have Undertaken Training, Outreach, and State and Local Initiatives to Support Federal Efforts to Investigate and Prosecute Trafficking Crimes

National Security Presidential Directive 22 directed federal departments and agencies to ensure that all appropriate offices within their jurisdiction were fully trained to carry out their specific responsibilities to combat trafficking, including interagency cooperation and coordination on the investigation and prosecution of trafficking. FBI, ICE, CRT/CS, CEOS, and DOL all reported taking steps to ensure that their personnel received appropriate training, using a variety of means to do so, including the following:

- training for new agents through the ICE and FBI training academies;

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<sup>18</sup>This number does not include any CEOS/Innocence Lost National Initiative prosecutions for trafficking of U.S. children for commercial sex or trafficking prosecutions brought by U.S. Attorney's offices and not reported to CRT/CS.

<sup>19</sup>ICE data were for a more limited time period, because the agency, which was established in 2003, had initial problems in capturing trafficking in persons data.

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- a Web-based training module, which is available to ICE agents through ICE's intranet;<sup>20</sup>
  - guidance to ICE domestic and international field offices about conducting outreach, training, and coalition building;
  - training conference sessions by the FBI Civil Rights Unit and information on trafficking in the FBI's civil rights reference guide for FBI agents;
  - training of U.S. Attorneys and other prosecutors on trafficking in persons and trafficking of U.S. children for commercial sex, at the National Advocacy Center;<sup>21</sup>
  - guidance to all U.S. Attorneys' Offices about prosecuting under the TVPA, a tool kit for prosecutors, and a law guide, developed by CRT/CS;
  - training for victim-witness coordinators, who are the federal government's liaisons to victims of federal crimes, and updating the Attorney General's victim/witness guidelines to include trafficking in persons;
  - a nationwide televised human trafficking training initiative on the Justice Television Network (JTN), initiated by CRT/CS in 2006 and continuing in 2007, transmitted from the National Advocacy Center to all 94 U.S. Attorneys' Offices. These offices and BJA-funded state and local human trafficking task forces hosted members of the law enforcement and nongovernmental organization communities to view these programs; and
  - a week-long seminar on investigating and prosecuting cases involving child sex trafficking, developed by CEOS, FBI, and the National Center for Missing and Exploited Children for the joint training of state and federal law enforcement agencies, prosecutors, and social service providers in targeted cities. This seminar is given multiple times each year.

In addition, to help identify victims of trafficking and support federal efforts to pursue trafficking investigations, agencies have used a variety of means to extend outreach and training to state and local law enforcement, nongovernmental organizations, and the general public. ICE developed laminated wallet-size cards, in five languages, identifying the differences

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<sup>20</sup>ICE agents had to take a test to show that they had completed this training. On the basis of this test information, ICE headquarters officials told us that they believed that all agents have completed the training.

<sup>21</sup>The National Advocacy Center is operated by the Department of Justice and Executive Office for United States Attorneys.

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between human smuggling and human trafficking as well as red flag indicators for human trafficking and also developed a police roll call/muster DVD describing human trafficking. CRT/CS publishes a newsletter on trafficking, available on the DOJ Web site, and in collaboration with other federal agencies and DOJ components, prepared and published the *Report on Activities to Combat Trafficking: Fiscal Years 2001-2005*. DOJ's Office of Legal Policy prepares the Attorney General's annual report to Congress on U.S. efforts to combat trafficking, as required by the TVPA of 2003, and the annual assessment of those efforts. DOJ also established, and subsequently permanently funded, a toll-free Trafficking in Persons and Worker Exploitation Complaint Line in February 2000 to provide a means for victims, witnesses, and others to report potential trafficking matters to law enforcement, get information, and obtain referrals to services in their area.<sup>22</sup> In 2004 and 2006, federal agencies sponsored and participated in national conferences on human trafficking in Tampa, Florida, and New Orleans, Louisiana, respectively.<sup>23</sup> In 2006, CRT/CS, with the Attorney General, produced the film *Give Us Freedom: Liberty and Justice for Victims of Modern Day Slavery*.

To further U.S. investigations and prosecutions of trafficking in persons crimes, federal agencies have also fostered antitrafficking efforts at the state and local levels. For example, federal agencies have sought to engage state and local law enforcement and nongovernmental organizations by funding the establishment of state and local trafficking in persons task forces that bring together local law enforcement, federal law enforcement, a U.S. Attorney, and nongovernmental victim service providers. In addition, to expand antitrafficking law enforcement authority and promote a uniform national legal strategy to combat human trafficking, DOJ developed a model state law, available on the DOJ Web site. According to DOJ, at the time of its initial dissemination in 2004, 4 states—Texas, Florida, Missouri, and Washington—had laws against trafficking in

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<sup>22</sup>The toll-free number of the Trafficking in Persons and Worker Exploitation Complaint Line is 1-888-428-7581. It is operational between 9 a.m. and 5 p.m. Eastern Standard Time. Operators have access to interpreters and can talk with callers in their own language.

<sup>23</sup>The 2006 conference was mandated by the 2005 TVPA reauthorization act.

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persons. As of June 2007, 31 states had enacted antitrafficking in persons legislation.<sup>24</sup>

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### Individual Federal Agencies Have Established Special Units, Agency-level Goals, or Plans or Strategies to Address Trafficking in Persons Responsibilities

National Security Presidential Directive 22 directed all federal agencies to develop and promulgate plans to implement the directive by March 2003. Plans for DOJ, DHS,<sup>25</sup> DOL, and DOS enumerate activities relevant to the investigation and prosecution of trafficking in persons. Additionally, some agencies have undertaken various steps to address their respective responsibilities related to the investigation and prosecution of trafficking in persons, including establishing special units that focus on trafficking in persons, agency-level goals, or plans or strategies. In doing so, each of these agencies has defined its responsibilities for pursuing trafficking crimes in accordance with its broader agency mission.

Both ICE and CRT/CS have established specialized units focused on trafficking in persons. The ICE Office of Investigations' Human Smuggling and Trafficking Unit, consisting of a unit chief, with a staff consisting of program managers who oversee programmatic and operational issues globally, and victim witness coordinators, oversees ICE's efforts to identify criminal smuggling and trafficking organizations, prioritizes investigations based on risk factors, coordinates field office investigations into those targeted organizations, and coordinates victim assistance through approximately 300 of ICE's collateral-duty victim witness coordinators.<sup>26</sup> On January 31, 2007, the Attorney General and the Assistant Attorney General for the Civil Rights Division announced the formation of a special Human Trafficking Prosecution (HTP) Unit within CRT/CS. According to CRT/CS officials, the unit is to continue to play a role in coordinating intra-DOJ and interagency trafficking efforts (e.g., with ICE); develop new strategies to increase human trafficking investigations and prosecutions throughout the nation; enhance DOJ's investigations and prosecutions of trafficking crimes by pursuing cases that are multijurisdictional or involve financial crimes; and also continue

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<sup>24</sup>The states are Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, and Washington.

<sup>25</sup>DHS was established in March 2003.

<sup>26</sup>ICE defines collateral duty as an additional part-time duty assigned outside the agent's or officer's regular duties, as the need arises.

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to engage in training, technical assistance, and outreach initiatives to federal, state, and local law enforcement and nongovernmental organizations.

The primary investigative agencies for trafficking in persons have laid out goals and activities for combating this crime. The top goal of ICE's trafficking in persons efforts—to disrupt and dismantle criminal organizations involved in trafficking, including intelligence gathering on these organizations—is aligned with DHS strategic goals of assessing vulnerabilities and mitigating threats to the homeland. In addition, ICE's trafficking goals of seizing assets of criminal organizations and rescuing and protecting victims of trafficking follow ICE's top goal. The FBI's Strategic Plan 2004-2009 identifies investigations of trafficking in persons crimes as a rising priority under its responsibility to enforce civil rights protections. In addition, the FBI Civil Rights Unit specifies the strengthening of its intelligence base on trafficking activity as a top priority among its programmatic goals and emphasizes coordination with other law enforcement entities and partnerships with nongovernmental organizations in pursuing trafficking investigations.

Furthermore, both ICE and FBI have disseminated guidance on handling trafficking cases to their agents in the field. In December 2006, the ICE Director of Investigations disseminated to Special Agents in Charge (SACs) and ICE personnel assigned to U.S. embassies the ICE Office of Investigations' new strategy document for combating trafficking in persons, entitled ICE Trafficking In Persons Strategy, or ICE TIPS. ICE TIPS emphasizes outreach and education on ICE's role in trafficking investigations and ability to issue Continued Presence, a mechanism for authorizing victims without legal immigration status to remain in the United States; collaborations with other law enforcement entities and nongovernmental service providers, including task force participation; and performance evaluation to focus and refine ICE's efforts. In May 2007, additional guidance from the ICE Office of Investigations and the ICE Office of International Affairs was sent to SACs and ICE personnel assigned to U.S. embassies overseas. The guidance provided direction on outreach, training, coordination, and coalition building and mandated periodic reporting of efforts to ICE headquarters. The FBI's guidance is contained in its Civil Rights Program Reference Guide, the fiscal year Civil Rights Program Plan, and memorandums to the field. The fiscal year 2007 Civil Rights Program Plan provides information similar to that contained in ICE TIPS and encourages working partnerships with other law enforcement entities and nongovernmental service providers, including providing training to these groups.

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As the lead prosecutorial agency for trafficking in persons, CRT/CS identified three levels of strategic planning for its trafficking efforts. DOJ's Strategic Plan (Fiscal Years 2003-2008) lays out broad goals and performance measures. Specifically, CRT/CS's efforts on trafficking in persons fall under goal two—enforce federal laws and represent the rights and interests of the American people, strategic objective 2.4—to uphold the civil and constitutional rights of all Americans and protect vulnerable members of society. According to the strategy, the Civil Rights Division intends to protect new immigrants to America by, among other things, vigorously prosecuting those who exploit their vulnerability through trafficking in persons, including increasing efforts to combat the criminal trafficking of children and other vulnerable victims, through more intensified efforts and interagency coordination. To achieve DOJ's strategic goals and objectives, CRT/CS's fiscal year 2007 internal priorities document lays out activities to be undertaken in three areas— investigation and prosecution; outreach and training; and policy development, including intergovernmental coordination. In addition, DOJ communicates direction and guidance on handling trafficking in persons cases through internal DOJ memorandums between CRT/CS and U.S. Attorneys, including guidance to U.S. Attorneys on how to prosecute trafficking cases, memorandums between CRT/CS and the FBI, and memorandums between DOJ and other federal agencies.<sup>27</sup>

In addition, DOL's Wage and Hour Division has an internal plan that addresses its role in federal interagency trafficking efforts. The plan presents current goals and measures for the division's involvement with human trafficking task forces in investigations, as appropriate with its mission, and in assisting trafficking victims in securing restitution, as well as long-term goals and measures for increasing these efforts.

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<sup>27</sup>For example, DOJ, DHS, and the Department of Health and Human Services have a memorandum of understanding on the basic functions and interrelationships of the departments as they relate to certification of persons as victims of a severe form of trafficking under the TVPA.



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## Federal Agencies Have Coordinated on Individual Trafficking Cases, but a Strategic Framework Could Help Further and Sustain Interagency Collaboration

Recognizing that investigating and prosecuting trafficking cases can be complex and multifaceted activities, federal agencies have taken steps to coordinate their efforts to leverage the expertise and resources required to resolve these crimes. Coordination of investigations and prosecutions has usually occurred as determined by the needs of the individual cases and personal relationships established between law enforcement officials across agencies. However, DOJ and DHS officials acknowledged the need to expand the scope of their efforts to investigate and prosecute trafficking crimes by, for example, undertaking proactive measures to identify trafficking victims and multijurisdictional and international trafficking in persons investigations and prosecutions. Pursuing such efforts requires more strategic collaboration among agencies, since no one agency can carry out these efforts alone. Our prior work has shown that a strategic framework that would include, at a minimum, a common outcome and mutually reinforcing strategies; agreed-on roles and responsibilities; and compatible policies, procedures, and other means to operate across agency boundaries can help agencies enhance and expand collaboration on issues that are national in scope and cross agency jurisdictions.<sup>28</sup> However, the mechanisms that are currently in place to facilitate interagency cooperation on human trafficking do not address the greater collaboration needed for the expanded level of effort to investigate and prosecute trafficking crimes. Establishing such a strategic framework to investigate and prosecute trafficking in persons crimes, as developed by federal agencies to address the unique challenges posed by these crimes, could help federal agencies enhance and sustain the collaboration needed to expand their efforts to combat trafficking crimes.

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## Federal Agencies Have Coordinated Trafficking Efforts on a Case-by-Case Basis

According to DOJ and DHS officials, in practice, agency coordination of investigations and prosecutions of trafficking in persons has occurred on a case-by-case basis. CRT/CS, CEOS, ICE, and FBI officials acknowledged that investigating and prosecuting trafficking in persons crimes made it necessary for federal agencies to work with one another and with state and local law enforcement, who were often the first ones to discover possible evidence of trafficking, and with nongovernmental organizations that provided assistance to the victims. Federal officials emphasized that they knew whom to call; for example, the victim-witness coordinators in ICE and CRT/CS know each other; ICE and FBI investigators knew the names of prosecutors in CRT/CS.

