

METHODOLOGY & TERMINOLOGY

METHODOLOGY

SCOPE OF THE 2018 FEDERAL HUMAN TRAFFICKING REPORT

The Human Trafficking Institute (“Institute”) published the *2018 Federal Human Trafficking Report* (“Report”) to provide an exhaustive overview of human trafficking cases that U.S. federal courts handled in 2018. In recognition that most cases do not begin and end within a calendar year, the Report additionally captures human trafficking cases filed prior to 2018, so long as the case was active during 2018.⁵⁰ The Institute also maintains the same scope of material for all human trafficking cases that federal courts handled in 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. Code. In addition, the Report captures criminal human trafficking cases in which the government charged a defendant under statutes outside of Chapter 77, if there is substantial evidence of compelled or coerced labor, services, or commercial sex. The Report recognizes that many human trafficking cases present legal and evidentiary challenges that preclude proving the elements of Chapter 77 crimes beyond a reasonable doubt; therefore, the Report includes cases charged and/or resolved outside of Chapter 77 to accurately capture all federal efforts to hold traffickers accountable for associated criminal conduct. The Institute does not track cases charged exclusively under the PROTECT Act⁵¹ but does track PROTECT Act offenses if they are charged alongside another human trafficking offense.

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.

HISTORICAL DATA

In response to feedback from several stakeholders who

consulted on the *2017 Federal Human Trafficking Report*, the Institute gathered a limited set of data from a few key years prior to 2016 to enable historical year-over-year comparisons. The Institute collected data from criminal cases initiated in 2000 and 2001 to represent the number of new human trafficking prosecutions following the enactment of the TVPA in 2000. The Institute also collected data from criminal prosecutions initiated in 2007 and 2008, following the founding of the Human Trafficking Prosecutions Unit in the Civil Rights Division of the Department of Justice in 2007. It is important to note that the Institute’s pre-2016 data is limited to criminal cases initiated or charged during those years, so it does not capture all active cases. For example, a case that the government initiated in 2006 that continued into 2007 would not be included in the Institute’s current data.

In future years, the Institute hopes to collect comprehensive data on federal human trafficking cases from 2000 to present.

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 what federal prosecutors and federal law enforcement agencies are currently doing 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 2018 reporting period.

⁵⁰ For a definition of “active,” see the Report Methodology’s section on Human Trafficking “Cases.”

⁵¹ Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act, Pub. L. 108-21, 117 Stat. 650, S. 151 (2003).

IDENTIFICATION OF ACTIVE HUMAN TRAFFICKING CASES

DEVELOPING AN EXHAUSTIVE CASE LIST

The 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 case database, Google, Westlaw, and press releases from the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, and the U.S. Attorney's Offices to identify human trafficking cases that were initiated in 2018.⁵²

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).

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 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); and
- 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 sources 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.

REVIEW OF PRESS RELEASES

The Institute carefully reviewed the press releases of the 94 federal districts to identify all press releases discussing the indictment, arrest, trial, sentencing, or appeal of a human trafficking defendant in 2018. In addition to including cases where the government expressly labeled the case as a human trafficking case in the press release, the Report captures cases where the press release indicated substantial evidence

⁵² 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 available to be searched using the district's PACER site.

of compelled or coerced labor, services, or commercial sex, or where the government charged the defendant with the transportation of a child for prostitution. The Report includes 16 additional human trafficking cases that were active in 2018 as a result of this process.

LETTERS TO THE U.S. 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 2018 initiated human trafficking cases that the Institute identified in their district. Approximately one-fourth (25) of U.S. Attorney's Offices responded, providing eight additional human trafficking cases for inclusion in the Report. Five of the eight 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 three cases had an identified human trafficking victim even though the government charged the defendant with a non-Chapter 77 offense.

