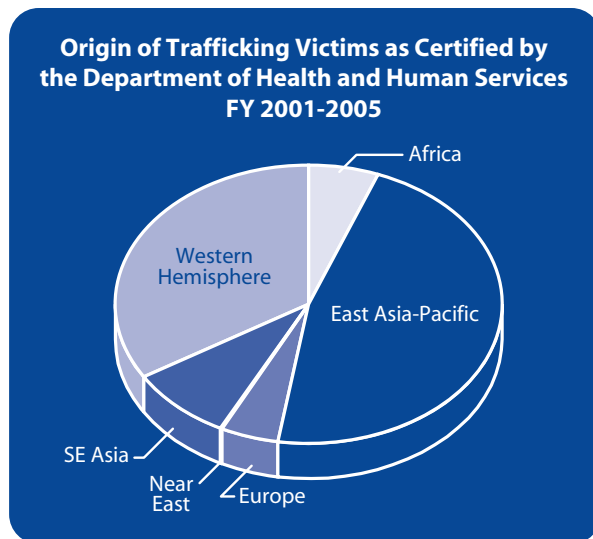


### III. Scope of the Problem

#### A. How Many Victims and Who Are They?

It is extremely difficult to quantify the number of victims trafficked globally and into the United States each year. The United States Government estimates that as many as 800,000 people are trafficked across international borders annually, with up to 17,500 victims trafficked into our country each year.<sup>19</sup> Human trafficking cases have been opened in nearly every state and in all United States territories. Clearly, the problem is of sufficient magnitude that a continued dedication of substantial resources to this enforcement area is very much in order.

FIGURE 2.



Despite our record number of investigations and prosecutions, there is a noted disparity between the estimated number of victims and those who have been found and

assisted. The Department realizes that it must address the incongruity between some estimates and the fewer than 1,000 victims who have been assisted through the efforts of federal, state, and local law enforcement since 2001, when services for trafficking victims were first made available under the TVPA. Though the possible reasons for this disparity vary, the difference nevertheless signals the need to carefully scrutinize the estimated number of trafficking victims to assure that it reflects as accurately as possible the actual number of human trafficking victims within our country.

#### 1. Some Estimates Overstate the Number of Victims

One possible explanation is that estimates may overstate the extent of the problem and conflate human trafficking with the smuggling and harboring of illegal aliens or with the related crime of migrant prostitution. Trafficking victims are not all illegal aliens; human trafficking is distinct from human smuggling. Trafficking victims may be United States citizens, legal residents, or visitors. For example, in *United States v. Pipkins* the Department successfully prosecuted 15 pimps for trafficking women and girls, all American citizens, obtaining convictions for involuntary servitude as well as extortion and RICO offenses.<sup>20</sup> Prostitution alone is not trafficking; but where, as in *Pipkins*, it involved the use of force or coercion to prevent people from leaving the enterprise, it becomes a severe form of trafficking in persons as defined by the TVPA.

Human smuggling, on the other hand, is the facilitation, transportation, attempted transportation, or illegal entry of a person or

<sup>19</sup> OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPT. OF STATE, U.S. DEPT. OF STATE. TRAFFICKING IN PERSONS REP. (2005); U.S. DEPT. OF JUSTICE, ASSESSMENT OF U.S. GOV'T ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2003 (2004).

<sup>20</sup> *United States v. Pipkins*, 378 F. 3d 1281 (11th Cir. 2004).

persons across an international border in violation of American immigration laws. Many of those illegally entering the United States are smuggled, not trafficked.<sup>21</sup> Smuggling may occur clandestinely or through deception, such as the use of fraudulent passports or other immigration documents.<sup>22</sup> Human smugglers enter into a contractual relationship with those they will illegally transport into our country. The smuggler is often paid a considerable amount of money for his services and the relationship normally ends once the smuggled person has entered the United States and the debt is paid. Sometimes, smuggling may turn into trafficking when smugglers extort their victims to force them to work until the smuggling debt is repaid. Traffickers routinely prey on undocumented immigrants' fear of law enforcement to place them in slavery.