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<sup>28</sup>See [GAO-06-15](#).

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ICE and FBI officials explained that they sometimes worked joint investigations or investigated different aspects of a case. For example, in one case, while ICE agents rescued the victims in one location, the FBI was investigating related brothel operations in other cities. Through their detailees to the HSTC, ICE and FBI may determine whether the two agencies may be working on a related case. Agents in the field may also contact their counterparts at other agencies to ascertain whether they are working on a similar case. DOL Wage and Hour Division officials told us that if they identified a potential trafficking situation, they would notify the FBI and the respective U.S. Attorney and the FBI might take over responsibility for the case, as DOL's Wage and Hour Division does not carry out criminal investigations related to trafficking in persons. In addition, victim witness coordinators across DOJ and DHS are in regular contact with each other to ensure victim care and services from the point of victim identification through investigation and prosecution.

Investigative and prosecutorial agencies also work with nongovernmental agencies. For example, ICE officials said that they shared information with nongovernmental organization interviewers who helped the investigators determine which potential trafficking victims were actual victims and which were "victim enforcers" who were swept up in the raid but worked for the traffickers. CRT/CS and U.S. Attorney's Offices prosecute the cases developed by the investigative agencies. In addition, under the auspices of the Innocence Lost National Initiative, FBI investigators from its Crimes Against Children Unit, the National Center for Missing and Exploited Children, and CEOS prosecutors have joined forces with state and local law enforcement through the establishment of formal or ad hoc task forces in 23 cities across the country, as a grassroots operation to work on cases of trafficking of U.S. children for commercial sex.

Two noteworthy trafficking cases illustrate the breadth and diversity of coordination and cooperation that occurs in pursuit of these crimes. For example, the prosecution of Kil Soo Lee brought together FBI investigators, DOL investigators from the Wage and Hour Division and the Occupational and Safety and Health Administration, CRT/CS prosecutors, and some nongovernmental organizations and resulted in the largest trafficking case brought to date. In a separate case, Gerardo Flores Carreto and Josue Flores Carreto were each sentenced to 50 years in prison in a case involving coordination among ICE, DOJ, international nongovernmental organizations, as well as the Mexican government. (See app. IV.)

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In addition to interacting as needs emerge, officials told us that various law enforcement procedures and protocols are in place to foster coordination. Upon initiating a trafficking in persons investigation, ICE and the FBI notify the local U.S. Attorney to determine if enough evidence exists to pursue a federal trafficking in persons prosecution. Moreover, U.S. Attorneys are required to report civil rights cases, including trafficking in persons cases, to CRT/CS, which then determines whether to accept the U.S. Attorney's staffing recommendation. In addition, DHS, DOJ, and the Department of Health and Human Services signed a memorandum of understanding that lays out the basic responsibilities and functions of the departments as they relate to the certification of victims' eligibility for certain federal benefits.

Federal agencies have also developed tools to facilitate interagency coordination and even coordination with state and local law enforcement and nongovernmental organizations in trafficking cases, usually on a case-by-case basis. According to DOJ and DHS officials, training is provided to these stakeholders prior to raids; operations manuals are prepared both for law enforcement and victim-witness coordinators.

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### A Strategic Framework Could Be Important to Implementing Expanded Approaches to Combating Trafficking

Although federal agencies have successfully coordinated on a case-by-case basis to investigate and prosecute trafficking crimes, officials described their approach to trafficking investigations and prosecutions as usually being reactive and acknowledged the need for additional proactive approaches to enhance interagency efforts to investigate and prosecute trafficking crimes. DOJ and DHS senior officials identified the need to expand the scope of efforts, including taking proactive measures to identify trafficking victims (e.g., expanding outreach to additional law enforcement agencies and nongovernmental organizations) and pursuing multijurisdictional and international trafficking in persons investigations and prosecutions. These efforts require more strategic collaboration among agencies, since no one agency has the authority to carry out these efforts alone. However, the current coordinating mechanisms and National Security Presidential Directive 22 do not address the greater collaboration needed for this level of expanded effort, and individual agency plans only address individual agency efforts—none of which is linked to a common governmentwide outcome to address the investigation and prosecution of trafficking crimes. Additionally, differing perceptions among agencies exist on leadership and roles and responsibilities surrounding some of these expanded efforts.

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Federal Agencies Identified  
Need for Expanded  
Approaches

As our previous work has shown, a strategic framework that includes agencies working together toward a common outcome with mutually reinforcing strategies, agreed-on roles and responsibilities, and compatible policies and procedures can help enhance and sustain collaboration among federal agencies dealing with issues, such as trafficking in persons, that are national in scope and cross agency jurisdictions.<sup>29</sup> In light of the unique challenges posed by trafficking in persons investigations and prosecutions, we acknowledge that a framework to address the investigation and prosecution of trafficking crimes needs to be flexible and incorporate different types of collaborative mechanisms. The agencies involved would determine the specifics of the elements enumerated above, any additional elements to be included in the framework, and the structures for developing and implementing such a framework.

DOJ and DHS officials acknowledged the need to expand the scope of U.S. efforts to combat trafficking crimes by developing proactive approaches to identify trafficking victims (e.g., expanding outreach to non-law enforcement agencies, nongovernmental organizations, and other law enforcement agencies), pursuing multijurisdictional and even international trafficking in persons investigations and prosecutions, and establishing mechanisms for consistent communications and information sharing among agencies.

Because trafficking victims are hidden and difficult to find, but are also the primary source of evidence of trafficking crimes, agency officials underscored the need to develop proactive approaches to identify trafficking victims in order to increase investigations and prosecutions. While current efforts to pursue trafficking crimes have drawn on the support of other federal agencies that do not have specific law enforcement functions or have benefited from the collaboration between law enforcement and nongovernmental organizations, officials expressed the desire to expand these efforts. For example, CRT/CS officials told us that they would like to prosecute more labor trafficking cases, but these situations were difficult to identify. While CRT/CS has worked with DOL's Wage and Hour Division on trafficking cases, such as the Kil Soo Lee prosecution, they hoped to work with DOL to proactively identify potential trafficking situations, possibly during Wage and Hour's self-initiated investigations of low-wage work sites. However, DOL officials said that to do so, the agencies would need to develop an approach that included

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<sup>29</sup>See [GAO-06-15](#).

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regional planning and further training of DOL's program managers. This level of collaboration and planning could benefit from mutually reinforcing strategies or a joint strategy to identify additional victims of labor trafficking.

In addition, the main goal of ICE's outreach efforts to state and local law enforcement, nongovernmental organizations, and foreign partners is identifying victims. While there are several jurisdictions across the country that are currently combating trafficking crimes in their communities, DOJ and DHS officials recognized the need to expand their outreach and training efforts to other law enforcement and non-law enforcement entities to identify victims and increase the number of investigations and prosecutions. Currently, coordination among agencies on training and outreach is largely episodic. However, developing collaborative outreach and training strategies to incorporate state and local law enforcement, nongovernmental organizations, and foreign partners, among others, could allow agencies to expand their efforts while making the best use of agencies' resources.

DOJ officials also told us that they hoped to expand federal antitrafficking efforts by pursuing multijurisdictional and international investigations and prosecutions. For example, CRT/CS officials told us that they were striving to enhance investigations and prosecutions of significant trafficking in persons and slavery cases, such as multijurisdictional cases and those involving financial crimes. To do so, CRT/CS has engaged in training activities for federal prosecutors across the country to institutionalize ways to combat trafficking and allow CRT/CS attorneys to focus on multijurisdictional cases. However, CRT/CS has also been actively involved in the training of investigators, task forces, and foreign officials, as well as carrying out their responsibilities to prosecute trafficking cases. Folding CRT/CS's training and outreach efforts into a broader and more collaborative training and outreach strategy could disperse responsibility for training to other federal partners who are also engaging in training and outreach efforts.

The DOJ officials identified the need to establish mechanisms for consistent communication and information sharing. While FBI officials said that case-by-case coordination between some field offices on individual trafficking cases was good, they said that there was also a lack of consistency in information sharing and communication among field offices. DOJ officials also cited the need to maintain information in a central repository to enhance tracking of the movements of traffickers and victims. For example, CEOS identified the lack of such a repository of

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information on trafficking and an institutionalized policy on information sharing as factors that can inhibit trafficking investigations. Working collaboratively with counterparts in the field and across agencies at the national level to establish mechanisms for consistent communication and information sharing could be incorporated into a strategic framework. Additionally, FBI and ICE officials pointed to the need to pursue information about trafficking organizations back to their country of origin and identify trafficking patterns in order to enhance efforts to dismantle trafficking organizations. However, HSTC officials told us that the intelligence community is not collecting as much information on trafficking as it is on other issues, such as human smuggling. HSTC officials also said that if HSTC could increase its analytical capability, it would be able to expand its current collection and dissemination of intelligence information on trafficking to develop more products and in so doing provide a more valuable resource to law enforcement and the intelligence community, among others. CRT/CS officials told us they are working with the FBI to obtain information that would help identify trafficking networks. With intelligence information from traditional intelligence sources being limited, agencies could work toward achieving their goal of tracking trafficking patterns and dismantling trafficking organizations by establishing collaborative practices to obtain needed information to support proactive investigations of trafficking crimes.

### Expanded Approaches Can Be Linked to a Common Outcome with Mutually Reinforcing Strategies

A strategic framework could promote a collaborative effort to define and articulate a common federal outcome for investigations and prosecutions of trafficking crimes. Agencies have identified agency-level goals and proactive approaches to expand their current efforts to combat trafficking crimes, but none of these approaches is linked to a governmentwide outcome defined by the key federal agencies that investigate and prosecute trafficking crimes. Our previous work on effective interagency collaboration has demonstrated that having a clearly defined governmentwide outcome could help align specific goals across agencies.

While National Security Presidential Directive 22 instructed federal agencies to develop and promulgate plans to implement the directive, agencies primarily developed lists of activities that indicated individual agency efforts, and the plans, taken together, did not cut across agency boundaries and lead toward a common governmentwide outcome. As we have illustrated in our work related to national strategies to combat terrorism, a governmentwide outcome could hinge on an ideal “end-state” followed by a logical hierarchy of major goals, subordinate objectives, and

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specific activities to achieve results.<sup>30</sup> Gathering intelligence on traffickers, dismantling trafficking rings, increasing prosecutions, and rescuing victims can be activities linked to broader objectives to achieve a common outcome for investigations and prosecutions of trafficking crimes, but at this time, agencies have not collectively articulated what that outcome might be. The scope of U.S. governmentwide efforts to investigate and prosecute trafficking crimes can be linked to a common outcome to provide an accountability framework.

Our prior work has shown that without a clearly defined outcome, it may be difficult to overcome significant differences in agency missions, cultures, and established ways of doing business. For example, pursuing trafficking investigations and prosecutions involves collaboration between law enforcement and nongovernmental organizations that typically do not work together. Identifying a unified federal outcome for investigations and prosecutions of trafficking crimes could help align the goals and sustain the support of these agencies and organizations, thereby enhancing investigations and prosecutions.

Our work has shown that after identifying a common outcome, collaborating agencies need to establish strategies that work in concert with those of their partners or are joint in nature. Such strategies help in aligning the partner agencies' activities, core processes, and resources to accomplish the common outcome. Some individual agencies have developed their own strategies to combat trafficking and implement the proactive approaches to expand current activities, but strategies have not been linked to a common governmentwide outcome for investigations and prosecutions of trafficking crimes. Since no single agency is undertaking these initiatives alone, mutually reinforcing strategies could help agencies better align their activities and resources to accomplish a common outcome.

### Roles and Responsibilities Can Be Clearly Defined through a Strategic Framework

As federal agencies expand their approaches to investigating and prosecuting trafficking crimes, a strategic framework could assist in clarifying respective roles and responsibilities. Such a framework could be important to ensure that agencies understand who will do what and help to reconcile differing perceptions of leadership that exist among the agencies on combating trafficking crimes.

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<sup>30</sup>See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, [GAO-04-408T](#) (Washington, D.C.: Feb. 3, 2004).

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Our prior work has shown that generally agencies can enhance their collaboration by working together to define and agree on their respective roles and responsibilities, including how the collaborative effort will be led. Nonetheless, existing interagency collaborative mechanisms are not positioned to support the greater collaboration needed to coordinate expanded U.S. efforts to investigate and prosecute trafficking in persons. The Interagency Task Force to Monitor and Combat Trafficking, the SPOG, and SPOG working groups facilitate governmentwide policy on human trafficking. However, operational coordination on investigations and prosecutions of trafficking in persons rests with criminal justice personnel and currently occurs on a case-by-case basis. HSTC is an information clearinghouse and facilitates information sharing among investigative and prosecutorial agencies working on trafficking. HSTC is also available to assist agencies to avoid duplication of efforts by querying an array of participating agency databases to determine if more than one agency has an ongoing interest or open investigation on a specific target. The Trafficking in Persons and Worker Exploitation Task Force was involved in both policy and operations, but at the time of our review, DOL told us it understood that the task force was no longer functioning, and CRT/CS officials said they were in the process of reinvigorating DOJ's relationship with DOL on this issue.

