

METHODOLOGY AND TERMINOLOGY



METHODOLOGY

SCOPE OF THE 2020 FEDERAL HUMAN TRAFFICKING REPORT

The 2020 Federal Human Trafficking Report (2020 Report) provides an exhaustive overview of human trafficking cases that the federal government has filed since the enactment of Trafficking Victim's Protection Act in 2000 (TVPA). Through an objective presentation of data, the 2020 Report highlights key findings and emerging trends in federal efforts to prosecute human traffickers over the past two decades. The 2020 Report includes all federal human trafficking cases where the government charged at least one defendant in the case with a crime under Chapter 77 of the U.S. Code, which includes the following offenses:

- 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 or 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).

Further, the Human Trafficking Institute (HTI) recognizes that many human trafficking cases present legal and evidentiary challenges that preclude proving the elements of Chapter 77 crimes beyond a reasonable doubt. To account for these cases, the 2020 Report includes a separate FAQ box on page 74 about federal efforts to prosecute human traffickers outside of Chapter 77. This feature box captures human trafficking cases charged outside of Chapter 77 where there is substantial evidence of coercion, commercial sex with a child, or an identified victim of trafficking.

The 2020 Report supplements its analysis of human trafficking prosecutions with information from civil human trafficking lawsuits, which are featured throughout the 2020 Report in “Civil Case Comparison” boxes. In the civil context, the Report only captures cases where the plaintiff has alleged at least one offense within Chapter 77 against at least one defendant in the civil suit.

LIMITATIONS OF THE 2020 FEDERAL HUMAN TRAFFICKING REPORT

The 2020 Report conveys fact patterns and trends identified in human trafficking cases prosecuted at the federal level but **does not** present data on the prevalence of human trafficking within the United States. While the 2020 Report provides a snapshot of how traffickers operate domestically, the findings and trends throughout the Report reflect the U.S. government's priorities and practices in prosecuting human trafficking crimes. Accordingly, the data are not intended—and should not be used—to convey a complete picture of the scope of human trafficking in the United States. For example, the 2020 Report found that 94% of federal human trafficking prosecutions active in 2020 were sex trafficking cases. This percentage is a reflection of the U.S. government prioritizing the prosecution of sex traffickers—not an indication that 94% of human trafficking conduct in the United States involves commercial sexual exploitation. Further, the

2020 Report does not capture data on criminal or civil human trafficking cases handled in state court, nor does it include data on human trafficking investigations that do not result in prosecution.

NEW DATA FOR THE 2020 FEDERAL HUMAN TRAFFICKING REPORT

To mark the 20th anniversary of the TVPA, the 2020 Report provides data from every human trafficking case prosecuted in federal court since the TVPA's enactment. This allows HTI to report on how federal efforts to prosecute human traffickers have evolved over the past two decades, as well as to identify the gaps that still exist.

In addition to expanding the scope of data within the 2020 Report, HTI captured additional new data points for each federal human trafficking case active in 2020. Where available in public sources, the following new data points are included in the 2020 Report:

- The manner by which a human trafficking case was referred to law enforcement;
- The number and type of sting law enforcement operations that resulted in federal sex trafficking prosecutions;
- Whether criminal conduct in each human trafficking case took place within one state or across multiple states;
- The modes of transportation involved in the commission of the human trafficking crimes;
- Websites and social media platforms used for victim recruitment;
- Types of relationships exploited for victim recruitment;
- The number of foreign national victims identified in human trafficking prosecutions; and
- Whether a foreign national victim was trafficked into the United States, after entering the United States, or abroad.

IDENTIFICATION OF FEDERAL HUMAN TRAFFICKING CASES

To publish the 2020 Report, HTI compiled an exhaustive list of human trafficking cases filed in federal court by conducting extensive searches of the federal government's Public Access to Court Electronic Records, Westlaw, and Bloomberg, and reviewing new stories and press releases published by the federal government. In addition, HTI provided the list of human trafficking prosecutions that it identified to the federal government to solicit feedback on any additional human trafficking cases not identified by HTI in prior searches.

