

METHODOLOGY & TERMINOLOGY

METHODOLOGY

SCOPE OF THE 2019 FEDERAL HUMAN TRAFFICKING REPORT

The 2019 Federal Human Trafficking Report provides an exhaustive overview of human trafficking cases that U.S. federal courts handled in 2019. In recognition that most cases do not begin and end within a calendar year, the Report additionally captures human trafficking cases filed prior to 2019, so long as the case was active during 2019.¹⁰⁵ The Report also captures the same scope of material for all human trafficking cases that federal courts handled in 2018, 2017, and 2016 to enable year-over-year comparisons.

The Report includes all federal cases that involved a human trafficking offense under Chapter 77 of the U.S. Penal Code. The Report does not represent the total number of human trafficking cases in the United States; rather, it includes only those cases initiated in federal courts. Human trafficking cases handled in state courts are not included. The Report, however, does capture federal cases with corresponding state human trafficking charges, so long as they relate to overlapping facts, victims, and timeframes of the federal case.

In addition to providing data on cases that involved a Chapter 77 offense, the 2019 Report *separately* captures criminal human trafficking cases in which the government charged a defendant under statutes outside of Chapter 77, if there is substantial evidence of coercion, commercial sex with a child, or an identified victim of trafficking. The Human Trafficking Institute recognizes that many human trafficking cases present legal and evidentiary challenges that preclude proving the elements of Chapter 77 crimes beyond a reasonable doubt. It is for this reason the Report has always included cases charged and/or resolved outside of Chapter 77 to accurately capture all federal efforts to hold traffickers accountable for associated criminal conduct.

In previous publications of the Federal Human Trafficking Report, human trafficking cases charged outside of Chapter 77 were captured in conjunction with cases that involved Chapter 77 offenses. However, these cases have been separated for the 2019 Report to provide a more nuanced

look at how the federal government prosecutes human trafficking crimes. As these cases are now separated, the data in the 2019 Federal Human Trafficking Report appear significantly lower than those in past reports, as they reflect only cases that involved an offense under Chapter 77. To enable year-over-year comparisons, the 2019 Report has excluded non-Chapter 77 cases from the main sections of the Report. For an analysis of human trafficking cases charged outside of Chapter 77 in 2019, please see the FAQ box on page 52.

HISTORICAL DATA

In response to feedback from several stakeholders, the Institute has gathered a limited set of historical data, from criminal cases initiated in 2000 through 2008 and 2015, in addition to the comprehensive data from 2016–2019. It is important to note that the Institute’s historical data is limited to criminal cases that were charged during those years, so it does not capture all active cases. For example, a case that the government initiated in 2014 that continued into 2015 would not be included in the Institute’s current data. In future years, the Institute hopes to collect comprehensive data on every federal human trafficking case charged under the TVPA since it was enacted in 2000.

NOT A PREVALENCE ESTIMATE

The Report is not a prevalence estimate and is not intended to reflect the scope of human trafficking within the United States. Instead, the Report represents federal investigative and prosecutorial efforts to hold traffickers accountable at the federal level. Moreover, the Report only captures victims that public sources identified by name, initials, or pseudonym. The government often does not identify all of the victims exploited by trafficking in public court documents, which limits the Report’s ability to determine the total number of victims involved in federal human trafficking cases. Accordingly, this Report should not be used for the purpose of determining the total number of trafficking victims during the 2019 reporting period.

¹⁰⁵ For a definition of “active,” see the Report Methodology’s section on “Human Trafficking Cases.”

IDENTIFICATION OF HUMAN TRAFFICKING CASES

DEVELOPING AN EXHAUSTIVE CASE LIST

The Human Trafficking Institute (“Institute”) compiled this Report through a comprehensive examination of public court documents in human trafficking cases, as well as a detailed review of news stories and agency press releases. The Institute conducted an extensive search of the Federal Government’s Public Access to Court Electronic Records, Westlaw, and press releases from the 94 United States Attorney’s Offices to identify human trafficking cases that were initiated in 2019.¹⁰⁶

PACER

Utilizing the Federal Government’s Public Access to Court Electronic Records (PACER), the Institute searched the individual pages of the 94 federal districts to identify cases involving the following Chapter 77 offenses related to human trafficking:

- 18 U.S.C. § 1581 (Peonage);
- 18 U.S.C. § 1582 (Vessels in the Slave Trade);
- 18 U.S.C. § 1583 (Enticement into Slavery);
- 18 U.S.C. § 1584 (Involuntary Servitude);
- 18 U.S.C. § 1585 (Seizure, Detention of Slaves);
- 18 U.S.C. § 1586 (Service on Vessels for Slave Trade);
- 18 U.S.C. § 1587 (Possession of Slaves aboard a Vessel);
- 18 U.S.C. § 1588 (Transportation of Slaves from the United States);
- 18 U.S.C. § 1589 (Forced Labor);
- 18 U.S.C. § 1590 (Trafficking for Peonage, Slavery, Involuntary Servitude, or Forced Labor);
- 18 U.S.C. § 1591 (Sex Trafficking);
- 18 U.S.C. § 1592 (Documents);
- 18 U.S.C. § 1592A (Benefiting Financially);

- 18 U.S.C. § 1594 (Attempt or Conspiracy to Commit Human Trafficking); and
- 18 U.S.C. § 1597 (Immigration Documents).

For the data in the FAQ box on page 52, the Institute also searched the 94 federal district pages on PACER to identify cases involving the following Mann Act offenses related to human trafficking:

- 18 U.S.C. § 2421 (Promotion or Facilitation of Prostitution and Sex Trafficking)
- 18 U.S.C. § 2422(a) (Coercion/Enticement of an Adult)
- 18 U.S.C. § 2422(b) (Coercion/Enticement of a Minor)
- 18 U.S.C. § 2423(a) (Travel with Intent to Engage in Criminal Sexual Activity)
- 18 U.S.C. § 2423(b) (Travel with Intent to Engage in Illicit Sexual Conduct)

In determining whether to include a case charged exclusively under the Mann Act, the Institute considers whether the government, based on the facts alleged in the indictment, could ultimately have charged the defendant with a Chapter 77 offense. The Institute included cases charged under the Mann Act without accompanying Chapter 77 offenses if public court pleadings clearly indicated that the defendant compelled an adult victim to engage in commercial sex through force, fraud, or coercion, or, in cases involving child victims, where evidence indicated that the defendant intended to sexually exploit the child for profit. The Institute also included cases charged exclusively under the Mann Act if federal prosecutors confirmed there was an identified victim of trafficking in the case. The Institute does not track cases charged exclusively under the Protect Act,¹⁰⁷ but does track Protect Act offenses if they are charged alongside another human trafficking offense.

REVIEW OF PRESS RELEASES

The Institute carefully reviewed the press releases of the 94 federal districts to identify all articles discussing the indictment, arrest, trial, sentencing, or appeal of a human trafficking defendant in 2019. In addition to including cases where the government expressly labeled the case as a human

¹⁰⁶ Each district provides a different list of searchable statutes. Not every district allows each section of Chapter 77 to be searched. In those districts, we searched every Chapter 77 offense that was available to be searched using the District’s PACER site.

¹⁰⁷ Pub.L. 108–21, 117 Stat. 650, S. 151, enacted April 30, 2003.

trafficking case in the press release, the Report captures cases where the press release indicated substantial evidence of compelled or coerced labor, services, or commercial sex, or where the government charged the defendant with the transportation of a child for commercial sex. The Report includes four additional human trafficking cases that were active in 2019 as a result of this process.

LETTERS TO THE UNITED STATES ATTORNEY'S OFFICES

To confirm the accuracy of the identified case list, the Institute mailed physical letters to all 94 U.S. Attorney's Offices, with a list of all of the 2019 initiated human trafficking cases that the Institute identified in their district. Half (47) of U.S. Attorney's Offices responded, providing 36 additional human trafficking cases for inclusion in the Report. Eight of the 36 were cases where the government charged the defendant with a Chapter 77 offense that the Institute team had not identified in its search of PACER, Westlaw, or Press Releases. The other 28 cases were cases with an identified human trafficking victim where the government charged the defendants with non-Chapter 77 offenses.

REVIEW OF CASE LISTS BY MAIN JUSTICE COMPONENTS

The Institute provided a list of the 2019 initiated cases to the United States Department of Justice's Human Trafficking Prosecution Unit (HTPU) in the Criminal Section of the Civil Rights Division, and Child Exploitation and Obscenity Section (CEOS) in the Criminal Division. The HTPU provided an additional 12 cases that were not also provided by a U.S. Attorney's Office. All 12 cases were charged outside of Chapter 77.