Furthermore, developing a strategic framework could help reconcile differing perceptions of who is in charge in coordinating antitrafficking investigations and prosecutions. Specifically, CRT/CS and investigative agencies perceived the interagency leadership role in pursuing trafficking crimes differently. CRT/CS officials told us that its newly formed Human Trafficking Prosecution Unit was positioned to take the leadership role in coordinating trafficking efforts across the federal agencies because investigative agencies historically work with CRT/CS prosecutors to complete cases. While FBI officials acknowledged CRT/CS as the leader on trafficking in persons, they also said that leadership needs to cut across agencies, since no one agency carries out trafficking cases alone. ICE officials said that agencies are all equal partners in the effort to combat trafficking and that while CRT/CS may take the lead on prosecutions, the investigative agencies each take the lead on their own investigations, or work jointly on joint investigations, until they are handed to prosecutors. ICE officials also did not perceive the need for leadership beyond the SPOG for U.S. policy on trafficking, but acknowledged that the SPOG did not have oversight for investigations and prosecutions because of law enforcement sensitive matters. ICE officials suggested that should a problem with investigations and prosecutions arise, the SPOG could create a subcommittee to deal with these issues. However, according to



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Establishing Compatible Policies, Procedures, and Other Means to Operate across Agency Boundaries

DOJ officials, because investigative and prosecutorial agencies are governed at the operational level by confidentiality rules (e.g., grand jury secrecy) and limitations on sharing law enforcement sensitive information, the SPOG or its working groups were not appropriate vehicles for leading collaborative operational efforts to investigate and prosecute trafficking in persons. Since no one agency will be able to accomplish the steps identified to further U.S. efforts to combat trafficking on its own, collaboration among agencies will need to go beyond the current case-by-case coordination and views on leadership.

Our prior work has shown that a strategic framework could also foster efforts to devise compatible standards, policies, procedures, and information systems that will be used in collaborative efforts for a range of topics across federal agencies. As agencies move forward in their efforts to expand current activities to investigate and prosecute trafficking crimes, such as tracking trafficking cases or addressing the limitations posed on current coordinating mechanisms, agencies could work jointly and consult with other stakeholders to determine what information on trafficking could be collected and shared as policies and procedures for developing information systems are being planned and created. Additionally, agencies working together to establish policies and procedures to provide guidance on how to achieve maximum coordination and cooperation across agencies to investigate and prosecute trafficking crimes, including the exchange of information, would address current inconsistencies that exist among the field offices of federal investigators.

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BJA Has Helped Support Federally Funded State and Local Human Trafficking Law Enforcement Task Forces, but Lacks a Plan to Identify and Focus Technical Assistance Needs

To help coordinate U.S. efforts to identify trafficking victims, get needed services to victims of trafficking, and investigate and prosecute trafficking in persons crimes in communities across the country, BJA established a program to fund state and local law enforcement human trafficking task forces. Each task force was to develop a strategy to raise public awareness, identify more victims, and establish protocols among government agencies and service providers and to meet related performance measures. Since 2004, BJA has awarded grants of up to \$450,000 for a 3-year period to each of 42 task forces. BJA reported using its general funds to support some technical assistance to the task forces (e.g., sponsoring the development of a train-the-trainer curriculum on human trafficking and funding a national conference) and taking further steps to help respond to task force technical assistance needs. However, task force members we contacted and DOJ officials pointed to continued and additional technical assistance needs. BJA does not have a technical assistance plan for its human trafficking grant program. Our previous

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work has shown the need for agencies that administer grants or funding to state and local entities to implement a plan that focuses technical assistance and training efforts on areas of greatest need. BJA officials told us that they recognized the need for a technical assistance plan for its human trafficking initiative and had begun to prepare a plan to provide additional and proactive technical assistance to the task forces.

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### BJA Funds State and Local Law Enforcement Human Trafficking Task Forces to Support Investigations and Prosecutions of Trafficking Crimes

In 2004, BJA established a program to fund state and local law enforcement human trafficking task forces to help support U.S. efforts to identify trafficking victims and investigate and prosecute trafficking in persons crimes in communities across the country. Working with OVC, which was already providing assistance to victim service providers serving trafficking victims, BJA solicited applications from state and local law enforcement for fiscal year 2004, and then again for fiscal years 2005 and 2006. Each task force was to develop a strategy that included the following: (1) a memorandum of agreement outlining the respective roles and responsibilities of the participating agencies and ensuring coordination and involvement of the local U.S. Attorney; (2) training materials for first responding officers and investigators, including written protocols and resource manuals to enhance coordination and information/resource sharing among law enforcement and victim service providers to identify and assist human trafficking victims; (3) distinct protocols for resource referral and service provisions for U.S. versus alien victims of human trafficking; and (4) definition of the role of law enforcement and service provider partners in training others in the community. The task forces were to meet specific program goals and performance measures focused on identification of and assistance to victims, training of law enforcement in the identification of victims, public awareness and outreach, and identification and collaboration with community stakeholders. Grantees were required to collect and report data on performance measures, including the number of potential and assisted trafficking victims; DHS applications made to obtain trafficking victims' benefits; law enforcement personnel and others trained; presentations given to law enforcement and the general public; service providers, community support groups, and community education groups identified; and memorandums of agreement signed.

Under its human trafficking task force initiative, BJA has funded a total of 42 law enforcement task forces on human trafficking—22 in fiscal year

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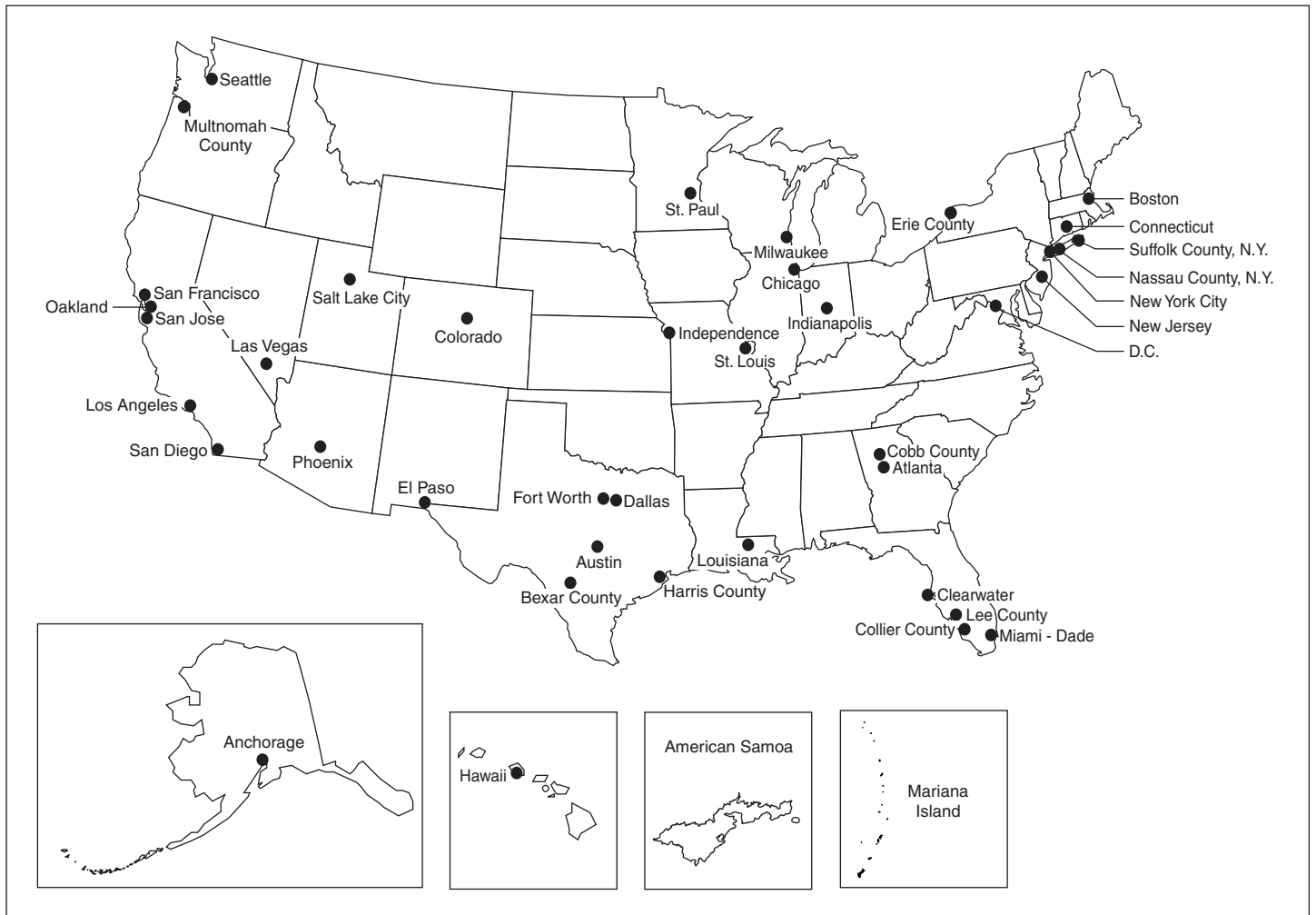
2004 and 10 in each of fiscal years 2005 and 2006.<sup>31</sup> Each task force grant award was for up to \$450,000 for a period of 3 years. BJA reported awarding a total of \$17,324,182 to the 42 task forces. The core membership of each task force includes federal, state, and local law enforcement; the U.S. Attorney's Office; and nongovernmental organizations. However, the task forces vary, as evidenced by those we contacted, with respect to which federal agencies participate—FBI, ICE, DOL, or others; the number of state or local law enforcement agencies involved—a single or multiple police departments and sheriff's offices; and the number of nongovernmental groups. As shown in figure 3, the 42 task forces are located in 25 states, two territories, and the District of Columbia.<sup>32</sup>

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<sup>31</sup>According to BJA and OVC officials, the task force grants are funded with a portion of the funds appropriated under the TVPA to develop, expand, or strengthen victim service programs for victims of trafficking. The agency's goal in using a portion of the funds in this way is to make services available to more victims by identifying more victims and then connecting them with needed services.

<sup>32</sup>The BJA task forces are not the universe of human trafficking task forces directed toward law enforcement. For example, Philadelphia and Pittsburgh also have task forces. In addition, in 23 cities formal or informal task forces have been established as part of the Innocence Lost National Initiative on the trafficking of U.S. children for commercial sex. However the 42 BJA-funded task forces are considered to be part of the overall federal effort to investigate and prosecute trafficking in persons.

**Figure 2: BJA-Funded Human Trafficking Law Enforcement Task Forces**



Source: GAO analysis of agency documents.

### BJA Has Provided Some Technical Assistance to the Task Forces

To support its grant programs, BJA can provide technical assistance to any justice-related state, tribal, or local agency or organization through on-site and off-site technical assistance; peer-to-peer information exchange and mentoring; publication drafting and dissemination; information sharing; aid with developing conferences, workshops, and training events; and curriculum development. According to BJA officials, technical assistance is available to human trafficking task forces, but BJA did not receive any

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specific funds to support its technical assistance to the human trafficking law enforcement task forces.<sup>33</sup> BJA reported using \$1,433,000 of its general funds to finance the development of a train-the-trainer curriculum on human trafficking, deliver training sessions using the curriculum, and fund the national conference on human trafficking held in New Orleans in October 2006.<sup>34</sup>

The train-the-trainer curriculum, prepared by the Institute for Intergovernmental Research to promote law enforcement awareness of human trafficking in the United States, was completed in October 2004. The curriculum included CD-ROMs with PowerPoint slides, instructor notes, and lists of additional resources. It addressed the following topics: introduction to human trafficking; legal overview; investigative considerations, including investigative techniques for trafficking cases; the roles of victim service providers in trafficking cases; immigration issues; interagency cooperation; and engaging the community. The curriculum was used to train trainers, including task force members, at BJA-sponsored train-the-trainer sessions held in California, Florida, and Illinois between November and April 2005, and a Human Trafficking Conference in Houston, Texas, in February 2005. According to BJA, some task force members attended the sessions and all 22 task forces funded at that time were represented at the Houston conference. The trainers were to use the curriculum to train law enforcement in their respective communities.