PACER

Utilizing the Federal Government's Public Access to Court Electronic Records (PACER), HTI searched the individual pages of 93²²⁶ federal judicial districts to identify cases involving crimes within Chapter 77 of the U.S. Code, 18 U.S.C. §§ 1581 to 1597. The individual list of each of the offenses within Chapter 77 is included earlier in the Methodology's section on the “Scope of the 2020 Federal Human Trafficking Report” on page 112.

In addition to searching PACER for cases charged under Chapter 77, HTI also searched the 93 federal district pages on PACER to identify human trafficking cases charged under the following Mann Act offenses:

- 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).

²²⁶ Although there are 94 federal judicial districts, it is not currently possible to search PACER for human trafficking prosecutions filed in the Northern District of Georgia. Accordingly, HTI contacts the Clerk of Court in the Northern District of Georgia for any human trafficking prosecutions filed in its district each year. The Clerk of Court identified two human trafficking cases charged in the Northern District of Georgia in 2020.

In determining whether to include a criminal case charged exclusively under the Mann Act, HTI considered whether the government, based on the facts alleged in public court documents, could ultimately have charged the defendant with a Chapter 77 offense. To make this determination, HTI reviewed the case to determine whether the facts indicated that the defendant compelled an adult victim to engage in commercial sex through force, fraud, or coercion, or, in cases involving child victims, that there was evidence of an exchange of value. HTI also included cases charged exclusively under the Mann Act if federal prosecutors confirmed there was an identified victim of trafficking in the case. HTI does not track cases charged exclusively under the Protect Act; however, the 2020 Report does track Protect Act offenses if they are charged alongside of another human trafficking offense. HTI identified 82% (211) of the new 2020 criminal human trafficking cases, including those charged outside of Chapter 77, on PACER. In addition, HTI identified one civil human trafficking suit filed in 2020 on PACER.

PRESS RELEASES

HTI also identified federal human trafficking prosecutions by reviewing government press releases and news stories, including those published by each of the 94 U.S. Attorney's Offices, as well as the following federal bureaus:

- Department of Justice, Criminal Division, Child Exploitation and Obscenity Section;
- Department of Justice, Civil Rights Division, Criminal Section, Human Trafficking Prosecution Unit;
- Department of Justice, Federal Bureau of Investigation;
- Department of Homeland Security, Homeland Security Investigations;
- Department of Labor, Bureau of International Labor Affairs.

HTI searched for and reviewed any government press releases and news stories that referenced the indictment, arrest, trial, or sentencing of a defendant

involved in a human trafficking case. In addition to identifying cases expressly labeled by the federal government as human trafficking, the 2020 Report identified cases through press releases that discussed coerced labor, commercial sex, or transportation of a child for commercial sex. HTI identified 6% (16) of the new 2020 human trafficking prosecutions through its review of government press releases and news stories.

WESTLAW & BLOOMBERG

HTI also conducts extensive searches on Westlaw and Bloomberg to identify additional federal human trafficking prosecutions or civil human trafficking suits that were not identified on PACER or in government press releases. Specifically, HTI searches Westlaw and Bloomberg for any court documents, filings, decisions, or appeals involving human trafficking. HTI identified five new 2020 human trafficking cases on Westlaw, three of which were civil human trafficking suits and two of which were criminal human trafficking prosecutions charged outside of Chapter 77. Further, HTI identified 87% (46) of the civil human trafficking suits filed in 2020 on Bloomberg.