Two of the defendants in [United States v. Pipkins](#).

## 2. Identifying Victims is Difficult

Another explanation is that identifying and assisting victims of human trafficking are difficult tasks, and consequently the Department does not have reliable figures regarding the number of victims who may be in the United States. Trafficking victims who have been rescued in connection with federal government activities over the past several years have come from more than 50 different countries.<sup>23</sup> But several factors contribute to the difficulty of identifying and rescuing trafficking victims. Human trafficking, like many other crimes, often requires that the victim and the criminal enterprise remain in the shadows of our communities. Moreover, victims often suffer from paralyzing fear and are reluctant to seek help, further exacerbating the problem. Traffickers prey on the meek and destitute, coercing and deceiving them into hiding. The condition of the trafficking victim is as desperate today as it was in the 19th century. As the Supreme Court has noted:

*These young children were literally stranded in large, hostile cities in a foreign country. They were given no education or other assistance toward self-sufficiency. Without such assistance, without family, and without other sources of support, these children had no actual means of escaping the [trafficker's] service; they had no choice but to work for their masters or risk physical harm. The [traffickers] took advantage of the special vulnerabilities of their victims, placing them in situations where they were physically unable to leave.<sup>24</sup>*

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<sup>21</sup> THE HUMAN SMUGGLING AND TRAFFICKING CENTER, FACT SHEET: DISTINCTIONS BETWEEN HUMAN SMUGGLING AND HUMAN TRAFFICKING (2005).

<sup>22</sup> *Id.*

<sup>23</sup> U.S. DEPT. OF JUSTICE, ASSESSMENT OF U.S. GOV'T ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2004 (2005); U.S. DEPT. OF JUSTICE, ASSESSMENT OF U.S. GOV'T ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2003 (2004).

<sup>24</sup> *United States v. Kozminski*, 487 U.S. 941, 947-8 (1988)(discussing *United States v. Arancarola*, 1 F. 676 (C.C.S.D. NY 1880)).

### 3. Trafficking Schemes May Be Dismantled In A Variety of Ways

A third possible explanation for this disparity is that victims may be helped by state and local law enforcement activities that the Department does not know about or, in some instances, state and local officials may not realize that they have uncovered trafficking victims. Under our federal system of government, state and local governments may prosecute these cases under other criminal laws. Furthermore, although a particular prosecution by the Department may only result in the rescue of one or a few victims, it is reasonable to assume that enterprises that have been in business for several years have victimized dozens and possibly hundreds of people.



*[W]e must combat crimes that tear at the fabric of our society – especially obscenity and the heinous crime of human trafficking.”*

*-Attorney General Alberto R. Gonzales  
at the National Press Club,  
Friday, May 20, 2005*

### 4. Developing A Better Understanding of Trafficking and its Victims

The Department is committed to discussing and refining methodologies for estimating the number of victims that may yield more reliable results. The Department's Bureau

of Justice Statistics and National Institute of Justice have begun to research these issues and will publish information useful to victim advocates, policy makers, and law enforcement officials. Indeed, Congress has recently mandated that the Department undertake research to develop an estimate of the number of persons engaged in severe forms of trafficking and commercial sex acts

and share this information with its state and local governmental and non-governmental partners.<sup>25</sup> The enactment of anti-trafficking crimes at the state level, many of which are based on the Department's model anti-trafficking statute, is a heartening trend, as the men and women in state and local law enforcement far outnumber the federal resources available to combat this problem.<sup>26</sup> As with domestic violence and sexual abuse, it is local police and

prosecutors who will investigate and prosecute a significant amount of trafficking cases in the coming years. The Department is committed to supporting these partners in expanding the victim-centered approach it has developed.

<sup>25</sup> Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, § 201 (a)(1)-(2) (signed into law on January 10, 2006).

