

An aerial photograph of a rural landscape. The image shows a patchwork of green agricultural fields, separated by thin white lines representing roads or field boundaries. A prominent line of trees runs diagonally across the center of the image. The trees are lush green, and their long, dark shadows are cast onto the fields to the right, indicating a low sun position. The overall scene is peaceful and pastoral.

# METHODOLOGY *and* TERMINOLOGY



# METHODOLOGY

## SCOPE OF THE 2021 FEDERAL HUMAN TRAFFICKING REPORT

The 2021 Federal Human Trafficking Report provides an exhaustive overview of human trafficking cases within the jurisdiction of the United States Federal Courts in 2021. The Report identifies and analyzes multiple data points for new criminal cases filed in 2021. The Report also provides some data points for new cases filed in 2020, 2019, 2018, and 2017 to provide for year-over-year comparison and analysis.

The Report includes all federal cases involving a human trafficking offense under Chapter 77 of the U.S. Penal Code. Many human trafficking cases present legal and evidentiary challenges that make proving the elements of Chapter 77 crimes beyond a reasonable doubt challenging. For this reason, if a case contains substantial evidence of coercion, commercial sex with a minor, or an identified victim of trafficking, such cases are included in the Report to accurately capture all federal efforts to hold defendants accountable for trafficking conduct. Under some circumstances, a defendant may be charged with both Chapter 77 crimes and one or more Mann Act offenses.

The Report **does not** represent the total number of human trafficking cases in the United States; rather, it includes only the cases charged in Federal Courts. Human trafficking cases charged only in the jurisdiction of state courts are not included. Some federal cases may originate from state investigations or prosecutions, but only cases charged in the Federal Courts are included in this report.

While the Trafficking Victims Protection Reauthorization Act of 2003 (“TVPRA”) grants trafficking victims a civil cause of action allowing them to recover civil damages against their traffickers, the primary focus of the Report is the criminal prosecution of human trafficking cases in Federal Courts.<sup>1</sup> The Report identifies civil cases where a plaintiff alleged at least one offense within Chapter 77 against at least one defendant in the suit. Defendants in civil suits can be individual traffickers or entities involved in the trafficking scheme. The Report does not identify which criminal cases also have a civil cause of action filed against the criminal defendant. For detailed information regarding civil causes of action under the TVPA, readers are encouraged to seek information from the Human Trafficking Legal Center (HTLC) which provides an exhaustive review of civil causes of action filed in the Federal Courts System.

## LIMITATIONS OF THE 2021 FEDERAL HUMAN TRAFFICKING REPORT

The 2021 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 2021 Report provides a snapshot of how traffickers operate domestically, the findings and trends throughout the Report are derived only from criminal cases filed in Federal Courts. The 2021 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.

Accordingly, the data is 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 2021 Report found that 92% of new federal human trafficking prosecutions filed in 2021 were sex trafficking cases.<sup>2</sup> This percentage is a reflection of the cases filed in Federal Courts—not an indication that 92% of human trafficking conduct in the United States involves commercial sexual exploitation.<sup>3</sup>

Every year, HTI continues to expand the scope of data included in the Report. In doing so, the 2021 Report captures additional new data points for each federal human trafficking case filed between 2017 and 2021. Where available in public sources, the following new data points are included in the 2021 Report:

- Task force involvement in criminal cases;
- Task force name, where known;
- The location a victim was recruited;
- The individual who recruited a victim;
- Whether a victim was promised certain material possessions as part of the recruitment process;
- Type of material possession promised, where known;
- Whether a victim was promised certain essential resources as part of the recruitment process;
- Whether a victim was offered a ride as part of the recruitment process;
- Whether a victim was particularly vulnerable due to poverty or financial insecurity;
- Expanded the type of relationship defendants had with victims pre-trafficking;
- Expanded the manner by which a human trafficking case was referred to law enforcement;
- Expanded the types of investigating agencies;
- Types of assets seized as part of criminal judgment.

## IDENTIFICATION OF FEDERAL HUMAN TRAFFICKING CASES

To publish the 2021 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 (PACER), Westlaw, Bloomberg, and by reviewing press releases published by the federal government. In addition, HTI provided a list of identified human trafficking cases to the United States Attorney’s Office (“USAO”) in each district to verify already identified cases and to allow the USAO to identify any additional human trafficking cases not already identified by HTI’s identification process.

### PACER

Using the federal government’s Public Access to Court Electronic Records (PACER), HTI searched the individual pages of the 93<sup>4</sup> Federal Districts to identify cases involving Chapter 77 and Mann Act offenses related to human trafficking. In determining whether to include a case charged exclusively under the Mann Act, HTI considered whether the government, based on the facts alleged in pleadings and other publicly available sources, *could* ultimately have charged the defendant with a Chapter 77 offense. Thus, cases charged under the Mann Act without accompanying Chapter 77 offenses are included if sources indicated that the defendant compelled an adult victim to engage in commercial sex through force, fraud, or coercion. Similarly, HTI included Mann Act cases involving minor victims where evidence indicated a commercial exchange for sexual conduct took place. Finally, HTI also included cases charged exclusively under the Mann Act if federal prosecutors confirmed an identified victim of trafficking in the case.