REVIEW OF CASE LISTS BY MAIN JUSTICE COMPONENTS

The Institute provided a list of the 2018 initiated cases to the U.S. Department of Justice's Human Trafficking Prosecution Unit (HTPU) in the Civil Rights Division and Child Exploitation & Obscenity Section in the Criminal Division. The HTPU provided an additional three cases, all of which were charged outside of Chapter 77.

IDENTIFICATION OF CIVIL HUMAN TRAFFICKING CASES

In addition to the 680 active criminal cases in 2018, the Report captures 91 civil human trafficking cases that were active in 2018. The Institute identified the civil cases through an exhaustive search of the Human Trafficking

Legal Center's (HTLC) database, WestLaw, and Google. The HTLC also confirmed the Institute's final list was complete except for one additional case, which was added. The HTLC also provided insight into one case the Institute had identified that was not, in fact, a human trafficking case, and it was removed from the Report. The Report includes all civil human trafficking suits handled during 2018, regardless of their merits.

COLLECTION & REVIEW 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, defendant(s), charges(s), attorney(s), and any related direct appeal(s). 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 attorneys separately reviewed the data in each case to ensure accuracy and completeness.

The Institute added all identified human trafficking cases active in 2018 to the Database for inclusion in the Report. The Database already contained all active 2016 and 2017 cases identified through last year's data collection and entry process, including cases that U.S. Attorney's Offices or the Department of Justice submitted for inclusion by March 19, 2018. All cases submitted after last year's deadline were included in this year's report. There are a number of other reasons why the *2018 Federal Human Trafficking Report* may include cases from 2016 and 2017 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 databases that the Institute searches. Since the publication

of the 2017 *Federal Human Trafficking Report*, the Institute has added 27 cases active in 2016 or 2017: 24 criminal and three civil.

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(s) 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. Accordingly, the 2016 and 2017 numbers in this Report may differ slightly from the 2017 Report numbers.

HUMAN TRAFFICKING CASES

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, or 2018. The Report considers a criminal case to be “active” if the government has initiated charges in federal court and one or more defendants in the case is still awaiting trial or sentencing, or if one or more defendants in the case 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 one or more defendants is still awaiting a final judgment or still has the opportunity to file a direct appeal.

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 Rule 4 and Rule 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,⁵³ where one of several motions has been filed,⁵⁴ or where the appeal is filed by an inmate confined in an institute.⁵⁵ 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

⁵³ See FRAP 4(a)(1)(B).

⁵⁴ See FRAP 4(a)(4).

⁵⁵ See FRAP 4(c).

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 the only activity in the case in 2018 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 complaint in federal court against a defendant.

CASE TYPE: SEX TRAFFICKING & LABOR TRAFFICKING

The Report classifies every case as a "sex trafficking" case or "labor trafficking" case. If the facts included in public sources, news stories, and press releases indicate that the defendant(s) compelled or coerced the victim(s) to provide labor or services, the case is classified as "labor trafficking." Conversely, if the facts included in public court documents, news stories, and press releases indicate that the defendant(s) compelled or coerced the victim(s) 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 a defendant(s) compelling or coercing a

victim(s) to perform either labor/services or sex, not both. However, 16 cases involved both sex trafficking and labor trafficking charges/claims. 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 labor trafficking enterprise. The Institute concluded that 10 cases primarily involved sex trafficking with associated labor trafficking charges/claims, and six cases primarily involved labor trafficking with corresponding sex trafficking charges/claims.

PRIMARY BUSINESS MODEL

Where there is sufficient information in public court documents, agency press releases, and news sources, the Report seeks to categorize the "business model" of the trafficking enterprise in the case. In a labor trafficking case, the Report identifies the business model as the business or industry where traffickers compel the victims to work or provide labor or services. In a sex trafficking case, the Report identifies the business model by the physical location or online presence where traffickers solicit purchasers. The business model in a sex trafficking case is not categorized by the location where the commercial sex act took place but instead asks where traffickers seek buyers. Where public documents identify more than one business model in a case, the Report looks to the business model most frequently used.