<sup>26</sup> The Department's model state law is further discussed below at Part VI, "The Department's Full-Scale Attack on Human Traffickers," Section E, "Fostering State, Local and Non-Governmental Activities to Combat Human Trafficking." A copy of the model state law is available as Appendix I. to this report and on the Internet at [http://www.usdoj.gov/crt/crim/model\\_state\\_law.pdf](http://www.usdoj.gov/crt/crim/model_state_law.pdf).



## B. The Department Takes A Victim-Centered Approach To This Crime

Victim-centered prosecutions recognize that the government's interest in these cases stems from the violation of the fundamental right of freedom. Moreover, victim-centered prosecutions are essential to the liberation and care of victims. In vindicating the survivor's right to be free, federal prosecutors must give him or her the opportunity to use that freedom and the support to make it meaningful. The victim-centered approach reflects the understanding that the mission of government is to remove victims from the abusive setting, place them into safe programs of restorative care, and hold the perpetrators accountable. This approach flows from our nation's foundational principles: Respect for human dignity and civil rights.

Typically, federal prosecutors learn about a crime from the victim or an eyewitness, or through an investigation. For traffickers to be successful, they must hide their crime from law enforcement by concealing

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*It's their fault that I lost my friends, my parents....My story is very long. It took me about a year to reach my parents....They [the defendants] don't repent for everything they did to me, for all the damage they did to me. They hit me....They thought they were big shots. I tried to defend myself but couldn't. I tried to escape....*

*– S.A.H., a victim in  
United States v. Jimenez-Calderon*

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their victims and their collaborators. Those who benefit from trafficking – men who frequent prostitutes and persons who take advantage of the low cost labor that the traffickers broker – are often momentary beneficiaries, and may not even know that the victim is being held in compelled service.

Thus, the only remaining eyewitness is often the victim. To prevent their workforce from running away and to forestall detection, traffickers have an incentive to instill fear in their victims – fear of American law enforcement, fear of their captors, and fear of anyone they meet in their unfamiliar settings. Many victims are far from their countries of origin and their families. They do not speak English and are more likely than not to lack any legal immigration status. Traffickers prey on the unsettled aspects of their lives, playing victims against each other and generating a culture of fear.

Victims of trafficking often live and are forced to work in linguistic and social isolation. They fear the threat of exposure and feel shame about the work they are forced to do, particularly when that work includes sexual abuse. They also fear continued violence or the threat of reprisals against loved ones. They can develop a psychological and emotional dependence on the trafficker or others. Immigrant victims of human trafficking often face a special set of circumstances that keep them in the shadows of our nation's communities. Traffickers will often withhold immigration documents from immigrant victims. Immigrant victims may have a fear of American law enforcement, may not understand their rights, and fear risking default on monies owed their captors, as well as the collateral effect that may have on their families back home. The result is that victims will rarely self-report and so they must be proactively found.

Trafficking victims are not only aliens or foreign nationals. Adult United States citizens are also vulnerable to exploitation by traffickers, including commercial sexual exploitation by pimps. Traffickers of adult United States citizens may use drugs, alcohol, and physical and sexual abuse to con-



trol their victims. Traffickers of United States citizens have also preyed on persons with disabilities, the homeless, and the poor.

American victims of child sex trafficking have unique vulnerabilities. Domestic child prostitution is often not the beginning of the exploitation of the child, but a continuation of abuse or trauma that the victims have already endured. Traffickers take advantage of runaway children who may have fled their homes to escape physical or sexual abuse. Other children preyed upon by traffickers may be “throwaways,” children exiled from their homes by neglectful or unloving guardians. Once on the streets, traffickers will often use alcohol and drugs to control their victims.

While relying on the victims to give testimony about their suffering – the same duty American law requires of any witness – the Department places a premium on addressing the victims’ need for recovery. Agents, prosecutors, and victim-witness staff work with, and are intensifying their relationships with, victim services providers. These groups, often experienced faith- or community-based organizations that have previously served immigrant or abused populations, can help keep the victims safe, meet their medical and housing needs, and help them find an equilibrium in their lives through job training, language classes, and life-skills counseling.