BJA worked with other DOJ components, DHS, and DOL, among others, to put on the national trafficking conference in New Orleans. The plenary and breakout sessions provided information on various aspects to trafficking—investigative strategies, victims services, and interviewing

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<sup>33</sup>The TVPA allows 2 percent of the funds appropriated for the grants for victim service programs for trafficking victims to be set aside for training and technical assistance each fiscal year. For fiscal years 2002 through 2006, DOJ received approximately \$10 million for the TVPA grants, which means that approximately \$200,000 (less rescissions and other allocations) were available for each fiscal year for training and technical assistance. OVC awarded Safe Horizon, a nongovernmental organization, a grant to provide technical assistance to victim service providers funded under the program. According to OVC, Safe Horizon was given a total of \$596,595 for fiscal years 2002, 2003, and 2004. OVC officials also told us that OVC and BJA expect to award remaining technical assistance funds from subsequent fiscal years to provide technical assistance to both OVC and BJA human trafficking grantees. In the interim, Safe Horizon does provide some technical assistance to task force grantees, according to OVC officials.

<sup>34</sup>BJA reported that it relied on funding from deobligated accounts at one time made available by the Office of the Assistant Attorney General.

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witnesses, among others. According to DOJ officials, sessions were specifically held for the task forces in addition to the public conference program. During these sessions, task force participants discussed such issues as collaboration and reporting progress using BJA's performance measures.

In addition, BJA reported further steps taken to respond to the technical assistance needs of the task forces. According to BJA officials, task force grantees could request technical assistance by submitting the form found on the BJA Web site. BJA also reported if the data submitted by a task force in its semiannual report indicated the existence of performance problems, BJA would make routine calls to the particular task force to help resolve the issues or obtain additional information so that BJA could work with CRT/CS, OVC, or the appropriate U.S. Attorney's Office on these matters. Also, having recognized that some task forces were experiencing difficulties in collecting and reporting data on its performance measures (e.g., identifying the number of trafficking victims), BJA sponsored a special session on this topic during the New Orleans conference. According to BJA officials, after the conference it distributed to the task forces the materials used during the session. Furthermore, between 2006 and 2007, BJA, sometimes working in conjunction with OVC, conducted site visits to 8 of the 42 task forces. The site visits provided the opportunity for BJA to identify challenges task forces were having, such as developing or implementing training for law enforcement, that might be addressed through training or technical assistance. In addition, CRT/CS reported that, in coordination with BJA, its attorneys had provided technical assistance and training to all but 8 of the task forces.

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### Continuing and Additional Task Force Technical Assistance Needs Were Identified

DOJ officials and task force members we interviewed identified continuing and additional task force technical assistance and training needs. BJA said that it was aware of this need from weekly phone conversations with task force members; site visits to task force jurisdictions; and conversations with U.S. Attorneys, CRT/CS, and OVC. Continuing and additional technical assistance needs identified by DOJ officials and task forces we contacted included (1) substantive training about trafficking crimes and trafficking victims and (2) technical assistance and training to help task forces develop the components in their strategies required under their grants.

DOJ officials and members of task forces we contacted suggested a range of training on substantive topics related to human trafficking. They acknowledged that there would always be a need for basic training on

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trafficking issues, as new task forces were formed, existing task forces reached out to new participants, and individuals participating in the task forces changed over time. In addition, to enhance the capacity of the task forces to support investigations and prosecutions of trafficking crimes, they identified the need for advanced training on such topics as seizing and forfeiting traffickers' assets, techniques to facilitate law enforcement and nongovernmental organizations working together to interview trafficking victims, and techniques for interviewing child victims of sex trafficking. To expand their ability to identify more trafficking victims, DOJ officials and some task forces we contacted pointed to the need for training of other agency personnel, such as other law enforcement, hospital workers, and social services personnel, who in the course of their jobs might come into contact with trafficking victims. They also indicated that it was sometimes necessary to tailor training and technical assistance to specific populations. For example, training could be focused on potentially vulnerable populations within the community where a task force was located (e.g., farm labor, restaurant workers, domestic service workers, alien victims, and U.S. children trafficked for commercial sex) or trafficking populations that have typically been more difficult to find, specifically victims of labor trafficking.

By requiring each task force grantee to lay out a strategy to raise public awareness of trafficking, identify more victims, and establish protocols among government agencies and service providers, BJA demonstrated its awareness of the need for the task forces to have a mechanism to coordinate activities and operations in order to achieve program goals. Task force members we interviewed provided examples of the challenges they had confronted in addressing the various elements of their task force strategy. For example, some task force members said that after 2 years of BJA funding they were still trying to iron out protocols covering roles and responsibilities; experiencing tensions among key players on the task force, including nongovernmental organizations; or relying on informal contacts based on who knew whom or pre-established relationships among task force members (e.g., local law enforcement and FBI) rather than on positions or protocols. Members from one task force we interviewed even held different opinions regarding its protocols. The task force leader attributed the task force's success to its informal protocols. By contrast, another task force member told us that the protocols, which had not been developed in consultation with task force members, were merely guidelines and led to victims falling through the cracks because of the lack of standard services. Examples of types of possible technical assistance needs suggested by the task forces we contacted included (1) ways to improve communication and sharing information/intelligence

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**Technical Assistance Plan  
Could Enhance BJA's  
Support to Human  
Trafficking Task Forces**

between and among entities, including e-mail lists, a secure Web site, and training bulletins; (2) standardized protocols that outline roles and responsibilities of each member agency, which the task forces can adapt for their own jurisdictions; (3) help in strategizing; (4) regional and national meetings that bring smaller groups of task forces together; (5) interpreters/cultural assistance; and (6) safe and secure housing for victims.

BJA does not have a technical assistance plan for its human trafficking grant program. Our previous work on federal agencies' administration of grants or funding to state and local entities has shown the need for agencies that administer grants or funding to state and local entities to implement a plan that focuses technical assistance efforts on areas of greatest need.<sup>35</sup> BJA told us that it was developing a plan to provide additional and proactive technical assistance to the task forces. It said the plan would address developing BJA's capability to provide technical assistance as needed, identifying model task force leaders who could provide some technical assistance to other task forces, and establishing a means to ensure communication among the task forces. Officials said that they were working with OVC to develop an approach that would meet the needs of BJA and OVC human trafficking grantees. However, BJA reported that the development and review of the plan had been delayed pending final decisions on DOJ's funding for fiscal year 2007.

As part of its plan, BJA might address outreach needs to ensure that task forces are aware of BJA's capacity to provide or facilitate the obtaining of technical assistance and training. DOJ and DHS officials emphasized the importance of the task forces to the overall U.S. effort to investigate and prosecute trafficking in persons. Working within communities, task force members are usually best situated to identify trafficking victims and crimes. Representatives of some of the task forces we contacted were not aware of BJA's capacity to respond to technical assistance needs. Accordingly, identifying steps needed to disseminate information on the types of assistance and training available is a necessary component of a technical assistance plan for these task forces.

Also, BJA might incorporate into its plan a systematic assessment of its performance measures for the task forces. BJA reported that it collated and analyzed the performance data it received, would make routine calls

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<sup>35</sup>See [GAO-06-627](#).



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to the particular task force to help resolve the performance issues, or obtain additional information to assist a task force in addressing a problem. However, systematically assessing task force reports on BJA performance measures could help BJA to identify common problem areas in collecting and reporting performance data. It could also provide BJA with the means to determine which measures might need to be modified or how BJA might enhance its measures to enable it to assess the impact of task force efforts. Such an approach should help BJA to facilitate the task forces' meeting the program's overall goals and objectives of identifying victims and supporting investigations and prosecutions.

In addition, through its technical assistance plan, BJA might identify steps to obtain information from the task forces on areas for continuous improvement. This information could be used to determine common and emerging technical assistance or training needs, approaches for meeting those needs, and how best to provide that assistance. As part of its plan, BJA could also develop other means and mechanisms for providing technical assistance to the task forces effectively and efficiently. For example, as suggested by some of the task force members we contacted, a secure Web site could provide a means for task forces to share best practices, readily obtain samples of protocols or other documents, or ask for peer-to-peer assistance from other task forces. BJA could also use the Web site to disseminate information to the task forces.

BJA's plan might also include a component for assessing the quality of its technical assistance. To ensure that the technical assistance and training provided to the task forces meet their needs, BJA might request information from the task forces on technical assistance and training provided to them, including evaluations of that assistance. Such information could help BJA demonstrate what it has done to support the task forces and the effectiveness of those efforts in meeting task force needs. This information could also be used to ascertain necessary modifications of or changes to technical assistance to better meet task force needs.

To facilitate BJA's technical assistance to the task forces, the plan might identify available technical assistance and training resources from a variety of sources. BJA could then match a particular task force's needs with technical assistance and training that might be provided by other federal agencies, such as CRT/CS, or other task forces. While such training and technical assistance are currently provided on a case-by-case basis, within the context of a plan, BJA could more systematically galvanize these resources, incorporate them into its overall approach to meeting the

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task forces' needs, and assess their impact on task force efforts. Information on task force training needs could also be used to help BJA, working with other federal agencies, to plan the content and format of the legislatively mandated 2007 and 2008 national trafficking conferences so that it meets the range of training and technical assistance needs for experienced task forces as well as new task forces.

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## Conclusions

Federal agencies have made strides in several areas to combat trafficking crimes and to coordinate their efforts on a case-by-case basis. This approach has generally led to an increase in the number of investigations and prosecutions since the passage of the TVPA in 2000. However, as agencies look ahead to broadening their efforts while still maintaining coordination on individual cases, strategic planning will be necessary to ensure agency resources are being expended with the greatest return on investment. Defining a common governmentwide outcome for investigations and prosecutions of trafficking crimes, reconciling roles and responsibilities, and ensuring consistent communication and information sharing are vital to the investigation and prosecution of trafficking crimes. Yet no such outcome has been collaboratively defined by the agencies, perceptions of leadership differ among agencies, and policies are not in place to ensure consistent communication and information sharing. Furthermore, to sustain a coordinated victim-centered approach to combating trafficking, agencies must continue to educate and engage their own personnel, as well as supporting partners in the effort to combat this crime, such as state and local law enforcement, nongovernmental organizations, non-law enforcement agencies, and citizens. As our prior work on multi-agency collaboration has shown, a strategic framework that includes elements such as defining a common outcome, establishing mutually reinforcing or joint strategies, and agreeing on roles and responsibilities, among others, is particularly useful in addressing problems that are national in scope and involve multiple agencies with varying jurisdictions. Such an approach allows for the necessary flexibility and incorporation of different types of collaborative mechanisms to address the complexities of and unique challenges posed by such problems. Working in a more strategic fashion, agencies could build on their current cooperative relationships to establish a strategic focal point, ensure consistency of communication and partnerships, and sustain and expand a coordinated effort to investigate and prosecute trafficking in persons crimes.

BJA's competitive grant program has funded state and local law enforcement human trafficking task forces to support U.S. efforts to identify trafficking victims and investigate and prosecute trafficking

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crimes. Given its mission to support state and local law enforcement, BJA has provided some training and technical assistance to the human trafficking task forces, sometimes through coordinated efforts with other agencies. However, the task forces we interviewed identified challenges they faced in implementing BJA's strategic planning requirements and carrying out their responsibilities, especially in identifying potential victims and establishing partnerships with key players. Our previous work on federal agencies' administration of grants or funding to state and local entities shows the importance of implementing a technical assistance plan that focuses the training and technical assistance efforts by agencies that administer grant funding. In the absence of such a plan, BJA may find it difficult to target technical assistance to the task forces most in need and ensure that task forces receive the technical assistance needed to meet the strategic planning requirements and performance measures outlined in the human trafficking task force grant solicitation. Implementing such a plan will help BJA focus its efforts, enabling BJA to better ensure that its efforts meet the needs of the task forces, achieve the objectives of the program, enhance collaboration across levels of government and between government and nongovernmental entities, and ultimately support U.S. efforts to investigate and prosecute trafficking in persons.

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## Recommendations for Executive Action

To help ensure that the U.S. government maximizes its ability to enforce laws governing trafficking in persons, we recommend that the Attorney General and the Secretary of Homeland Security, in conjunction with the Secretaries of Labor, State, and other agency heads deemed appropriate, develop and implement a strategic framework to coordinate U.S. efforts to investigate and prosecute trafficking in persons. At a minimum this framework should

- a. define and articulate a common outcome;
- b. establish mutually reinforcing or joint strategies;
- c. agree on roles and responsibilities; and
- d. establish compatible policies, procedures, and other means to operate across agency boundaries.

To better support the federally funded state and local human trafficking task forces, we recommend that the Attorney General direct the Director of the Bureau of Justice Assistance to develop and implement a plan to help focus technical assistance on areas of greatest need.

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## Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Attorney General, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Labor. DOJ and DHS provided written comments, which are summarized below and included in their entirety in appendixes V and VI, respectively. In addition, these agencies and DOS and DOL provided technical comments, which we incorporated as appropriate.

DOJ agreed with the contents of the report. Regarding our recommendation to the Attorney General and the Secretary of Homeland Security to develop a strategic framework to coordinate U.S. efforts to investigate and prosecute trafficking crimes, DOJ acknowledged that continued and increased collaboration could further efforts to investigate and prosecute trafficking in persons crimes. DOJ further noted that it is already pursuing a variety of such methods, including establishing the Human Trafficking Prosecution Unit and holding collaborative meetings and training sessions with its partners. As a result, DOJ proposed that the report identify the need for continued collaboration but not mandate one particular collaborative model.