IDENTIFICATION OF CIVIL HUMAN TRAFFICKING CASES

In addition to the 606 active criminal cases in 2019, the Report captures 179 civil human trafficking cases that were active in 2019. The Institute identified the civil cases through an exhaustive search of the Human Trafficking Legal Center's (HTLC) database, WestLaw, Bloomberg, and Google. HTLC also confirmed our final list was complete with the exception of two cases that the Institute merged with other civil matters according to the methodology detailed in the following section. The Report

includes all civil human trafficking suits handled during 2019, regardless of their merits; however, the Report only captures cases in which the final amended complaint included a human trafficking claim.

COLLECTION OF HUMAN TRAFFICKING CASE DATA

Upon the identification of a human trafficking case, the Institute reviewed the underlying pleadings and other related documents to capture essential information about the case, defendants, charges or claims, attorneys, and any related direct appeals. The Institute team specifically focused on complaints and charging instruments, key motions and briefs, plea agreements, verdict forms, sentencing memoranda, judgments, and appeal information. After the relevant information was collected and reviewed, the Institute added the case to a Salesforce database ("Database") designed expressly for the publication of the Report. At least two trained project attorneys separately reviewed the data in each case to ensure accuracy and completeness.

The Institute added all identified human trafficking cases that were active in 2019 to the Database for inclusion in the Report, including cases that U.S. Attorney's Offices or the Department of Justice submitted for inclusion by February 21, 2020. The Database already contained all active 2016, 2017, and 2018 cases identified through previous years' data collection and entry process. There are a number of other reasons why the *2019 Federal Human Trafficking Report* may include cases from 2016, 2017, and 2018 that were not in the 2017 report. The government may have added human trafficking charges to what was previously a non-human-trafficking case; U.S. Attorney's Offices may have identified a victim of human trafficking in an older case charged outside of Chapter 77; or cases may have been late additions to the PACER databases that the Institute searches.

HUMAN TRAFFICKING CASES

A human trafficking "case" within the Report may include a single defendant or multiple related defendants who have been charged with trafficking one or more victims. Where multiple defendants are included under one "case," the defendants must have been related by a common victim and facts. The Report captures related defendants under one case even where the defendants are charged in separate charging instruments or where charges are initiated in separate case

numbers, so long as the facts indicate that the defendants were related through a commonly exploited victim or a common plan or scheme.

ACTIVE & INACTIVE CASES

To qualify for inclusion in the Report, the human trafficking case—whether criminal or civil—must have been “active” in 2016, 2017, 2018, or 2019.¹⁰⁸ The Report considers a criminal case to be “active” if prosecutors initiated charges in federal court and at least one defendant is still awaiting trial or sentencing, or if at least one defendant still has the option to file a direct appeal. Similarly, the Report considers a civil case to be “active” if a plaintiff has filed a complaint in federal court and at least one defendant is still awaiting a final judgment or still has the opportunity to file a direct appeal. If a case is removed from state court to federal court, the active date is the date that the case was removed to federal court, not the date that the case was filed in state court.

The Report classifies a case as “inactive” where there are no charges or claims against any defendant left to be resolved and when the time for all defendants to directly appeal the final judgment or order of the court has expired. To put it another way, a case becomes “inactive” when the last defendant’s time for filing a notice of direct appeal has expired. The Report relies on Rules 4 and 26 of the Federal Rules of Appellate Procedure (“FRAP”) to calculate the date that the defendant’s time for filing a notice of direct appeal has expired.

In a criminal case, under FRAP 4(b), “a defendant’s notice of appeal must be filed in the district court within 14 days after the later of: (i) the entry of either the judgment or the order being appealed; or (ii) the filing of the government’s notice of appeal.” For a criminal case in which the defendant did not appeal the district court’s final judgment and did not file any subsequent motions upon which the district court must rule, the inactive date is 14 days beyond the judgment date.

In a civil case, under FRAP 4(a), a defendant’s notice of appeal generally “must be filed with the district court within 30 days after entry of the judgment or order appealed from.” A number of timing extensions are provided in civil cases where

the United States is a party to the case,¹⁰⁹ where one of several motions has been filed,¹¹⁰ or where the appeal is filed by an inmate confined in an institute.¹¹¹ These timing exemptions are taken into consideration when calculating a case’s inactive date for purposes of the Report. For a civil case where the defendant did not appeal the district court’s final judgment and did not file any subsequent motions upon which the district court must rule, the inactive date is 30 days beyond the judgment date.