U.S. DEPARTMENT OF JUSTICE & U.S. ATTORNEY'S OFFICES

To confirm the accuracy and completeness of the list of new federal human trafficking cases that HTI identified in 2020, HTI provided the list to the Department of Justice's Human Trafficking Prosecution Unit in the Criminal Section of the Civil Rights Division and to the Child Exploitation and Obscenity Section in the Criminal Division. In addition, HTI mailed physical letters to the 94 U.S. Attorney's Offices, with a list of all of the human trafficking cases charged in their district in 2020. Further, HTI emailed federal prosecutors who handled five or more active human trafficking prosecutions in 2020 with a list of new criminal cases identified in their districts. HTI identified 10% (26) of new 2020 criminal human trafficking cases through consultation with federal prosecutors, 10 of which involved charges under Chapter 77 and 16 of which were charged outside of Chapter 77.

HUMAN TRAFFICKING LEGAL CENTER

To ensure an exhaustive list of new civil human trafficking cases, HTI also reviewed the Human Trafficking Legal Center's (HTLC) civil case database. HTI identified three additional civil human trafficking suits filed in 2020 through HTLC's civil case database.

LATE CASE ADDITIONS

HTI engages in an extensive search process each year with the goal of identifying and reporting on every human trafficking case filed in federal court. However, for many reasons, additional human trafficking cases may be added to HTI's database after the year in which the case was filed. This includes cases where court filings were initially sealed, preventing the case from appearing in HTI's search results, as well as cases where the government or a plaintiff filed a superseding charging instrument or amended complaint alleged a Chapter 77 offense that was not alleged at the time the case was filed. Further, criminal cases filed by complaint or information may not appear in HTI's search results until a defendant is indicted. Thus, if the government charged a defendant by complaint in 2019, but did not indict the defendant until 2020, the case would likely not be added to HTI's database until 2020 unless a federal prosecutor identified the case to HTI. Human trafficking cases charged outside of Chapter 77 are also sometimes added in subsequent years due to prosecutors identifying these cases for HTI beyond the deadline for inclusion or when new court filings clarify a case now qualifies for entry. Further, there is sometimes a delay between the time a case is filed in federal court and the time a case is added to legal databases, such as Westlaw and Bloomberg. HTI timestamps a case based on the year in which the first charging instrument was filed—not the year the case was added to the database.

The 2020 Report captured 27 human trafficking cases—five of which were civil and 22 of which were criminal—that were filed prior to 2020, but not captured in previous Report publications. Of the 22 late criminal human trafficking case additions, 73% (16) were cases charged outside of Chapter 77. For the eight late

criminal case additions involving Chapter 77 crimes, three involved the government charging Chapter 77 crimes in superseding charging instruments and five did not appear in prior search results due to the case previously being sealed or delays in the case appearing in search results on PACER.

COLLECTION OF FEDERAL HUMAN TRAFFICKING CASE DATA

HTI employed a team of seven attorneys and eight law students to review the public court documents, press releases, and news stories about each of the federal human trafficking cases. To identify key data points about each human trafficking case, including data about the human trafficking scheme, defendants, charges, victims, and appeals, HTI analyzed the following public court documents, where available: charging instruments, including indictments, complaints, and informations; key motions and briefs; plea agreements; verdict forms, sentencing memoranda; judgments; restitution orders; and appellate filings and decisions. HTI does not review transcripts from court hearings or trials. HTI entered the human trafficking case data into a Salesforce database designed expressly for the annual publication of the Report.

HUMAN TRAFFICKING CASES

A human trafficking "case" within the 2020 Report may include a single defendant or multiple related defendants (co-defendants) whom the government has charged with trafficking one or more victims. Where the facts indicate that multiple defendants were related through a commonly exploited victim or a common plan or trafficking scheme, HTI captures all of the defendants within one case on the database, even when the government may have charged the defendants in separate charging instruments or under separate case numbers. For example, if the government charged two defendants for recruiting

and facilitating the trafficking of a child victim within one case number, and subsequently charged a buyer defendant for purchasing a commercial sex act from the same child victim within another case number, the Report would capture all three defendants within one human trafficking case so long as the facts indicate that the defendants were all involved in the same trafficking scheme. Where two related defendants are charged in separate case numbers, but one defendant is charged after the other defendant's charges have already become inactive, the Report does not merge the defendants into one human trafficking case. Even though the defendants were related through a common human trafficking scheme, they would be captured as two separate human trafficking cases within the Report.