<sup>1</sup> 18 U.S. Code § 1595

<sup>2</sup> Based on 140 new criminal human trafficking cases filed in 2021.

<sup>3</sup> Based on 140 new criminal human trafficking cases filed in 2021.

<sup>4</sup> Although there are 94 Federal 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 to identify human trafficking prosecutions filed in its district each year.

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 United States Attorney’s Offices, as well as the following federal agencies:

- 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.
- Department of State, Bureau of Diplomatic Security

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 2021 Report identified cases through press releases that discussed coerced labor, commercial sex, or transportation of a child for commercial sex. HTI identified <1% (1)<sup>5</sup> of the new 2021 human trafficking prosecutions through its review of government press releases and news stories.

WESTLAW & BLOOMBERG

HTI also conducted 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 searched Westlaw

and Bloomberg for any court documents, filings, decisions, or appeals involving human trafficking. HTI identified 14% (12) of new 2021 human trafficking cases on Westlaw, all of which were civil cases.<sup>6</sup> Further, HTI identified 55% (46) of the civil human trafficking suits filed in 2021 on Bloomberg.<sup>7</sup>

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 2021, 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 United States Attorney’s Offices, with a list of all the new human trafficking cases filed in their district in 2021. HTI identified 6% (9) of new 2021 criminal human trafficking cases through consultation with federal prosecutors, all of which involved charges under Chapter 77.<sup>8</sup>

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 29% (24) of civil human trafficking suits filed in 2021 through HTLC’s civil case database.<sup>9</sup>

LATE CASE ADDITIONS

In an effort to provide the most accurate, up-to-date information, 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 alleging a Chapter 77 offense that was not alleged at the time the case was originally filed. Further, criminal cases filed by complaint may not appear in HTI’s search results until a defendant is indicted. Thus, if the government charged a defendant by complaint in 2020, but did not indict the defendant until 2021, the case would not be added to HTI’s database until 2021, unless a federal prosecutor specifically identified the case to HTI in 2020.

Human trafficking cases charged outside of Chapter 77 are also sometimes added in subsequent years because of identification by the United States Attorney’s Office after the conclusion of HTI’s inclusion deadline, or they were identified after new court filings clarified a case qualified 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. For these reasons, case data captured in each annual FRTR is likely to fluctuate year to year.

COLLECTION OF HUMAN TRAFFICKING CASE DATA

In 2021, HTI employed a team of 4 attorneys and 4 law students to review the public court documents, press releases, and news stories about each of the federal human trafficking cases identified. HTI analyzed the following public court documents, where available, to identify key data points about each human trafficking case: charging instruments, including indictments, complaints, and informations; key motions and briefs; plea agreements; verdict forms; sentencing memoranda; judgments; restitution orders; forfeiture orders; and appellate filings and decisions. HTI sought information including data about the human trafficking scheme, defendants, charges, victims, and

appeals. HTI did not review transcripts from court hearings or trials in each case. HTI entered the human trafficking case data into a Salesforce database designed expressly for the annual publication of the Report. Each data point, when available, was inputted for all new cases filed in 2021, and updated for all active cases filed prior to 2021.

HUMAN TRAFFICKING CASES

A human trafficking case within the 2021 Report may include a single defendant or multiple related defendants (co-defendants) whom the government charged with trafficking one or more victims. Where the facts indicated that multiple defendants were related through an exploited victim or a common plan or trafficking scheme, HTI captured all 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 minor victim within one case number and subsequently charged a buyer defendant for purchasing a commercial sex act from the same minor victim within another case number, the Report captured all three defendants within one human trafficking case so long as the facts indicated 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 been disposed of, the Report did not merge the defendants into one human trafficking case. Even though the defendants were related through a common human trafficking scheme, they were instead captured as two separate human trafficking cases within the Report.

CIVIL & CRIMINAL CASES

The Report classified every case as criminal or civil. Cases are criminal if the government charged a defendant with a federal crime by filing a complaint, information, or indictment. Cases are civil if a plaintiff filed a complaint in Federal Court against an individual or corporate respondent.

<sup>5</sup> Based on 140 new criminal human trafficking cases filed in 2021.  
<sup>6</sup> Based on 83 new civil human trafficking cases filed in 2021.  
<sup>7</sup> Based on 83 new civil human trafficking cases filed in 2021.  
<sup>8</sup> Based on 140 new criminal human trafficking cases filed in 2021.  
<sup>9</sup> Based on 83 new civil human trafficking cases filed in 2021.