It was not our intent to prescribe a particular structure or collaborative model. We recognize that because of the unique challenges posed by trafficking in persons investigations and prosecutions, the proposed framework needs to be flexible. Our previous work has shown that the four elements outlined in our recommendation—a common outcome; mutually reinforcing or joint strategies; agreed-on roles and responsibilities; and compatible policies, procedures, and other means to operate across agency boundaries—are key to an effective strategic framework. However, the specifics of each of these elements, additional elements to be included in a strategic framework for the investigation and prosecution of trafficking crimes, and the structures for developing and implementing this framework would be determined by the agencies involved. In response to DOJ's comments, we have included language in our report that reinforces the need for flexibility in developing and implementing a strategic framework for investigations and prosecutions of trafficking in persons.

Commenting on our recommendation that the Attorney General call on the Director of BJA to develop and implement a plan to help focus technical assistance to the human trafficking task forces, DOJ stated that to address the areas of task force technical assistance needs raised in our report, BJA and OVC planned to collaboratively develop and lead a facilitated working group, including representatives from these agencies, ICE, HSTC, DOL, and other DOJ components, by October 1, 2007. The working group is to

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provide input into BJA's collaborative outreach and improve training and technical assistance strategies to address issues raised in the report. DOJ enumerated the elements that its training and technical assistance plan was expected to include, such as a strategy for informing task force members, on a continuous basis, of the availability of training and technical assistance resources; a systematic assessment of performance measures; and methods to assess the quality of training and technical assistance.

DHS generally agreed with the contents of the report. Specifically, DHS said that the report reflected an overall understanding of the complexities of the antitrafficking response; ICE's efforts in leading investigations, conducting outreach, and responding to trafficking victims; and properly characterized ICE's compliance with National Security Presidential Directive 22. In response to the report's discussion of interagency coordination and strategizing, DHS noted that ICE regularly conducted strategic planning with its partners, particularly in the field; worked with federally funded state and local trafficking task forces; and contributed to annual trafficking reports prepared by DOJ. Moreover, DHS maintained that interagency coordination through the SPOG ensured that trafficking policies and guidelines were carried out, and therefore ICE believed that a governmentwide framework or strategy was not needed.

Our report acknowledged that the SPOG and its working groups help to facilitate coordination of governmentwide policy on human trafficking. However, the focus of our work was U.S. efforts to investigate and prosecute trafficking in persons crimes, the coordination of which rests with criminal justice personnel, primarily DHS and DOJ. Given DOJ and DHS senior officials' acknowledgment of the need to expand the scope of U.S. efforts to investigate and prosecute trafficking in persons and our finding that existing mechanisms and individual agency plans did not address the interagency collaboration needed to support this expanded level of effort, we recommended the development of a strategic framework for coordinating U.S. efforts to investigate and prosecute trafficking cases.

Commenting on this recommendation, DHS said that ICE would support such a framework if certain considerations were taken into account. For example, DHS noted that mutual goal setting might be possible so long as the goals contained objectives that specifically addressed unique agency capabilities in combating trafficking. DHS also noted that any framework would also need to recognize that agencies' roles in a particular case would vary by available resources, local priorities, and the nature of the

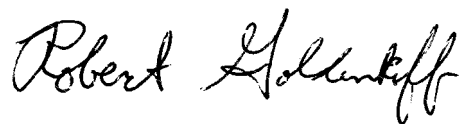
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case and investigation. Agency resources for policy efforts and initiating any recommendations that arose from the framework would also be critical. GAO would expect that in developing and implementing such a framework for investigations and prosecutions of trafficking crimes, the agencies involved would determine how to address varying authorities, respective resources, and other relevant factors.

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We will send copies of this report to the Attorney General, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Labor, and interested congressional committees. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web Site at <http://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me on (202) 512-2757 or [goldenkoffr@gao.gov](mailto:goldenkoffr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors to this report are listed in appendix VII.



Robert N. Goldenkoff  
Acting Director, Homeland Security and Justice

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# Appendix I: Objectives, Scope, and Methodology

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To ascertain the status of U.S. efforts to investigate and prosecute trafficking crimes, this report discusses (1) key activities federal agencies have undertaken to combat trafficking in persons crimes, (2) federal efforts to coordinate on investigations and prosecutions of trafficking in persons crimes and whether these efforts might be enhanced, and (3) how the Bureau of Justice Assistance (BJA) supported federally funded state and local human trafficking task forces and whether these efforts might be improved. This review is part of a larger body of work that you requested on U.S. efforts to combat trafficking in persons, here and abroad.<sup>1</sup>

To determine key activities federal agencies have undertaken to combat trafficking in persons crimes, we reviewed pertinent documents and interviewed officials from the Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI), Civil Rights Division/Criminal Section (CRT/CS), Criminal Division/Child Exploitation and Obscenity Section (CEOS), and the Executive Office for U.S. Attorneys; the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services; the Department of Labor's (DOL) Wage and Hour Division; the Department of State's (DOS) Bureau of Diplomatic Security and Office to Monitor and Combat Trafficking in Persons; and the Human Smuggling and Trafficking Center (HSTC). We obtained and analyzed written responses to questions we provided, departmentwide strategic planning documents, agency plans, strategies, and memorandums and guidance on efforts to combat human trafficking. We obtained examples of training materials used to train investigative agents and to conduct outreach and attended the national human trafficking conference in New Orleans in October 2006. From the FBI, ICE, CRT/CS, and CEOS, we obtained and analyzed relevant data on the cases investigated and prosecuted, including numbers of cases, defendants charged, and convictions, as well as, where possible, estimates of the resources used to do so. We discussed the sources of these data with federal agency officials to determine that these data were sufficiently reliable to show trends in agencies' activities undertaken to investigate and prosecute trafficking crimes. We did not seek data prior to the passage of the Trafficking Victims Protection Act in 2000 for investigative agencies since the establishment of the Department of Homeland Security transferred some human trafficking investigative duties from DOJ's legacy Immigration and Naturalization Service to DHS's Immigration and Customs Enforcement.

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<sup>1</sup>See [GAO-07-1034](#) and [GAO-06-825](#).

To determine what efforts federal agencies have undertaken to coordinate investigations and prosecutions of trafficking in persons crimes and whether these efforts might be enhanced, we reviewed pertinent documents, such as agency reports, strategies, and memorandums to field offices. We interviewed officials from DOJ headquarters, including FBI, CRT/CS, CEOS, and the Executive Office for U.S. Attorneys; DHS's ICE and U.S. Citizenship and Immigration Services; DOL's Wage and Hour Division; DOS's Bureau of Diplomatic Security and Office to Monitor and Combat Trafficking in Persons; and the HSTC. We gathered and analyzed information from selected field personnel representing the FBI, ICE, and local U.S. Attorney's Offices. To ascertain how efforts to combat trafficking might be enhanced and identify applicable criteria to be used in our analysis, we consulted our prior work on agency collaboration, international crime, terrorism, organized crime, and the illegal importation of prescription and illegal drugs.<sup>2</sup> We also interviewed agency officials to identify challenges they face in the investigating and prosecuting of trafficking crimes and to identify what elements may enhance their efforts.

To assess how BJA has supported federally funded state and local human trafficking task forces and whether these efforts might be enhanced, we obtained and analyzed relevant documents from BJA, including task force grant proposals, grant reports written by program managers, performance measurement data, and information from its Web site.<sup>3</sup> We interviewed BJA, Office for Victims of Crime (OVC), and CRT/CS officials on the origin of the task forces, when task forces were funded, and the types of assistance provided to the task forces. We also interviewed field personnel from the FBI, ICE, and DOL to determine what federal supports had been given to the task forces we selected for either site visits or telephone interviews. We developed case studies of seven task forces to provide us with in-depth knowledge about how the task forces are functioning, how

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<sup>2</sup>See [GAO-06-15](#); *International Crime Control: Sustained Executive-Level Coordination of Federal Response Needed*, [GAO-01-629](#) (Washington, D.C.: Aug. 13, 2001); [GAO-04-408T](#); *Organized Crime: Issues Concerning Strike Forces*, [GAO/GGD-89-67](#) (Washington, D.C.: Apr. 11, 1989); *Prescription Drugs: Strategic Framework Would Promote Accountability and Enhance Efforts to Enforce the Prohibitions on Personal Importation*, [GAO-05-372](#) (Washington, D.C.: Sept. 8, 2005).

<sup>3</sup>The BJA task forces are not the universe of human trafficking task forces directed toward law enforcement. However, they were clearly defined as task forces focused on human trafficking, readily identifiable by federal agencies, considered by federal agencies to be part of the overall federal effort to investigate and prosecute trafficking in persons, and had a definite source of federal funding. For these reasons, we focused our work on the BJA-funded task forces that existed at the time of our review.



they are working together, and what supports and technical assistance they have been provided. Gathering information for the case studies included site visits to task forces in Collier County, Florida; Los Angeles, California; and Washington, D.C.; and telephone interviews with key participants from task forces in Houston, Texas; Hawaii; and Nassau and Suffolk Counties in New York.

In selecting the 7 task forces we contacted, we limited our selection to the longest-running task forces (i.e., the 22 founded in fiscal year 2004)—those that had had an opportunity to be established. From this group, we tried to include task forces located in various U.S. geographic regions, and with a primary focus on either sex trafficking, labor trafficking, or both sex and labor. To ensure that we included task forces of varying performance levels, we asked officials from BJA and CRT/CS for recommendations on task forces that were performing well. In addition to these recommendations, we also used BJA performance measures such as number of victims found and the number of continued presence visas provided to make our selections. As a part of our site visits or through telephone interviews, we interviewed the task force leader, the Assistant U.S. Attorney (who may or may not be the leader), the primary local law enforcement contact, the dominant nongovernmental organization participant, and FBI and ICE representatives on the task force. BJA was not able to provide us with a list of task force participants, but a nongovernmental organization, Polaris Project, affiliated with the Washington, D.C., human trafficking task force, had networked with all the BJA-funded task forces at the federally sponsored human trafficking conference in New Orleans in October 2006, and provided us with a list identifying the “key players.” From this list, we developed our list of interviewees based on our inclusion criteria. The FBI and ICE participant names were provided to us through the liaisons in each agency. Overall, through site visits and telephone interviews we interviewed a total of 50 task force members. We interviewed 13 Assistant U.S. Attorneys, 7 local law enforcement, 6 FBI participants, 5 ICE agents, 1 DOL participant, 13 nongovernmental organization participants, and 3 task force leaders from an Attorney General’s office. In addition, we interviewed a U.S. Attorney, who had recently set up a human trafficking task force, to obtain his perspective on challenges faced in putting a task force into operation. This approach does not allow for generalizing. In addition, we reviewed

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relevant GAO reports on federal agencies' administration of grants or funding to state and local entities.<sup>4</sup>

We conducted our work from June 2006 through June 2007 in accordance with generally accepted government auditing standards.

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<sup>4</sup>See [GAO-06-627](#).

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# Appendix II: Statutory Provisions Used to Investigate and Prosecute Trafficking Crimes

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During the 1990s, the United States began to take steps to address trafficking in persons at home and abroad. DOJ prosecuted trafficking cases under several federal criminal statutes, including the involuntary servitude statutes,<sup>1</sup> the Mann Act,<sup>2</sup> and labor laws on workplace conditions and compensation.<sup>3</sup> However, various U.S. policymakers determined that existing U.S. statutes did not take into account some characteristics of contemporary trafficking in persons and, therefore, did not adequately protect trafficking victims, deter trafficking, and bring traffickers to justice. These statutes did not always treat trafficked persons as victims. Involuntary servitude was restricted to cases of physical abuse—force, threats of force, or threats of legal coercion, as opposed to the psychological coercion often used by today’s traffickers.<sup>4</sup> While the modern concept of trafficking in persons focused on compelled service, under the Mann Act trafficking was perceived as interstate transportation for prostitution. Moreover, these statutes scattered enforcement authority across the government and resulted in different case outcomes, depending on the charges brought or which agency learned of the allegations of abuse.

The TVPA addressed limitations in existing law that made it difficult to prosecute traffickers, as well as adding new crimes and enhancing the penalties. Federal agencies continue to rely on a number of statutes to prosecute traffickers and halt their operations. Table 1 lays out the primary statutes that support the investigation and prosecution of trafficking in persons crimes.

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<sup>1</sup>18 U.S.C. §§ 1581-1588.

<sup>2</sup>18 U.S.C. §§ 2421-2424.

<sup>3</sup>For example, 29 U.S.C. §1851 (criminal sanctions for violations of the Migrant and Seasonal Agricultural Worker Protection Act and related regulations).

<sup>4</sup>See *United States v. Kozminski*, 487 U.S. 931 (1988).