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 complaint in federal court against a defendant.

NEW & ACTIVE CASES

The 2020 Report considers a human trafficking case to be “new” if the case was filed in federal court between January 1, 2020 and December 31, 2020. In criminal cases, a case is categorized as “new” according to the year when the government charged the first defendant in the case. In civil suits, a case is categorized as “new” according to the year that a plaintiff files the first complaint with allegations of human trafficking.

The Report considers a criminal case to be “active” if the government has filed charges in federal court and at least one defendant in the case 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 judgement 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, where one of several motions has been filed, or where the appeal is filed by an inmate confined in an institution. 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 ten 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.

If a plaintiff files a complaint with a cause of action under Chapter 77 and subsequently removes the Chapter 77 claim in an amended complaint, the Report includes the civil human trafficking suit, but marks it as “inactive” on the date that the amended complaint is filed. The case is coded as being voluntarily dismissed by the plaintiff.

PRIMARY CASE TYPE: SEX TRAFFICKING & FORCED LABOR

The Report classifies every case as a “sex trafficking” case or “forced labor” case based on the underlying facts in the case rather than the criminal charges. If the facts included in public court documents,

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,” even if the government charged § 1589 rather than § 1591.

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, eight criminal cases active in 2020 involved both sex trafficking and forced labor charges. For these cases, HTI 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 six of the eight cases were primarily sex trafficking with associated forced labor charges, and two of the cases were primarily forced labor with corresponding sex trafficking charges.

DEFENDANTS IN HUMAN TRAFFICKING CASES

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.

NEW & ACTIVE DEFENDANTS

When the Report presents data on “2020 new defendants,” it captures defendants that the government initially charged in 2020, even if the human trafficking case itself was filed in a previous year. When the Report refers to “2020 active

defendants in human trafficking cases,” it considers all defendants whom the government charged in or before 2020 and whose time to file a direct appeal did not expire in or before 2020. In contrast, when the Report refers to “defendants in 2020 active cases,” it captures all defendants prosecuted in a case that remains active in 2020, even if the government charged them prior to 2020 and their time to appeal expired before 2020 (i.e., they were never 2020 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, if applicable, the defendant’s window to directly appeal has expired. For rare situations in which there is 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.

IMPORTANT DATES FOR CRIMINAL DEFENDANTS

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 that the defendant pled guilty or went to trial, the date that the district court entered the final judgment, and the date the defendant’s time to directly appeal expires.

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 the 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 indicates that the event occurred on a different date. When the docket reveals that an event occurred on a date different from 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; and information about special assessments or victim restitution, if ordered. Where a defendant is convicted in two separate cases of separate charges related to different human trafficking enterprises, the defendant may be double counted in the number of convictions.

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. For purposes of this Report, supervised release is not considered a term of imprisonment, unless the defendant was detained prior to trial. When calculating average terms of imprisonment, the Report excludes sentences exceeding 600 months (50 years). In 2020, one defendant was sentenced to more than 50 years in prison, with a sentence of 1,440 months (120 years). From 2000 to 2019, three defendants were sentenced to more than 50 years in prison, with sentences ranging from 720 months (60 years) to 1,200 months (100 years).

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. The Report classifies the defendant’s gender according to the gender specified in public court documents or press releases. Where public sources identify the relationship that the defendant had with the victim prior to exploitation, the Report captures these data.

DEFENDANTS IN “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 would not include the other defendants who were unrelated to the trafficking crime(s).