The services that are available to victims form the basis of the Department of Justice victim-centered approach. Congress intended this comprehensive effort to combat trafficking in its passage of human trafficking statutes. One of the added benefits of restorative care for victims is that the victims are empowered to provide critical evidence that law enforcement can use to investigate and prosecute traffickers. Without these services,



Assistant United States Attorneys Ruben Perez and Ed Gallagher with Civil Rights Division criminal prosecutor Lou de Baca training members of the Houston-area Human Trafficking Rescue Alliance.

victims would remain too traumatized or afraid to assist law enforcement.

Victim-centered prosecutions, where government-funded services and protection are provided to victims who assist an investigation and prosecution, are critical to the prevention of human trafficking. Without the victim’s contribution, law enforcement’s ability to stop traffickers from recruiting other vulnerable persons is blocked. Without the victim’s help, police and prosecutors will not be able to neutralize the trafficking scheme effectively and prevent others from being trafficked.

Federal law enforcement is committed to combating human trafficking with a victim-centered approach. Federal investigators and prosecutors, including Federal Bureau of Investigation agents, Bureau of Immigration and Customs Enforcement agents and Assistant United States Attorneys, immediately refer a victim to victim-witness coordinators who begin to provide the appropriate referrals to victim services providers, often grantees that are funded through the Office for Victims of Crime and the Department of Health and Human Services’ Office of Refugee Resettlement.

The Civil Rights Division and the Office for Victims of Crime work together to ensure that grantees are available to provide service to victims. In addition, because trafficking victims may avail themselves of victim services providers funded through other Departmental components, such as the Office on Violence Against Women and the Bureau of Justice Assistance, grantees of these offices are trained to provide assistance to victims of human trafficking.

Department components regularly promote a victim-centered response and educate other law enforcement agencies and victim services providers about the dynamics of trafficking and the need for proactive investigations in an effort to increase awareness and outreach to new partners, with the ultimate goal of preventing victimization. For example:

- Since 2002, Civil Rights Division staff have trained federal, state, and local law enforcement officers and victim services providers about proactive victim-centered investigations. In addition, lawyers in the Civil Rights Division's Criminal Section have educated prosecutors and other law enforcement officials across the country on the criminal provisions of human trafficking statutes and have provided practical guidance on investigating and prosecuting these difficult cases. Civil Rights Division criminal prosecutors have also assisted localities with establishing regional working groups to better coordinate and focus anti-trafficking law enforcement efforts. The Civil Rights Division's Criminal Section continues to organize and lead training efforts at the Justice Department's national training facility for federal investigators and prosecutors from around the country, as well as victim-witness coordinators from the Department and other federal law enforcement agencies.



In [United States v. Cadena](#), a 14 year-old girl, trafficked into prostitution, was only allowed two possessions: a roll of paper towels and a teddy bear.

- Since January 2003, nearly 40,000 law enforcement officers, attorneys, social service providers, advocates, medical and mental health professionals, and community members have been trained by the Office for Victims of Crime and Bureau of Justice Assistance grantees. Moreover, Bureau of Justice Assistance's law enforcement training has emphasized that code enforcement officials, fire marshals, and other persons who may have access to places where victims are being held should be trained on signs of human trafficking.
- The Federal Bureau of Investigation's Civil Rights Unit and various United States Attorneys' Offices have participated in dozens of regional Department-sponsored human trafficking training conferences hosted throughout the country, in cities including Los Angeles, Houston, New Haven, Portland, St. Louis, San Diego, San Francisco, and Tampa.

- Since 2003, the Criminal Division's Child Exploitation and Obscenity Section has trained more than 350 law enforcement personnel and other officials on the investigation and prosecution of child prostitution cases, emphasizing the importance of a victim's safety.

FIGURE 3