**Appendix II: Statutory Provisions Used to Investigate and Prosecute Trafficking Crimes**

**Table 1: Primary Statutory Provisions Used for Trafficking in Persons Prosecutions**

<b>U.S. Code</b>	<b>Provision</b>
18 U.S.C. § 241	Conspiracy against rights
18 U.S.C. § 371	Conspiracy to commit federal offenses
18 U.S.C. § 1581	Peonage
18 U.S.C. § 1584	Involuntary servitude
18 U.S.C. § 1589	Forced labor
18 U.S.C. § 1590	Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
18 U.S.C. § 1591	Sex trafficking of a minor or by fraud, force, or coercion
18 U.S.C. § 1592	Holding or confiscation of passport or immigration documents
18 U.S.C. § 1593	Mandatory restitution
18 U.S.C. § 1594(a)	Attempt to commit peonage, slavery, involuntary servitude, forced labor, trafficking, or sex trafficking
18 U.S.C. § 1594(b)	Asset forfeiture
18 U.S.C. §§ 2421-2424	Mann Act (transportation for illegal sexual activity and related crimes)
8 U.S.C. § 1324	Bringing in and harboring certain aliens
8 U.S.C. § 1328	Importation of an alien for immoral purposes

Source: GAO analysis.

Traffickers may also be charged with other offenses. Examples of these statutes are shown in table 2.

**Table 2: Other Related Statutory Provisions Used in Trafficking in Persons Prosecutions**

<b>U.S. Code</b>	<b>Provision</b>
18 U.S.C. § 1546	Arranging a false visa for the victim
18 U.S.C. § 1622	Witness tampering
18 U.S.C. § 875	Interstate transmission of threats
18 U.S.C. § 1001	False statements in any matter within the jurisdiction of the executive, legislative, or judicial branch of the U.S. government
18 U.S.C. § 982	Asset forfeiture
18 U.S.C. § 2	Aiding and abetting a federal offense (e.g., employment of unauthorized aliens)
31 U.S.C. § 5332	Bulk cash smuggling
18 U.S.C. § 1956	Money laundering

Source: GAO analysis.

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# Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources

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This appendix provides additional data on federal agencies' efforts to investigate and prosecute trafficking in persons crimes. It also presents available information on federal agency resources used to support these efforts.

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## Federal Agencies Report Prosecutions and Investigations of Trafficking in Persons since fiscal year 2001

The FBI, ICE, and CRT/CS reported data on the investigations, prosecutions, indictments, and arrests related to trafficking crimes since the passing of the TVPA. These data are a general indicator of the level of agency effort on trafficking in persons, although they are limited by a number of factors. Because trafficking in persons is a hidden crime and victims are hesitant to come forward, it is difficult to estimate the extent of trafficking in persons crimes. Moreover, because prosecutors may charge traffickers with other crimes (e.g., kidnapping, the Mann Act, immigration violations, or money laundering) for strategic or tactical reasons, data on the number of trafficking in persons investigations and prosecutions do not provide a complete picture of the number of traffickers who have been thwarted. The data systems agencies use are primarily case management systems, which may not be able to extract trafficking data if trafficking was not listed as a charge. Additionally, if an investigation on smuggling later reveals a trafficking violation, some data systems will continue to store investigative data under the smuggling classification.

The complexity of the investigations and the limitations of data systems make providing data on human trafficking a labor-intensive effort for agencies. Therefore, these data are not comparable across the agencies and it is not possible to associate arrest and indictment data with a particular case because of differences in agency data systems. Moreover, agency officials noted that investigations do not always lead to prosecutions, because situations that appear to be trafficking may prove to be alien smuggling or prostitution accompanied by abuse and, therefore, do not meet the criteria to be prosecuted as trafficking cases. In addition, ICE officials said that in situations involving children, the agency's priority was to rescue the victim whether or not the investigation led to the prosecution of the trafficker.

Since fiscal year 2001, CRT/CS has reported an overall increase in the number of prosecutions for cases involving sex and labor trafficking, as defined by CRT/CS, based on the facts of the case. Table 3 shows the increase in number of prosecutions after the implementation of the TVPA in 2001, compared to those in the years leading up to the law's passage. CRT/CS officials noted that the number of defendants in each case varied,

**Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources**

as well as the number of victims, and the complexity of the case (app. IV provides summaries of several cases to illustrate this variation.).<sup>1</sup>

**Table 3: Trafficking in Persons Prosecutorial Statistics for Civil Rights Division/Criminal Section and U.S. Attorneys' Offices, Fiscal Year 1995 through June 14, 2007**

Fiscal year	1995-2000	2001	2002	2003	2004	2005	2006	2007 <sup>a</sup>
<b>Cases prosecuted<sup>b</sup></b>								
Sex trafficking	7	4	7	8	23	26	22	10
Labor trafficking	12	6	3	3	3	9	10	5
<b>Defendants charged<sup>c</sup></b>								
Sex trafficking	34	26	27	21	40	75	85	35
Labor trafficking	55	12	14	7	7	21	26	15
<b>Defendants convicted<sup>c,d</sup></b>								
Sex trafficking	20	15	23	16	30	25	60	59
Labor trafficking	47	8	5	5	3	10	38	5

Source: GAO analysis of Civil Rights Division/Criminal Section data.

<sup>a</sup>Data as of June 14, 2007.

<sup>b</sup>CRT/CS classified cases as sex or labor trafficking according to the facts of the case; the categories are mutually exclusive.

<sup>c</sup>Data on defendants charged and convicted are not associated with the data for cases opened in the same fiscal year.

<sup>d</sup>Comparisons cannot be made between persons charged and convictions, since actions on some defendants may still be pending.

The data since fiscal year 2001 related to investigations of trafficking in persons provided by the FBI and ICE is shown in tables 4 and 5, and also shows a general increase.<sup>2</sup> As with the prosecutions of human trafficking cases, variation in numbers from year to year may be due to the complexity of a case. For example, factors such as a case with many victims, multiple defendants, a long period of victimization, and multiple

<sup>1</sup>According to CRT/CS officials, as a result of successful prosecutions, defendants have been ordered to pay restitution in 34 cases since October 2000. The restitution amounts ranged between \$257.55 to more than \$1.8 million. The amounts can vary based on the length of time the victim was exploited, the wages associated with the labor or service performed, and the number of victims involved. However, when setting the amount of the restitution, a court may not consider the defendant's ability to pay.

<sup>2</sup>Only limited data were available from ICE, because the agency was established in 2003 as part of the Department of Homeland Security and initially had difficulties capturing trafficking in persons data.

**Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources**

jurisdictions from which to collect evidence may affect how many cases are able to be investigated from year to year.

**Table 4: Trafficking in Persons Cases Investigated by the FBI's Civil Rights Unit, Fiscal Year 2001 through April 5, 2007**

<b>Fiscal year</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007<sup>a</sup></b>
Cases opened	54	58	65	86	146	126	216
Indictments/information	29	26	40	32	45	97	39
Arrests	67	65	32	16	51	142	79
Convictions	15	15	18	22	14	70	31

Source: FBI Civil Rights Unit.

Note: These cases may include joint investigations with ICE. The number of cases includes both sex and labor trafficking.

<sup>a</sup>Data as of April 5, 2007.

**Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources**

**Table 5: Trafficking in Persons Cases Investigated by Immigration and Customs Enforcement, Fiscal Year 2005 through May 31, 2007**

<b>Fiscal year</b>	<b>2005</b>	<b>2006</b>	<b>2007<sup>a</sup></b>
<b>Cases opened</b>			
Sexual exploitation	183	213	161
Forced labor	84	85	88
Other <sup>b</sup>	55	26	4
<b>Total</b>	<b>322</b>	<b>324</b>	<b>253</b>
<b>Indictments</b>			
Sexual exploitation	54	93	60
Forced labor	11	10	1
Other	46	27	11
<b>Total</b>	<b>111</b>	<b>130</b>	<b>72</b>
<b>Arrests</b>			
Sexual exploitation	85	135	93
Forced labor	15	6	28
Other	86	43	2
<b>Total</b>	<b>186</b>	<b>184</b>	<b>123</b>
<b>Convictions</b>			
Sexual exploitation	6	69	54
Forced labor	5	7	5
Other	80	26	12
<b>Total</b>	<b>91</b>	<b>102</b>	<b>71</b>

Source: Immigration and Customs Enforcement.

Note: These cases may include joint investigations with the FBI.

<sup>a</sup>Data as of May 31, 2007.

<sup>b</sup>Human trafficking cases classified other than sex or labor trafficking.

Additionally, FBI's Crimes Against Children Unit reported data on cases of trafficking of U.S. children for commercial sex from its Innocence Lost National Initiative, as shown in table 6.



**Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources**

**Table 6: Innocence Lost Statistics, Fiscal Year 2004 through June 5, 2007**

<b>Fiscal year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007<sup>a</sup></b>
Cases opened	67	71	103	86
Indictments/Information	27	48	76	36
Arrests	118	387	157	137
Convictions	22	45	43	72

Source: FBI's Crimes Against Children Unit.

<sup>a</sup>Data as of June 5, 2007.

DOL's Wage and Hour Division reported participating in four cases involving criminal or potentially criminal allegations of trafficking in persons, which were concluded in fiscal year 2007. The division reported seven cases currently under investigation; seven cases at some stage of litigation or case development by the FBI, Assistant U.S. Attorney, or others; and one additional case in which it will be providing technical assistance following direct law enforcement action. According to the division, its involvement may have been as a result of a referral from another agency (e.g., FBI, Assistant U.S. Attorney, or local law enforcement), a referral from an advocacy organization, or a situation in which the division was the initial investigating agency. In addition to participation in cases involving violations of the trafficking statutes, the division has also assisted other law enforcement agencies in developing investigations or prosecutions of criminal violations of other statutes and may pursue criminal penalties under its own statutes. For example, according to CRT/CS, DOL has been involved in the calculation of back wages and overtime pay for victims, as in *United States v. Calimlim*. According to DOL, it provided technical advisory assistance to the prosecuting U.S. Attorney, furnishing sample back wage computations that would have been due had the victim fallen under the provisions of the Fair Labor Standards Act (FLSA), and had the case events occurred within the FLSA statute of limitations. In the subsequent prosecution, CRT/CS successfully secured a \$940,000 restitution order.

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Resource Commitments of  
Federal Investigative and  
Prosecutorial Agencies to  
Meet Their  
Responsibilities for  
Pursuing Trafficking in  
Persons Crimes

To implement their respective plans and carry out activities related to the investigation and prosecution of trafficking in persons, agencies have generally drawn from existing resources. Therefore, according to DHS and DOJ officials, resource information may not be distinguishable from other activities and is generally an estimate. Information is also not consistent across agencies.

Although the 2005 TVPA amendments authorized appropriations of \$18,000,000 in fiscal years 2006 and 2007 to ICE and \$15,000,000 in fiscal year 2006 to the FBI for trafficking investigations, these amendments were enacted after fiscal year 2006 had already begun and the amounts were not appropriated. ICE reported 53 full-time equivalents for fiscal year 2005, 68 in fiscal year 2006, and 32 through the first half of fiscal year 2007 for trafficking activities. In midyear 2003, ICE received \$3.7 million in supplemental funding, which mostly funded law enforcement operations to enforce the TVPA and domestic and overseas training activities. FBI officials told us they had not received a separate appropriation specifically for trafficking in persons. The FBI Civil Rights Unit reported as of April 2007, 141 Special Agents are allocated to its Civil Rights Program throughout 56 field offices. One Unit Chief, six Supervisory Special Agents, and eight support staff are assigned to headquarters. For fiscal year 2006, approximately 24 percent of these resources were directed toward human trafficking matters.

In fiscal year 2006, the FBI's Crimes Against Children Unit received \$500,000 from the Assets Forfeiture fund to support task forces and working groups investigating trafficking of U.S. children for commercial sex. The funds were used for overtime pay for state and local officers, equipment, and training. Additionally, to support the Innocence Lost National Initiative, the FBI received 16 positions (10 agents and 6 analysts) in fiscal year 2005, and 10 agent positions in fiscal year 2006. The FBI said it requested 30 investigative, clerical, and analytical personnel to support the Crimes Against Children program initiatives for fiscal year 2008, including combating trafficking of U.S. children for commercial sex.

In addition, the conference agreement for the fiscal year 2007 DHS appropriation designated \$1 million to ICE for its contribution to the Human Smuggling and Trafficking Center (HSTC). HSTC officials said although these funds were not designated specifically for trafficking in persons, they would assist HSTC's trafficking efforts. Furthermore, because ICE was the only agency with funds specifically designated for HSTC, it would henceforth take on the responsibility for up-front

**Appendix III: Federal Efforts to Investigate and Prosecute Trafficking in Persons and Data on Resources**

administrative expenses at HSTC, for which other agencies, including DOS and DOJ, would then reimburse ICE.

CRT/CS also reported that it had not received funds specifically designated for human trafficking prosecutions, but provided us with estimates of the numbers of positions, attorneys, and full-time equivalents for trafficking in persons. CRT/CS further noted that the actual number of positions is very difficult to track, because, as is true for all enforcement areas within the Criminal Section, most attorneys do not work exclusively on trafficking in persons, but carry other criminal enforcement cases as well. CRT/CS training, outreach, and technical assistance on trafficking in persons have also been provided from its operating funds. However, CRT/CS developed and provided us with estimates of various types of resources it used to address trafficking in persons, as presented in table 7.