Alternatively, 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 (e.g., if one defendant was charged with sex trafficking for arranging for 30 women to be smuggled into the United States and compelling them to provide commercial sex at a massage parlor, while the other nine defendants were charged with alien harboring and money laundering), 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 criminal human trafficking cases charged from 2000 to 2020, the Report found that human trafficking was an ancillary matter in 13 cases, three of which were forced labor cases and 10 of which were sex trafficking cases. 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 alleged Chapter 77 offenses. Where it is a defendant in a civil suit that files a counterclaim against the plaintiff involving a Chapter 77 offense, the Report adds the plaintiff as the “defendant” in the database, as they are the party being accused of the human trafficking conduct.

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 indicates that the event occurred on a different date. When the docket reveals that an event occurred on a date different from 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.

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 human trafficking charges as part of a plea agreement. In order to accurately reflect that the defendant pled down from a human trafficking charge, in this situation, the Report relies on the last-in-time charging instrument that contains a human trafficking charge.

HUMAN TRAFFICKING CHARGES

The Report categorizes any charge filed against a defendant under the following criminal statutes as a “human trafficking” crime:

- 18 U.S.C. § 2 (Attempt to Commit Human Trafficking);
- 18 U.S.C. § 371 (Conspiracy to Commit 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 or 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. § 1593A (Benefiting Financially);
- 18 U.S.C. § 1594 (Attempt or Conspiracy to Commit Human Trafficking);
- 18 U.S.C. § 1597 (Immigration Documents);
- 18 U.S.C. § 1952 (ITAR to Human Trafficking); and
- 18 U.S.C. § 1962 (RICO to Human Trafficking).

This list encompasses all of the Chapter 77 offenses, as well as attempt, conspiracy, ITAR, and RICO charges where the predicate offense is clearly defined as a Chapter 77 offense.

NON-HUMAN TRAFFICKING CHARGES

All criminal charges other than those listed above as “human trafficking” crimes are classified as “non-human-trafficking” offenses. 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 sexual abuse material (18 U.S.C. § 2251–2252); conspiracy (18 U.S.C. § 371); ITAR (18 U.S.C. § 1952); and RICO (18 U.S.C. § 1962) where the predicate offense is outside of 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,” 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.

HUMAN TRAFFICKING VICTIMS

VICTIMS IN CRIMINAL CASES

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 or related charges listed in the charging instruments. For these victims, the Report tracks the victim’s gender, age, and nationality, as well as particular vulnerabilities that the defendant may have targeted and the manner in which the victim was recruited. For the first year, the 2020 Report provides data on the nationality of victims, as well as whether the victim was trafficked into the United States, after they were already present in the United States, or abroad.

HTI’s ability to determine the total number of victims exploited by defendants in federal human trafficking cases is limited, as the total number of victims exploited



by a defendant may be more than the victims that the government identifies in specific offenses in the charging instrument. The victim-related findings in this Report should not be used as a prevalence estimate for the number of victims traffickers exploited in the United States, nor should they serve as an estimate of the number of victims assisted by the government or civil society organizations.

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 U.S. 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 habeas corpus petition under 28 U.S.C. § 2241.

REVIEW OF FEDERAL HUMAN TRAFFICKING CASE DATA

In an effort to provide a complete and accurate analysis of human trafficking cases filed in federal court, HTI engages in a comprehensive review process of each human trafficking case entered into the database. Every case in the database is reviewed by at least two different project attorneys or law students. Once a project attorney enters information

about a case into the database, a different project attorney is tasked with reviewing each field using the primary sources to confirm each entry is correct. The project attorneys raise questions and anomalies to the Report’s Primary Authors for decisions. In addition, the project attorneys review the database through various topical troubleshooting reports to detect any blank fields or unusual entries.