For a criminal or civil case where one or more defendants has appealed the district court’s judgment, and the appellate court has issued its decision on appeal, the case becomes inactive when the defendant’s time to appeal the appellate court’s decision to the Supreme Court has expired. Rule 13 of the Rules of the Supreme Court of the United States provides that “a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by . . . a United States court of appeals . . . is timely when it is filed with the Clerk of [the Supreme] Court within 90 days after entry of judgment.” The Supreme Court may extend a party’s time for filing a writ of certiorari upon showing of good cause, for a period not exceeding 60 days, provided the extension is requested at least 10 full days before the petition is otherwise due. For a civil or criminal case where 90 days have passed since the appellate court rendered its decision and no additional entries have been added to the appellate docket, the case is deemed inactive upon the date that the time to file the petition of certiorari has expired.

In a criminal or civil human trafficking case, once there are no pending charges or claims against any defendant to be resolved and after the time for all defendants to appeal the final judgment or order of the court has expired, the case becomes inactive. Subsequent motions for post-conviction relief, such as a motion challenging the defendant’s conviction or sentence under 28 U.S.C. § 2255 or the filing of a habeas corpus petition under 28 U.S.C. § 2241, do not render the case active. Furthermore, clerical activity on the docket following the expiration of the defendant’s time to file a direct appeal, including the payment of a fine or restitution or a request for modification of a supervised term of release, does not reactivate an inactive case. Thus, the Report does not capture human trafficking cases where

¹⁰⁸ The Report also includes cases that were “new” in 2000 to 2008 or 2015. The data are more limited for these years because they do not capture all active cases, only all new cases. Comprehensive data on all active cases from 2000 to present will be available in future Reports.

¹⁰⁹ See FRAP 4(a)(1)(B).

¹¹⁰ See FRAP 4(a)(4).

¹¹¹ See FRAP 4(c).

the only activity in the case in 2019 includes a defendant's motion for post-conviction relief or payment of a fine or restitution to a victim in the case.

CIVIL & CRIMINAL CASES

The Report classifies every case as "criminal" or "civil." Cases are "criminal" if the government charged a defendant with a federal crime through the filing of complaint, information, or indictment. Cases are "civil" if a plaintiff filed a civil complaint in federal court against a defendant.

CASE TYPE: SEX TRAFFICKING & FORCED LABOR

The Report classifies every case as a "sex trafficking" case or "forced labor" case. If the facts included in public sources, news stories, and press releases indicate that the defendants compelled or coerced the victims to provide labor or services, the case is classified as "forced labor." Conversely, if the facts included in public court documents, news stories, and press releases indicate that the defendants compelled or coerced the victims to engage in a commercial sex act, the case is classified as "sex trafficking." Cases of attempt and conspiracy are included in both categories.

In the majority of human trafficking cases in the Report, the binary classification is clear and sufficient, as the facts or charges involved defendants compelling or coercing victims to perform either labor/services or sex, not both. However, seven criminal cases involved both sex trafficking and forced labor charges. For these cases, the Institute conducted a thorough review of the court docket and related materials to determine if the trafficking operation was primarily a sex trafficking or forced labor enterprise. The Report concludes that five of the seven cases were primarily sex trafficking with associated forced labor charges, and two of the cases were primarily forced labor with corresponding sex trafficking charges.

INDUSTRIES & METHODS OF SOLICITATION

The 2017 and 2018 Federal Human Trafficking Reports included data on "business models." This year's report presents the same data using more specific terminology. In forced labor cases, the Report uses the term "industries" to refer to what was formerly "business models." The "industry" is defined as the business or industry where traffickers compel the victims to work or provide labor or services. In sex trafficking cases, the Report replaced

the term "business model" with "method of solicitation," defined as the physical location or online presence where traffickers solicit buyers. The method of solicitation is not categorized by the location where the commercial sex act took place, but instead asks where traffickers sought buyers. Where public documents identify more than one industry or method of solicitation in a case, the Report looks to that which was most frequently used.

The individual industries and methods of solicitation for forced labor and sex trafficking cases are defined in the Terminology section of the Report.

HUMAN TRAFFICKING DEFENDANTS

CRIMINAL DEFENDANTS

In general, the Report captures every defendant in a federal criminal human trafficking case, regardless of whether the government charged each defendant in the case with a human trafficking crime. By including all defendants in the case, the Report aims to capture the most accurate picture of human trafficking cases that are prosecuted in federal courts.

The Report does not include defendants whom prosecutors charged by complaint or information but never ultimately indicted, with the exception of defendants who waive their right to indictment in a plea agreement.

IMPORTANT DATES

For each defendant, the Report tracks important dates in the criminal justice process, such as the date the government filed the initial charging instrument, the date the defendant pled guilty or went to trial, the date the district court entered the final judgment, and the date the defendant's time to directly appeal expires.