**Table 7: DOJ Estimates of CRT/CS Trafficking in Persons Resources, Fiscal Years 2000-2007**

Fiscal year	Positions	Attorneys	Full-time equivalents	Dollars in thousands
2000	6		3	\$401
2001	9		9	980
2002	21	14	15	1,748
2003	21	14	21	2,527
2004	21	14	21	2,638
2005	21	14	21	2,687
2006 <sup>a</sup>	21	14	21	2,900
2007 <sup>b</sup>	21	14	21	\$3,100

Source: GAO analysis of DOJ-provided data and data found in fiscal year 2008 congressional budget submission.

<sup>a</sup>Reflects estimated costs for fiscal year 2006.

<sup>b</sup>Reflects the fiscal year 2007 budget submission.

DOJ's fiscal year 2008 budget submission included a request for a CRT/CS program increase of \$1,713,000, 13 agent/attorney positions, and 7 full-time equivalents for its trafficking efforts.

According to CEOS, prosecuting sex trafficking and sex tourism cases can be enormously resource intensive, especially if foreign victims or investigators will be needed to testify at trial. As trafficking crimes were not a line item in the appropriation legislation, CEOS could not provide actual data on the resources used to prosecute these crimes. However, CEOS estimated that it has devoted approximately 15 to 25 percent of its

attorney time to trafficking crimes since 2003. FBI and CEOS officials noted the lack of facilities for these victims, who need special treatment.

The TVPA authorized the Attorney General to make grants to develop, expand, or strengthen victim service programs for victims of trafficking. DOJ received approximately \$10 million per year in fiscal years 2002 through 2006 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of the TVPA. In fiscal year 2002, OVC awarded these funds to nonprofit, nongovernmental victim services providers to develop, expand, or strengthen services for victims of trafficking. According to DOJ officials, in fiscal year 2003, DOJ decided to use a portion of these funds to award BJA task forces grants on trafficking with the goal of expanding services for victims by identifying more victims and connecting them with needed services. In subsequent fiscal years, both OVC and BJA awarded grants with these funds.

In addition, FBI, ICE, the Executive Office for U.S. Attorneys, and CRT/CS have emergency funds that may be used to provide immediate services to victims when services cannot be provided through other programs that support trafficking victims. According to OVC, the agencies coordinate these efforts through it to ensure that any use of emergency funds is appropriate, maximizes the use of trafficking appropriation dollars when they are available, and occurs when no other funds are available.

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# Appendix IV: Summary Case Studies

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The following case studies illustrate several of the characteristics of human trafficking described in this report, including (1) the diverse purposes for which people are trafficked and the circumstances in which they work, both legally and illegally; (2) the variation in the number of victims; (3) case complexity; and (4) coordination among law enforcement and nongovernmental organizations in caring for the victims and prosecuting the perpetrators.<sup>1</sup>

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## *United States v. Kil Soo Lee*

*United States v. Kil Soo Lee*—the largest trafficking prosecution before a federal court—resulted from an investigation involving five languages, several countries and states, and numerous federal agencies and nongovernmental organizations. Between September 1998 and December 2000, Lee recruited 250 skilled garment workers—mostly young women who had paid \$5,000 and \$8,000 recruitment fees—from China and Vietnam, locating his garment factory, named Daewoosa Samoa, in American Samoa to use the “Made in America” label and avoid drawing attention to his operation. The workers believed the fees to be legitimate payment in exchange for new jobs possibly leading to a better life. Instead, they lived, ate, and slept in barracks on the factory compound, surrounded by fences that remained locked and guarded during working hours. Lee and his associates seized passports—threatening the workers with deportation, bankruptcy, severe financial hardship to family members back home, and false arrest—and withheld food and pay.

In March 1999, workers asked to be paid for several months’ labor. Kil Soo Lee refused to pay them, and when the workers protested, he locked them inside of the Daewoosa compound and refused to provide them with food. Several workers climbed over the fence at night and contacted local residents to complain and seek food. Upon finding out that workers had left the compound, Kil Soo Lee notified the American Samoan police that the workers were causing a disturbance and had the police arrest three of the female workers who tried to leave the company grounds. The workers were unable to speak English or Samoan, and thus were unable to communicate the true version of events to the police. Attempting to communicate with the outside world, another worker threw a handwritten note from the window of the company car after visiting jailed coworkers. This note was found and passed on to the U.S. Department of Labor,

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<sup>1</sup>CRT/CS and DOL’s Wage and Hour Division reviewed the summary of the Kil Soo Lee prosecution, and CRT/CS provided the summary of the Carreto prosecution.

which investigated allegations that Kil Soo Lee had withheld the workers' pay. Because of the investigation, DOL required Lee to make restitution to the affected employees. Following additional complaints and allegations that Lee was requiring workers to kick back the back wage payments, DOL again investigated. The garment manufacturers for which Lee was producing goods provided the back wage restitution for the underpaid employees in this second investigation.

In November 2000, workers protested again by slowing production. On Lee's direction, guards entered the factory and conducted a mass beating of the Vietnamese, inflicting severe injuries on several. Local police investigated the uprising but dismissed the case, believing the guards' accounts that the Vietnamese workers had attacked the Samoans. The Occupational Safety and Health Administration of DOL then arrived to conduct inspections of the Daewoosa facility from November to February 2001, citing violations of workplace safety noted from earlier investigations concluded in June 1999. In March 2001, FBI agents and CRT/CS prosecutors traveled to American Samoa to investigate. They conducted interviews, surveyed the factory, and seized records, computers, and other evidence. Kil Soo Lee was then arrested on March 23, 2001. He and four other defendants were indicted in August of that year on 22 charges of subjecting workers to involuntary servitude. The trial began in October 2002 and lasted 4 months.

During prosecution, the nature of the crime and the cultural and linguistic backgrounds of the workers posed challenges for the Civil Rights Division. Attorneys had to prove that the workers—now witnesses in the trial—were victims rather than simply violators of labor and immigration laws. Lee had already had some of them deported, while others scattered to 20 states around the country after being given temporary immigration status to testify. During the pretrial preparations and the trial, more than 200 victims had to be housed and fed, while the sick and injured required medical care. Because the victims had limited or no English facility (languages spoken included Chinese, Vietnamese, Korean, and Samoan), interpreters had to be provided. Agents and attorneys also had to gain the victims' trust, overcoming their fears of law enforcement and authority, which Kil Soo Lee and the other defendants had earlier exploited. Finally, the victims needed to be assured that no harm would come from the proceedings either to them or their families back home and that they had done nothing to draw shame or fear of exposure upon themselves.

In August 2001, two of the American Samoan guards entered guilty pleas to participating in the conspiracy to violate the civil rights of the garment

workers and were later sentenced to 70 and 51 months in prison. Two codefendants were acquitted on all charges. In February 2002, Kil Soo Lee was convicted of conspiracy to violate the civil rights of the workers, 11 counts of involuntary servitude, 1 count of extortion, and 1 count of money laundering. Lee, who was in his mid-50s, was sentenced in June 2005 to 40 years in prison, which at that time was the highest sentence handed down in a trafficking/slavery case that did not result in death, and ordered to pay restitution of \$1,826,087.94.

On April 16, 2002, the High Court of American Samoa in a separate consolidated civil case also ordered Daewoosa Samoa, Ltd. to pay \$3.5 million in back wages to the workers.

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*United States v.  
Carreto*

The Carreto case came to the U.S. government's attention on a tip from Mexican authorities that a victim was believed to have been held and forced into prostitution. An investigation led agents to locations where a number of young women and their traffickers were arrested. The defendants were members or associates of an extended family whose principal business was reaping the profits from compelling young Mexican women into prostitution through force, fraud, and coercion. The defendants, who often lured the women into romantic relationships, used deception, psychological manipulation, and false promises, along with physical beatings and rapes, to overcome the will of the victims, compel them into prostitution, and force them to turn over virtually all the proceeds to the defendants.

During the investigation of this case, ICE and DOJ coordinated with international nongovernmental organizations, the Mexican government, and Mexican attorneys to remove the victims' children from the custody of the Carreto family, thereby removing one of the last means of control the Carreto family had exerted over the victims. The investigation revealed extensive sex trafficking activity between Mexico and the United States, prompting initiatives to coordinate multijurisdictional, multi-agency investigations.

On November 16, 2004, a federal grand jury returned a 27-count superseding indictment charging Josue Flores Carreto, Gerardo Flores Carreto, Daniel Perez Alonso, Eliu Carreto Fernandez, Consuelo Carreto Valencia, and Maria de los Angeles Velasquez Reyes with victimizing nine young Mexican women. The indictment charged the six defendants with counts of conspiracy to commit sex trafficking, sex trafficking, attempted sex trafficking, forced labor, violation of the Mann Act, conspiracy to

import aliens for immoral purpose, and alien smuggling.<sup>2</sup> Two additional defendants, Edith Mosquera de Flores and Eloy Carreto Reyes were charged separately by complaint.

On April 5, 2005, on the morning trial in this case was to begin, Gerardo Flores Carreto, Josue Flores Carreto, and Daniel Perez Alonso pled guilty to all charges in the 27-count indictment. On April 27, 2006, Gerardo Flores Carreto and Josue Flores Carreto were each sentenced to 50 years in prison. Daniel Perez Alonso was sentenced to 25 years in prison. Edith Flores had previously been sentenced to 16 months. On June 1, 2006, Eliu Carreto Fernandez was sentenced to 80 months in prison. Eloy Carreto Reyes is still pending sentencing.

On January 19, 2007, the Mexican government extradited defendant Consuelo Carreto Valencia to the United States, along with 14 other criminal defendants, in an extradition that Attorney General Gonzales lauded as unprecedented in its scope and importance. Consuelo Carreto Valencia, the mother of two of the lead defendants, is charged with conspiring with the other defendants to compel the victims into forced prostitution. An additional defendant, Maria de los Angeles Reyes, remains in Mexico, where she has previously been arrested on related charges. CRT/CS is seeking her extradition.

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<sup>2</sup>18 U.S.C. § 371 conspiracy to commit 18 U.S.C. § 1591 sex trafficking; 18 U.S.C. § 1591 sex trafficking; 18 U.S.C. § 1594 attempted sex trafficking; 18 U.S.C. § 1589 forced labor; 18 U.S.C. § 2421 Mann Act; 18 U.S.C. § 371 conspiracy to import for immoral purpose under 8 U.S.C. § 1328; and 8 U.S.C. § 1324 alien smuggling.



# Appendix V: Comments from the Department of Justice



U.S. Department of Justice

July 20, 2007

Washington, D.C. 20530

Mr. Robert N. Goldenkoff  
Acting Director, Homeland Security and Justice  
Government Accountability Office  
Washington, D.C. 20548

Dear Mr. Goldenkoff:

Thank you for the opportunity to review the final draft of the Government Accountability Office (GAO) report entitled "*HUMAN TRAFFICKING: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes, GAO-07-915.*" This draft report was reviewed by the Department of Justice (DOJ or Department) components that participated in the review. This letter constitutes the Department's formal comments. I request that the GAO include this letter in the final report. The Department's technical comments were provided under separate cover.

Human trafficking programs are very complex, technical programs that require a large amount of training to both identify and explain the subject matter and to coordinate the response, which often includes representatives from law enforcement, the judicial system, victim service providers, and community leaders. As noted in this report, these programs are looking for victims who are deliberately hidden and are unfamiliar with our legal system or the rights and services available to them. Because both the crime of human trafficking and the needs of the victims are challenging to address, a significant investment in training and technical assistance is required for effective implementation of any human trafficking program. However, compared to technical assistance funding for other complex Department initiatives, two percent of the appropriation is a very small percentage of funding to be dedicated to technical assistance. Additionally, this two percent of appropriated funds must also be split between the Bureau of Justice Assistance (BJA) and the Office for Victims of Crime (OVC) to provide training and technical assistance to its nongovernmental victims service providers.

As the GAO reports, since 2001, the Department has significantly increased the number of human trafficking prosecutions and investigations. The Department prosecuted six times more human trafficking cases from 2001 to 2006 than in the previous six years. Likewise, the Federal Bureau of Investigation (FBI) and, since 2003, the Department of Homeland Security (DHS) have investigated record numbers of human trafficking matters. These high numbers of prosecutions and investigations are the result of regular collaboration between the Departments of Justice, Homeland Security and Labor (DOL), the 42 BJA funded Human Trafficking Task Forces, and our other law enforcement partners. Also, DOJ and DHS have engaged in

Mr. Robert N. Goldenkoff

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extensive outreach, and provided training and technical assistance to other federal and state law enforcement entities, to Non-Governmental Organizations (NGO), and foreign governments. As discussed more fully below, we agree with GAO that routine collaboration among the various partners is a key factor in the continued success of this program. However, we recommend that the GAO allow for more flexibility in determining the appropriate collaborative model.

Despite the significant increase in the trafficking caseload since 2001, using existing resources, it is important to reiterate that additional resources are needed if we are to continue our successful investigation and prosecution of human trafficking crimes and to further our collaborative efforts.