IDENTIFYING KEY FINDINGS & EMERGING TRENDS

HTI provides a rigorous review of the data in federal human trafficking cases to identify key findings and emerging trends each year. In addition, prior to drafting the Report, HTI collaborates with key anti-trafficking stakeholders to preview the preliminary findings from the data and discuss themes and trends to include in the final Report publication. For the 2020 Report, HTI provided virtual briefings on the preliminary findings to the Department of Justice’s Human Trafficking Prosecution Unit and Child Exploitation and Obscenity Section, the Department of State’s Office to Monitor and Combat Trafficking in Persons, and the Department of Homeland Security’s Center for Countering Human Trafficking. Further, HTI collaborated with Polaris and members of the U.S. Advisory Council on Human Trafficking about emerging trends and Report terminology. HTI incorporated the recommendations and feedback from the preliminary findings briefings into the 2020 Report. Note, all percentages in the Report are rounded up to the nearest whole number. For this reason, percentages may not always add up to 100%.

TERMINOLOGY

SOLICITATION STRATEGIES IN SEX TRAFFICKING CASES

The Report tracks the primary method that defendants in sex trafficking cases use to solicit buyers. The method of solicitation is determined by how or where a defendant locates buyers, including the following strategies:

- **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 (e.g., hotels, private residences, etc.).
- **Internet:** When a trafficker solicits buyers of commercial sex through an online website or social media platform.
- **Massage 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.

INDUSTRIES IN FORCED LABOR CASES

The Report tracks the primary industry in forced labor cases, which is defined by the predominant type of labor or services that the defendant compels a victim to provide. Federal human trafficking cases involve victims exploited for labor or services in the following 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.

- **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/or 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 type of 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 COERCION

The 2020 Report categorizes every method of coercion as either physical or nonphysical. Physical coercion includes any method that involves bodily contact, physical restraint, or physical isolation, as well as conduct that impacts the victim’s physical health.²²⁷

The following methods of coercion were categorized as physical coercion:

- Cages, locked rooms, or barred cells
- Chains or shackles
- Controlling or withholding a victim’s access to food
- Forced abortion
- Inducing or exploiting a substance use disorder
- Physical abuse
- Physical isolation
- Rape or sexual violence

- Sleep deprivation
- Tattoos or branding
- Withholding medical care

Nonphysical coercion includes any method that involves threats, fraud or conduct that impacts the victim’s mental or emotional health.

The following methods of coercion were categorized as nonphysical coercion:

- Abuse of a position of power
- Controlling or withholding access to the victim’s child or family members
- Brandishing weapons
- Debt manipulation
- Exploitation of a cognitive disability
- Extortion, including threatening to share images or videos
- Fear of gang violence
- Fraudulent misrepresentation of a job
- Fraudulent promise of romance
- Language barrier
- Manipulation of a written contract
- Religious abuse, including the abuse of leadership in religious settings, as well as the exploitation of religious beliefs or principles to compel labor or sex
- Threats of arrest for forced unlawful acts
- Threats of deportation
- Threats of physical abuse
- Threats to other victims or third parties
- Threats to the victim’s child or other family members
- Verbal or emotional abuse
- Withholding immigration documents
- Withholding pay
- Withholding personal identification documents

²²⁷ Although HTI recognizes that nonphysical coercion can cause trauma that physiologically impacts a victim’s health, for clarity in reporting, the 2020 Report does not categorize coercion of this nature as conduct impacting the victim’s physical health.

ADDITIONAL TERMINOLOGY

- **Adult:** Any person who is 18 years of age or older.
- **Child:** Any person who is under the age of 18.
- **District Court:** The district court is categorized by the district of the trial court currently handling the case or the district court that ultimately resolved the charges in the case.
- **Life Imprisonment:** A sentence of imprisonment 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.
- **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 HTI searched during the collection and entry of case data for the Report. This includes case filings that HTI purchased from PACER or documents that HTI retrieved from subscription legal databases.

- **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 2020.
- **Sting Case:** A deceptive law enforcement operation used 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 advertises a fictitious victim to attract buyers.