When the Report refers to "2019 active defendants," it considers all defendants whom the government charged in or before 2019 and whose time to file a direct appeal did not expire in or before 2019. In contrast, when the Report refers to "defendants in 2019 active cases," it captures all defendants prosecuted in a case that remains active in 2019, even if the government charged them prior to 2019 and their time to appeal expired before 2019 (i.e. they were never 2019 active defendants).

A defendant's "active" date is the date they were initially charged, and a defendant's inactive date is the date all of

the charges against the defendant are resolved and the defendant's window to directly appeal has expired, if applicable. For rare situations in which there are at least six months of unexplained inactivity on a defendant's docket, the Report considers the defendant inactive as of the date of the last activity on the docket. Project attorneys will continue to monitor these dockets on an annual basis in case new information becomes available.

The Report calculates a defendant's length of resolution as the number of months (i.e. 30 days) from a defendant's active date to a defendant's inactive date. This differs from the 2017 Report, when length of resolution was based on the entire case rather than each individual defendant.

When determining dates, the Report generally relies on the file stamp date in the court docket, unless the court docket indicated that the event occurred on a different date. When the docket revealed that an event occurred on a date different than the file stamp date, the Report relies on the date that the event in fact occurred.

MANNER RESOLVED, PUNISHMENT, & RESTITUTION

The Report also captures the manner in which the district court resolved the charges against each defendant: by dismissal, plea agreement, or trial. If the defendant was convicted, the Report tracks each defendant's sentence, including term of imprisonment, if any; amount of fine, if imposed; information about special assessments, if ordered; and amount of restitution to the victims, if ordered.

The Report tracks the total length of imprisonment to which a defendant in a human trafficking case is sentenced, not only the term of imprisonment ordered for human trafficking convictions. If the defendant was sentenced to time served, the Report considers the length of time the defendant was detained prior to trial as the term of imprisonment.

DEFENDANT'S PROFILE

When known, the Report includes general information about the defendant's profile, such as the gender of the defendant and the age of the defendant at the time of arrest. Where public sources identify the relationship that the defendant had with the victim prior to exploitation, the Report captures this data. In the 2017 Report, the Institute gathered information on defendant relationships with victims but did not specify a timeframe. The 2018

and 2019 Reports limit the data to how the defendant knew the victim *prior* to trafficking the victim. Accordingly, after the 2017 Report, the Institute eliminated the "Pimp" category to provide more meaningful information about the defendant-victim relationship pre-trafficking, rather than the defendant-victim relationship during the trafficking scheme. The "Pimp" category has been removed from all years to enable year-over-year comparisons.

"ANCILLARY" HUMAN TRAFFICKING CASES

In cases where human trafficking is an ancillary matter in the federal criminal case, the Report captures only defendants whom the government charged with a human trafficking crime. The Report categorizes human trafficking as an "ancillary" matter where it is clear that the primary purpose of the criminal enterprise was not human trafficking.

For example, if a federal case is primarily about health care fraud, and the government charged only one of 10 defendants with a human trafficking crime and the remaining nine defendants with non-human-trafficking-related offenses, the Report would consider human trafficking to be an "ancillary" matter in the case. The Report would capture information about the defendant that the government charged with a human trafficking crime but it would not include the other defendants who were unrelated to the trafficking crime.

Conversely, if a federal case charged only one of 10 defendants with a human trafficking crime and the remaining nine defendants with non-human-trafficking offenses related to the human trafficking scheme, revealing that the case was primarily about human trafficking, the Report would not consider human trafficking to be an "ancillary" matter. Accordingly, the Report would capture information about all of the defendants the government charged.

Of the new criminal cases in 2019, the Report found that human trafficking was an ancillary matter in two cases. For the remaining 143 criminal cases initiated in 2019, the Report includes all of the defendants and charges named in the charging instrument, not only those defendants charged with a human trafficking crime. It is important to note that in cases where trafficking is an ancillary matter, the case becomes "inactive" when the charges against the defendant charged with a trafficking crime are resolved, even where charges may still be pending against the other defendants.

CIVIL DEFENDANTS

For civil human trafficking cases, the Report includes only defendants against whom plaintiffs have brought Chapter 77 claims. For each of these defendants, the Report tracks important dates in the civil process, such as the date the plaintiffs filed the suit, and the date of resolution, whether by dismissal, trial, or settlement. When determining dates, the Report generally relies on the file stamp date in the court docket, unless the court docket indicated that the event occurred on a different date. When the docket revealed that an event occurred on a date different than the file stamp date, the Report relies on the date that the event in fact occurred. For cases where the district court entered a judgment or default judgment, the Report discloses the amount of the judgment.