Our comments about the proposed recommendations follow.

Recommendation that the Attorney General and the Secretary of Homeland Security, in conjunction with the Secretaries of Labor, State, and other agency heads deemed appropriate, develop and implement a strategic framework to coordinate U.S. efforts to investigate and prosecute trafficking in persons.

The GAO report states that interagency coordination on trafficking occurs primarily on a reactive, case-by-case basis and that "individual agency goals on trafficking are linked to individual agency missions, rather than to a common government-wide outcome for combating trafficking crimes." However, DOJ, DHS, Department of State (DOS), and the other agencies identified by GAO engage in regular strategic and proactive collaboration, in addition to what GAO calls "case-by-case" or "reactive" collaboration. Senior government officials regularly meet at the Senior Policy Operating Group (SPOG) to identify broad government-wide common outcomes or "end goals." Senior officials at the DOJ, DHS, and the other law enforcement agencies have met and developed subordinate goals. For example, DOJ and DHS senior officials met and created Memoranda of Understandings that identify "joint strategies" and "agreed on roles." In addition, DOJ, working with our other partners, designed and implemented a proactive task force model that includes regular collaboration among task force representatives, including DOJ, FBI, DHS, DOS, DOL, the Internal Revenue Service (IRS), state law enforcement, and NGOs. Likewise, DOJ, DHS, DOS, the Central Intelligence Agency and other agencies proactively collaborated to form the Human Smuggling and Trafficking Center (HSTC). The Department regularly convenes conferences and other programs designed to bring together representatives from DOJ, FBI, DHS, DOL, and our other partners to proactively collaborate on enforcement objectives.

Moreover, the Department's law enforcement activities in this regard are designed to achieve end goals and operational results determined as part of the collaborations with our partners at DHS, DOL, DOS, and elsewhere. For example, DOJ and its partners proactively established the

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victim-centered task force model for investigating and prosecuting human trafficking crimes. In each specific investigation and prosecution, FBI agents and DOJ attorneys implement and utilize this model, as GAO describes in the draft report. As GAO recognizes, this system has been successful and resulted in record numbers of investigations and prosecutions.

We acknowledge that continued and increased collaboration could further our efforts to investigate and prosecute human trafficking crimes. We also agree that this heightened collaboration should be led by and be held primarily among law enforcement due to the sensitive and confidential nature of law enforcement activities and decisions. However, the “unique challenges” in these matters, identified by GAO in its report, counsel for more flexibility in determining the methods of collaboration among our law enforcement partners. We are pursuing a variety of methods already. For one, we established the Human Trafficking Prosecution Unit. Its members held collaborative meetings and training sessions with our partners.

Therefore, DOJ proposes that the report identify the need for continued collaboration, but not mandate one particular collaborative model.

Recommendation that the Attorney General direct the Director of the Bureau of Justice Assistance (BJA) to develop and implement a plan to help focus technical assistance on areas of greatest need.

By October 1, 2007, BJA and OVC plan to collaboratively develop and lead a facilitated working group with representatives of their agencies and representatives from the Immigration and Customs Enforcement; the HSTC; the DOL; and from the following DOJ components: the CRT, National Institute of Justice, Bureau of Justice Statistics, Executive Office of U.S. Attorneys, and the FBI. The working group will address the following training and technical assistance needs which were raised by the GAO report:

1. Substantive training about trafficking crimes and victims for the task forces;
2. Technical assistance and training to help task forces develop the components in their strategies required under their BJA grants;
3. Continuation of basic training on trafficking issues;
4. Advanced training on such topics as: seizing and forfeiting traffickers’ assets, techniques to facilitate law enforcement and NGOs working together to interview trafficking victims, and techniques for interviewing child victims of sex trafficking;
5. Training of other agency personnel (other law enforcement, hospital workers, code enforcement personnel, and social services personnel);
6. Tailored training and technical assistance to specific populations;
7. Protocols covering roles and responsibilities, methods of communication, and establishing and maintaining relationships;
8. Technical assistance on ways to improve communication and information sharing, assistance with strategizing, translator/cultural assistance, and issues around securing safe housings for victims;

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9. Identifying ways to enhancing communication among all parties, such as email lists, a secure website, and training bulletins; and
10. Regional and national meetings that bring smaller groups of task forces together.

The working group will provide input to BJA regarding the development of collaborative outreach. Further, it will allow BJA to improve training and technical assistance strategies to address issues raised by GAO in its report. The Training and Technical Assistance plan is expected to include, at least:

1. A strategy for informing task force members, on a continuous basis, of the availability of training and technical assistance and the wide variety of related resources. BJA will review its outreach strategies and develop a comprehensive strategy to disseminate training and technical assistance options and resources available to task force members and other key individuals;
2. A systematic assessment of performance measures;
3. Steps to obtain information from the task forces on areas for continuous improvement;
4. An exploration of options for communication such as a secure website(s) to share best practices, obtain samples of protocols or other documents, and provide peer-to-peer assistance from other task forces. Additionally, BJA could use the website(s) to share information with task forces;
5. Methods to assess the quality of training and technical assistance provided to recipients; and
6. A strategy for identifying training, technical assistance and related resources from all working group members, NGOs, task forces and foreign partners and matching particular task force's needs with such training and technical assistance.

BJA believes that the creation of a facilitated working group composed of agencies actively involved in addressing human trafficking will lead to a strong training and technical assistance program which will enhance the ability of task forces to achieve their primary goal of identifying and rescuing trafficking victims.

The extensive effort that your staff has put into this report and the opportunity to work with them on this important issue are appreciated.

Sincerely,



Lee J. Loftis  
Assistant Attorney General  
for Administration

# Appendix VI: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

July 18, 2007

Mr. Robert N. Goldenkoff  
Acting Director, Homeland Security and Justice  
U.S. Government Accountability Office  
Washington, D. C. 20548

Dear Mr. Goldenkoff:

Thank you for the opportunity to review and comment on this most important report, *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes*, GAO-07-915. The Department of Homeland Security (DHS) aggressively takes action against human trafficking through its Immigration and Customs Enforcement (ICE) component.

DHS and ICE believe the audit report reflects an overall understanding of the complexities of the antitrafficking response as well as ICE's efforts in leading investigations, conducting outreach, and responding to victims of trafficking crimes. The GAO's assessment properly characterizes ICE's compliance with National Security Presidential Directive (NSPD)-22, which directs federal agencies to ensure that employees are fully trained to carry out investigative and prosecutorial responsibilities as well as to effectively coordinate efforts across agencies and disciplines.

The report notes that coordination and strategizing among agencies is reactive and on a case-by-case basis, however interagency coordination does occur through the Senior Policy Operating Group (SPOG). The SPOG ensures that the U.S. Government anti-trafficking policies and guidelines are carried out; therefore ICE does not believe there is a need for a government-wide framework or strategy.

Additionally, recommendations from various agencies that foster the development of frameworks are included in the annual "Attorney General Report to Congress" and the "U.S. Government Assessment of Efforts to Combat Trafficking in Persons." These annual reports also include plans of action to be applied in the upcoming fiscal years.

Furthermore, ICE regularly conducts direct strategic planning with partner agencies. Most of the strategic planning with partner agencies occurs in the field. There are 42 Human Trafficking Task Forces, also referred to as the Human Trafficking Rescue Alliances around the country. Federal agencies, including ICE, the Federal Bureau of

[www.dhs.gov](http://www.dhs.gov)

Investigations, U.S. Attorney Offices, local law enforcement agencies, and Non-Governmental Organizations.

(NGOs) participate in these task forces. Each task force agrees to operational trafficking strategies or protocols. Protocols include which agency is the lead for the investigation, which NGOs are notified when a trafficking victim is discovered, which agency handles media inquiries, etc. The task force members also agree on outreach strategies, such as when and where training will be held, who will be the target audience, frequency of training classes, trafficking awareness campaigns, etc. The Human Trafficking Task Forces usually meet once per quarter, during which ongoing analysis and strategic planning is conducted.

Recommendation 1 impacts ICE's roles and responsibilities in planning and orchestrating investigations related to human trafficking. Specifically, the GAO report indicates that interagency coordination on trafficking occurs primarily on a reactive, case-by-case basis and that federal investigative and prosecutorial agencies would "benefit from an overall strategic framework to help enhance and sustain interagency collaboration on trafficking in persons... individual agency goals on trafficking are linked to individual agency missions, rather than to a common government-wide outcome for combating trafficking crimes."

The strategic framework suggested by the GAO would be developed and implemented by the Attorney General and the Secretary of Homeland Security, in conjunction with the Secretaries of Labor, State, and other agency heads deemed appropriate. The following are the items GAO would like to see addressed in the framework:

- A commonly identified outcome,
- Mutually reinforcing or joint strategies,
- Roles and responsibilities, and
- The establishment of compatible policies, procedures, and other means to operate across agency boundaries (See page 36, Recommendations for Executive Action).

ICE would support an interagency strategic framework if the considerations herein were taken into account. Mutual goal-setting may be possible as long as the goals contain several objectives that will specifically address unique agency capabilities in combating trafficking. Note that the agencies identified by GAO to develop and implement this common framework include agencies with both domestic and international responsibilities. On cases in which ICE and the FBI are involved in a joint investigation, it might be feasible to develop joint strategies for investigation and response. However, while ICE does not object to the creation of roles and responsibilities that would effectuate enhanced communication and collaboration among federal and local agencies, it is critical to note that such protocols must take into account that agencies' roles in a particular case will vary by available resources, local priorities, and --to a certain extent-- the nature of the case and investigation. ICE remains amenable and responsive to conducting human trafficking investigations where victims and offenders are not U.S. citizens.

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**Appendix VI: Comments from the Department  
of Homeland Security**

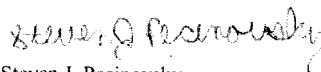
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ICE notes that the 2003 Reauthorization of the trafficking Victims Protection Act established that the Attorney General prepare and submit an annual report to Congress on efforts to combat trafficking domestically. The report to Congress, though submitted by the Department of Justice, is prepared with input from all federal agencies involved in investigating and prosecuting trafficking crimes or funding programs to respond to victim coordination. While the report is primarily an update summarizing each agency's contributions in the areas of service provision to victims, investigations and prosecutions, international efforts, and training and outreach, it also includes language that identifies goals for each agency in improving their response to human trafficking issues. Although the Attorney General Report to Congress does not amount to a government-wide strategic plan or trafficking, it is a call for individual agencies to create a strategy for improved response within the context of existing resources.

ICE was authorized appropriations amounting to \$18 million for investigations involving trafficking in persons under the provisions of the Trafficking in Persons Reauthorization Act of 2005 (H.R. 972) in Fiscal Years 2006 and 2007. Congress has not yet provided funding to carry out the provisions of the Act, which would include conducting trafficking investigations, victim/witness support, outreach, and domestic and international training. ICE continues to conduct this important mission using baseline funding. Relying upon base appropriations is particularly challenging with respect to the victims and witnesses of this criminal activity. Presently, the funding vacuum precludes placement of full-time victim/witness coordinators in the field in the same way that our partner agencies do. In order to be fully responsive to the GAO's desire for ICE to develop and operationalize a common trafficking framework with our federal partners, it is critical to ensure that the necessary resources are allocated for policy efforts and for the initiating of recommendations that arise from the development of any common framework.

We thank you for the opportunity to review this most important draft report and to provide comments.

Sincerely,



Steven J. Pecinovsky  
Director  
Departmental GAO/OIG Liaison Office

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# Appendix VII: GAO Contact and Staff Acknowledgments

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## GAO Contact

Robert N. Goldenkoff (202) 512-2757.

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## Staff Acknowledgments

In addition to the individual named above, Glenn G. Davis, Barbara A. Stolz, Susanna R. Kuebler, Richard Ascarate, Kelly Bradley, Erin Claussen, Frances Cook, Stuart Kaufman, and Elizabeth Curda made significant contributions to the report.



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# Related GAO Products

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*Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad*, [GAO-06-825](#) (Washington, D.C.: July 18, 2006)

*Human Trafficking: Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements*, [GAO-07-1034](#) (Washington, D.C.: July 26, 2007)

*Results-oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005)

*International Crime Control: Sustained Executive-Level Coordination of Federal Response Needed*, [GAO-01-629](#) (Washington, D.C.: August 13, 2001)

*Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, [GAO-04-408T](#) (Washington, D.C.: February 3, 2004)

*Organized Crime: Issues Concerning Strike Forces*, [GAO/GGD-89-67](#) (Washington, D.C.: April 11, 1989)

*Prescription Drugs: Strategic Framework Would Promote Accountability and Enhance Efforts to Enforce the Prohibitions on Personal Importation*, [GAO-05-372](#) (Washington, D.C.: September 8, 2005)

*Community Services Block Grant Program: HHS Should Improve Oversight by Focusing Monitoring and Assistance Efforts on Areas of High Risk*, [GAO-06-627](#) (Washington, D.C.: June 29, 2006)

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