The individual business models for sex trafficking and labor trafficking cases are defined below in the Terminology section of the Report.

HUMAN TRAFFICKING DEFENDANTS

CRIMINAL CASES

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 prosecuted in federal courts.

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 "2018 active defendants," it considers all defendants the government charged in or before 2018 and whose time to file a direct appeal did not expire in or before 2018. In contrast, when the Report refers to "defendants in 2018 active cases," this includes all defendants prosecuted in a case that remains active in 2018, even if the government charged them prior to 2018 and their time to appeal expired before 2018 (i.e., they were never 2018 active defendants).

When determining dates, the Report generally relies on the file stamp date in the court docket, unless the court docket indicated the event occurred on a different date. When the docket revealed an event occurred on a date different than the file stamp date, the Report relies on the date 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 awarded to the victim(s), 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. For purposes of this Report,

supervised release is not considered a term of imprisonment, unless the defendant was detained prior to trial.

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 the defendant had with the victim prior to exploitation, the Report captures this data. Last year, the Institute gathered information on defendant relationships with victims but did not specify a timeframe. This year's Report limits the data to how the defendant knew the victim *prior* to trafficking the victim. Accordingly, the Institute eliminated the "Pimp" category from the Report and recategorized relationships formerly in the "Pimp" category to provide more meaningful information about the defendant-victim relationship pre-trafficking, rather than during the trafficking scheme.

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 the primary purpose of the criminal enterprise was not human trafficking.

For example, if a federal case is primarily about healthcare fraud, and the government charged only one of 10 defendants with a human trafficking crime⁵⁶ 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 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

⁵⁶ For purposes of this section, "human trafficking crimes" includes qualifying Mann Act crimes. See page 65 for more information about the Report's inclusion of certain Mann Act cases.

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 initiated criminal cases in 2018, the Report found human trafficking was an ancillary matter in one case. For the remaining 170 criminal cases initiated in 2018, 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 CASES

For civil human trafficking cases, the Report includes only defendants against whom plaintiffs have initiated Chapter 77 offenses. For each of these defendants, the Report tracks important dates in the civil process, such as the date the plaintiff(s) 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 victim(s), if any.

HUMAN TRAFFICKING & NON-HUMAN TRAFFICKING CHARGES

CRIMINAL CASES

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. 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

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

- 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, 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 and attempt, conspiracy, ITAR, and RICO 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*: alien harboring (8 U.S.C. 1324); Mann Act (18 U.S.C. §§ 2421-2423); child pornography (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) to a crime outside of Chapter 77.

NUMBER OF CHARGES

In general, the number of charges 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 charge(s) the government brought against the defendant, as well as the ultimate charge(s) included in the defendant’s plea agreement.

Where human trafficking is considered an “ancillary matter,”⁵⁷ the Report includes all charges the government brought against the defendant involved in the trafficking enterprise. This includes both human trafficking and non-human trafficking charges.

HUMAN TRAFFICKING VICTIMS

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 the government identified by the name, initials, or pseudonym under one or more human trafficking charge(s) or related charge(s)⁵⁸ listed in the charging instrument(s). The actual number of victims in a case may be more than the government identifies in public filings. The victim-related findings in this 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 2018.

Where identified in court documents, agency press releases, and news sources, the Report includes information about the identified victim’s gender and age. The Institute captures additional information about identified victims, including the national origin/citizenship, whether the victim identified as LGBTQI, whether the victim was Native American, and whether the victim was in the foster care system. However, public sources did not provide sufficient demographics to include in the Report.

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 FRAP. The Report captures information about direct appeals to an appellate court, as well as direct appeals to the U.S. Supreme Court.

⁵⁷ See the definition of “ancillary matter” under the Methodology’s section on Human Trafficking Defendants above.