Where known, the Report also includes general information about the defendant's profile, such as the gender of the defendant, the age of the defendant when the plaintiff filed the suit, and the type of relationship that existed between the defendant and the victims prior to alleged exploitation, if any.

HUMAN TRAFFICKING & NON-HUMAN-TRAFFICKING CHARGES

The Report captures each charge that the government filed against each defendant, including both human trafficking charges and non-human- trafficking charges. The Report relies on the final charging instrument against the defendant when determining the appropriate charges to include, unless the final charging instrument contained no human trafficking charge and immediately preceded a plea agreement. This combination of circumstances indicates the government reduced a defendant's charges as part of a plea agreement. In order to accurately reflect that the defendant pled down from a human trafficking charge, the Report relies on the last-in-time charging instrument that contains a human trafficking charge.

HUMAN TRAFFICKING CHARGES

This Report categorizes any charge filed against a defendant under statutes within Chapter 77 of the U.S. Penal Code as a "human trafficking charge." For a list of these statutes, see page 71. Additionally, the Report categorizes attempt,

conspiracy, ITAR (18 U.S.C. § 1952), and RICO (18 U.S.C. § 1962) charges as a "human trafficking charge" where the underlying offense is clearly defined as a Chapter 77 offense.

NON-HUMAN-TRAFFICKING CHARGES

All criminal charges other than those listed above as "human trafficking charges" are "non-human-trafficking charges." Non-human-trafficking charges include, *inter alia*, the following offenses: alien harboring (8 U.S.C. 1324); Mann Act (18 U.S.C. §§ 2421-2423); child pornography (18 U.S.C. § 2251-2252); and attempt (18 U.S.C. § 2), conspiracy (18 U.S.C. § 371), ITAR (18 U.S.C. § 1952), and RICO (18 U.S.C. § 1962) where the underlying offense falls outside Chapter 77.

NUMBER OF CHARGES

In general, the number of "charges" that the Report captures for a defendant equals the total number of charges included in the final charging instrument against the defendant. Where the government files a superseding information that includes additional charges for the sole purpose of a plea agreement, the Report also captures the charges from the charging instrument immediately preceding the superseding information. In doing so, the Report aims to capture the most serious charges that the government brought against the defendant, as well as the ultimate charges included in the defendant's plea agreement.

Where human trafficking is considered an "ancillary matter,"¹¹² the Report includes all charges that the government brought against the defendant involved in the trafficking enterprise. This includes both human trafficking and non-human-trafficking charges filed against that defendant.

HUMAN TRAFFICKING VICTIMS

VICTIMS IN CRIMINAL CASES

The Report's ability to determine the total number of victims involved in federal human trafficking cases is limited. The Report captures only publicly available information about victims that the government identified by the name, initials, or pseudonym within one or more human trafficking charge

¹¹² See the definition of "ancillary matter" under the Methodology's section on Human Trafficking Defendants.

or related charges listed in the charging instruments.¹¹³ The actual number of victims in a case may be more than the government identifies in public filings. The victim-related findings in the Report should not be used as an estimate of the number of victims identified or assisted by the government or civil society organizations. This Report does not provide a prevalence estimate for the number of victims traffickers exploited during 2019.

ADDITION OF VICTIM VULNERABILITY, VISA, AND COUNTRY OF ORIGIN DATA

The 2019 Report includes three new datasets for victims: vulnerabilities, visas, and countries of origin.¹¹⁴ All three datasets are extremely limited and reflect only publicly available information about victims in federal human trafficking cases charged under Chapter 77. As with all the data in the Report, it is inaccurate to construe these new datasets as prevalence estimates.

In response to requests from stakeholders, the Institute began collecting data on victim vulnerabilities in 2019. Project attorneys tracked 14 vulnerabilities: drug dependency or substance abuse, financial debt, foster care, history of child abuse or neglect, history of domestic violence, homelessness, irregular immigration status, LGBTQI, limited English language ability, mental disability, physical disability, prior trafficking victim, runaway, and truancy. Section 1.2.2 of the Report includes only the categories that public sources mentioned most frequently. Project attorneys entered vulnerability information in new cases only, making victim vulnerabilities the most limited of the three data sets. Since more victim information often becomes available at later stages of a case, the Federal Human Trafficking Report will likely have more robust data on victim vulnerabilities in future years.

Visa information is another dataset the Institute began tracking in 2019 in response to stakeholder requests. Project attorneys gathered visa information for all active cases, rather than just new cases, so the data pool is larger than that used for vulnerabilities. It is common, however, for public sources to leave out information about *whether* a victim traveled to

the United States on a visa and *what type* of visa, so the data almost certainly underrepresents the number of victims in every visa category.

Unlike vulnerability or visa information, victim country of origin is a datapoint the Institute has captured for three years, even though the Report did not present country of origin information until this year. This means, the Institute has country of origin data—where available in public sources—for all victims in federal human trafficking cases active in 2016 or later. The Institute does not report on the percentage of victims who were U.S. citizens versus foreign nationals, because public sources often omit country of origin information if the victim is a U.S. citizen, which means the data would skew deceptively toward foreign national victims.

VICTIMS IN CIVIL CASES

The Report relies on public court documents about the plaintiffs who filed a complaint to track victim information in civil human trafficking cases. For civil suits involving fewer than 10 plaintiffs, the Report captures information about each plaintiff-victim, including the gender and age of the victim, where known. For civil suits involving 10 or more plaintiffs, the Report captures information about the lead plaintiff in the case.

HUMAN TRAFFICKING APPEALS

Where a defendant has filed a notice of appeal in a criminal case, the Report tracks the timing and result of the appeal. The Report tracks only direct appeals that follow a final judgment in the case that are filed within the timeline set out in Rule 4 of the Federal Rules of Appellate Procedure. The Report captures information about direct appeals to an appellate court, as well as direct appeals to the United States Supreme Court.

The Report does not track interlocutory appeals. Furthermore, the Report does not capture appeals based on collateral attacks on the district court's judgment, such as motions to challenge a conviction or sentence under 28 U.S.C. § 2255 or the filing of a habeas corpus petition under 28 U.S.C. § 2241.

¹¹³ Related charges include Mann Act charges (18 U.S.C. §§ 2421-2423) if the victim was a child or there was evidence of force, fraud, or coercion; or the following charges, where the underlying crime was a Chapter 77 offense: attempt to commit human trafficking (18 U.S.C. § 2), conspiracy to commit human trafficking (18 U.S.C. § 371), ITAR to commit human trafficking (18 U.S.C. § 1952), or RICO to commit human trafficking (18 U.S.C. § 1562).

¹¹⁴ Country of origin means “the country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.” Key Migration Terms, International Organization for Migration, <https://www.iom.int/key-migration-terms>.



DATA REVIEW

In an effort to provide an exhaustive review of federal human trafficking cases that were active in 2019, the Institute engaged in a comprehensive review process. Once a project attorney entered information about a case into the Database, a different project attorney was tasked with reviewing each field using the primary sources to confirm each entry was correct. The project attorneys raised questions and anomalies to the Report's authors for decisions. In addition, the project attorneys reviewed the Database through various topical reviews of reports to detect blank fields or unusual entries.

In addition to corresponding with government attorneys and non-profit organizations about the comprehensive identification of human trafficking cases during the reporting

period, the Institute conducted in-person meetings with Polaris, and the Department of Justice's Human Trafficking Prosecution Unit and Child Exploitation & Obscenity Section. Each of these groups provided verbal feedback, asked clarifying questions, and made recommendations.

Furthermore, the Institute hosted a group of survivors for a presentation on the Report's preliminary findings and a conversation about terms, searches, and context. The Institute incorporated recommendations and feedback.

In anticipation of the Institute's subsequent publication of annual reports on federal human trafficking cases, the Institute openly welcomes dialogue with interested parties about the substance or methodology of the 2019 Federal Human Trafficking Report, as well as proposed additions for the Report in future years.

TERMINOLOGY

INDUSTRIES

AGRICULTURE: When a trafficker compels a victim to provide labor for a farming business primarily engaged in growing crops, cultivating soil, or rearing animals for their byproducts.

BAR OR CLUB: When a trafficker compels a victim to provide labor or services at an establishment that serves alcohol or drinks as its primary business purpose.

CONSTRUCTION: When a trafficker compels a victim to provide labor at a commercial business focused on the process of building or repairing infrastructure, facilities, or residences.

DOMESTIC WORK: When a trafficker compels a victim to work for a family or household performing tasks such as cleaning or childcare, often living on-site.