⁵⁸ Related charges included ITAR to commit human trafficking; RICO to commit human trafficking; attempt (§ 2) to commit human trafficking; conspiracy (§ 371) to commit human trafficking; and Mann Act charges if the victim was a child caused to engage in commercial sex or the victim was an adult and there is evidence of force, fraud, or coercion.

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.

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 this Report, as well as proposed additions for the Report in future years.

REVIEW PROCESS FOR IDENTIFIED CASES & PRELIMINARY FINDINGS

In an effort to provide an exhaustive review of federal human trafficking cases active in 2018, the Institute engaged in a thorough review process. Once an Institute attorney entered information about a case into the Database, a different Institute attorney was tasked with reviewing each field using the primary sources to confirm each entry was correct. The reviewing attorneys raised questions and anomalies to the Report's primary authors for decisions. In addition, the Institute 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 nonprofit organizations about the comprehensive identification of human trafficking cases during the reporting period, the Institute conducted in-person meetings with Polaris, the Department of Justice's Human Trafficking Prosecution Unit and Child Exploitation & Obscenity Section, the Department of State's Office to Monitor and Combat Trafficking in Persons, and Homeland Security Investigations' Human Trafficking Unit. Each of these groups provided verbal feedback, asked clarifying questions, and made recommendations regarding the Report's preliminary findings.

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

TERMINOLOGY

BUSINESS MODELS

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:

In sex trafficking cases: When a trafficker solicits buyers of commercial sex at an establishment that serves alcohol or drinks as their primary business purpose.

In labor trafficking cases: When a trafficker compels a victim to provide labor or services at an establishment that serves alcohol or drinks as their 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 with the family.

EROTIC SERVICES:

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

FOOD SERVICE:

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.

HEALTH & 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.

ILLEGAL BROTHELS:

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

INTERNET-BASED COMMERCIAL SEX:

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

JANITORIAL SERVICES:

When a trafficker compels a victim to provide janitorial or cleaning duties for a cleaning company or for commercial or public properties. This includes employees of maid services, commercial janitors, etc.

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.

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 he or she already knows. An example of the pre-existing relationship business model would be a drug dealer who begins selling victims for commercial sex to his customers in addition to drugs.

RETAIL:

When a trafficker compels a victim to work at a commercial venue, the primary purpose of which is to sell merchandise. This includes grocery stores, gas stations, and kiosks.

STREET-BASED COMMERCIAL SEX:

When a trafficker expects a victim to solicit or initiate commercial sex by walking a designated section of a street, sometimes known as a “track,” “stroll,” or “block.”

STRIP CLUB:

When a trafficker solicits a buyer of commercial sex at an establishment, the main business purpose of which is exotic dancing and/or stripping performances. This venue should not be confused with a “bar or club,” which has the primary business purpose of selling alcohol.

OTHER 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 that ultimately resolved the charges in the case.

FINE:

Money a court orders the defendant to pay as punishment for the crime committed. This does not include fees, special assessments, or restitution ordered by the court.

LENGTH OF RESOLUTION:

The number of months from the date the initial charging instrument or complaint against the defendant was filed to the date all of the charges against the defendant are resolved and the defendant’s window to directly appeal has expired. This differs from 2017, when “length of resolution” was based on the entire case rather than each individual defendant. In 2017, “length of resolution” was the number of months from the date the initial charging instrument or complaint in the case was filed to the date all of the charges against every defendant were resolved and every defendant’s window to directly appeal expired. Length of resolution has been recalculated based on the new methodology for all 2016 and 2017 cases to enable year-over-year comparisons.

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 INVESTIGATING 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.

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, labor, or services from a person, knowing or in reckless disregard of the fact that the person is a trafficking victim. A “buyer-trafficker” is a convicted buyer-defendant.

STING CASE:

A deceptive operation law enforcement uses to catch a person committing a crime. This includes cases in which law enforcement responds to an advertisement posted by a trafficker selling a victim, and cases in which law enforcement advertises 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