HEALTH AND BEAUTY SERVICES: When a trafficker compels a victim to work at a business, the primary purpose of which is providing health or beauty services, such as manicures, haircuts, facials, and waxing.

HOSPITALITY: When a trafficker compels a victim to work at a hotel or in other hospitality services. This term is a broad industry category that focuses on lodging and tourism.

MANUFACTURING: When a trafficker compels a victim to work in any industry focused on the production or packaging of food or other merchandise to be sold, or any other industrial factory-type job.

RESTAURANT OR FOOD INDUSTRIES: When a trafficker compels a victim to work at a venue, the primary purpose of which is selling prepared food. This includes fast-food restaurants, sit-down restaurants, and food or ice cream trucks.

METHODS OF SOLICITATION

BROTHELS: When a trafficker solicits buyers of commercial sex through an illegal establishment where in-house commercial sex is offered to customers.

EROTIC SERVICES: When a trafficker solicits buyers of commercial sex through a formal business with the primary purpose of supplying buyers with commercial sex or romantic companionship. This includes any time a potential victim provides commercial sex on an “out-call” basis. The victim may meet potential buyers at various types of locations (hotels, private residences, etc.).

INTERNET: When a trafficker solicits buyers of commercial sex through an online website or social media platform.

MESSAGE PARLOR: When a trafficker solicits buyers of commercial sex at a business that offers, or claims to offer, legitimate spa services. This includes legal massage parlors, as well as illicit massage parlors that claim to offer legitimate spa services but whose true purpose is to offer commercial sex to customers.

PRE-EXISTING RELATIONSHIP: When a trafficker solicits buyers of commercial sex among individuals they already know. An example of the pre-existing relationship method of solicitation would be a drug dealer who begins selling victims for commercial sex to his customers in addition to drugs.

STREET-BASED COMMERCIAL SEX: When a trafficker expects a victim to solicit or initiate commercial sex by walking a designated section of a street—often an area known for criminal activity—which is sometimes called a “track,” “stroll,” or “block.”

STRIP CLUB: When a trafficker solicits or expects a victim to solicit buyers or initiate commercial sex at a strip club.

TRUCK STOP: When a trafficker solicits or expects a victim to solicit buyers or initiate commercial sex at a truck stop.

OTHER TERMINOLOGY

ADULT: Any person 18 years of age or older.

BUYER CASE: A case in which one or more of the defendants bought or attempted to buy commercial sex from a trafficking victim.

BUYER DEFENDANT: A defendant charged with buying or attempting to buy commercial sex from a person, knowing or in reckless disregard of the fact that the person is a trafficking victim. Buyer defendants can also be charged with buying or attempting to buy labor from a trafficking victim, but there were no active buyer defendants in forced labor cases in 2019. A buyer trafficker is a convicted buyer defendant.

CHILD: Any person under the age of 18.

DISTRICT COURT: The district court is categorized by the district of the trial court currently handling the case or that ultimately resolved the charges in the case.

LIFE IMPRISONMENT: A sentence for the defendant to remain in prison for the rest of their natural life. The Report captures life sentences that a court imposed against a defendant in a human trafficking case, even where the defendant was also convicted of other serious crimes.

PHYSICAL ABUSE: Physical abuse or other harm capable of causing injury that does not necessarily involve rape or other sexual assault.

PRIMARY INVESTIGATIVE AGENCY: The federal law enforcement agency that played the primary role in the investigation of a human trafficking case. If it is difficult to ascertain from public sources which agency played

the primary role, the primary agency is classified as the agency that initiated the investigation, if known.

PUBLIC SOURCES: Public court documents, press releases, news stories, and other publicly available information that the Institute searched during the collection and entry of case data for the Report. This includes case filings that the Institute purchased from PACER or documents the Institute retrieved from subscription legal databases.

SEXUAL VIOLENCE: Physical abuse in the form of rape or other sexual assault.

STING CASE: A deceptive operation that law enforcement use to catch a person committing a crime. This includes cases in which law enforcement respond to an advertisement posted by a trafficker selling a victim, and cases in which law enforcement advertise a fictitious victim to attract buyer traffickers.

ABBREVIATIONS

FBI: Federal Bureau of Investigation

HSI: Homeland Security Investigations. The investigative branch of Immigration and Customs Enforcement in the Department of Homeland Security.

PACER: Public Access to Court Electronic Records. The federal government's public case database.

TVPA: Trafficking Victims Protection Act. The Report uses "TVPA" to refer to the law as originally enacted in 2000, as well as all of its subsequent reauthorizations.