## NEW, ACTIVE & INACTIVE CASES

In criminal cases, a case is categorized as new according to the year in which the government charged the first defendant in the case by complaint, indictment, or information. The 2021 Report considered a human trafficking case to be *new* if the case was filed in Federal Court between January 1, 2021, and December 31, 2021. The Report considered a criminal case to be active in 2021 if the government filed charges in Federal Court and at least one defendant in the case was awaiting trial or sentencing, or if at least one defendant had time remaining in the cause of action to file a direct appeal. The Report classified a criminal case as inactive where there were no charges against any defendant left to be disposed of, and when the time for all defendants to directly appeal the final judgment had expired.

The Report relied on Rules 4 and 26 of the Federal Rules of Appellate Procedure (FRAP) to calculate the date that a defendant's time to file a notice of direct appeal 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 criminal cases 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 was 14 days beyond the judgment date.

In criminal cases where one or more defendants appealed the district court's judgment, and the appellate court issued its decision on appeal, the case became *inactive* when the defendant's time to appeal the appellate court's decision to the Supreme Court 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 a 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 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, it is deemed inactive upon the date that the time to file the petition for certiorari expired.

In criminal human trafficking cases, once there are no pending charges against any defendant and the time for all defendants to appeal the final judgment or order of the court has expired, the case is 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.

In civil suits, a case is categorized as new according to the year the plaintiff files the first complaint with allegations of human trafficking. The Report considered a civil case to be active if a plaintiff had filed a complaint in Federal Court and at least one defendant was awaiting a final judgment or had time to file a direct appeal. If a case was removed from state court to Federal Court, the active date is marked as the date the case was removed to Federal Court, not the date the case was filed in state court.

The Report relied on Rules 4 and 26 of the Federal Rules of Appellate Procedure (FRAP) to calculate the date a defendant's time to file a notice of direct appeal expired. 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 is filed, or where the appeal is filed by an inmate confined in an institution. These timing exemptions were 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 marked 30 days beyond the judgment date.

The Report classified a civil case as inactive where there were no claims against any defendant left to be disposed of, and when the time for all defendants to directly appeal the final judgment or order of the court expired. For a civil case where one or more defendants appealed the district court's judgment, and the appellate court issued its decision on appeal, the case became inactive when the defendant's time to appeal the appellate court's decision to the Supreme Court 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 the purposes of the Report, in civil human trafficking cases, once there were no pending claims against any defendant to be disposed and after the time for all defendants to appeal the final judgment or order of the court expired, the case became inactive. Accordingly, where 90 days had passed since the appellate court rendered its decision and no additional entries were added to the appellate docket, the case was deemed inactive upon the date the time to file the petition for certiorari expired. If a plaintiff filed a complaint with a cause of action under Chapter 77 and subsequently removed the Chapter 77 claim in an amended complaint, the Report included the civil human trafficking suit, but marked it as inactive on the date that the amended complaint was filed. The case was then coded as being voluntarily dismissed by the plaintiff.



PRIMARY CASE TYPE: SEX TRAFFICKING & FORCED LABOR

The Report classified every case as either a sex trafficking case or forced labor case by thoroughly reviewing the facts included in pleadings, public sources, news stories, and press releases. If the facts indicated the defendants compelled or coerced the victims to provide labor or services, the case was classified as forced labor. Conversely, if the facts indicated the defendants compelled or coerced the victims to engage in a commercial sex act, the case was classified as sex trafficking. Attempt and conspiracy cases were included in both categories.

The case type classification was clear in the majority of human trafficking cases in the Report, as the facts or charges involved defendants who compelled or coerced victims to perform either labor/services or sex, not both. Sometimes, cases contained charges or fact patterns that related to both commercial sex and forced labor human trafficking. In 2021, one (1) criminal cases involved both sex trafficking and forced labor charges. For these cases, HTI conducted a thorough review of the case facts and related materials to determine if the trafficking operation was primarily a sex trafficking enterprise or forced labor enterprise. In 2021, the Report concluded that this case was primarily sex trafficking with associated forced labor charges.

HUMAN TRAFFICKING DEFENDANTS

CRIMINAL DEFENDANTS

The Report captured every defendant named in federal criminal human trafficking cases, regardless of whether the individual defendant faced a human trafficking charge in the case. Including all defendants in the case ensured the Report captured the most accurate picture of human trafficking cases prosecuted in Federal Courts. However, in cases where human trafficking was an ancillary matter (discussed in detail below), the Report captured only defendants who the government charged with a

human trafficking crime. The Report did not include defendants who prosecutors charged by complaint or information but never ultimately indicted.

NEW & ACTIVE DEFENDANTS

The Report presented data on 2021 new defendants, who are categorized as defendants the government charged for the first time in 2021. For example, in some instances, prosecutors may initiate and file a case in one year and add new defendants in subsequent years.

When the Report refers to 2021 active defendants in human trafficking cases, it considers all defendants whose case is still pending in Federal Courts, thus their time to file a direct appeal had not run before or in 2021.

A defendant’s active date was the date they were initially charged. A defendant’s inactive date was the date all charges against the defendant were disposed of and, if applicable, the defendant’s window to directly appeal expired. For rare situations in which there were fugitive defendants or long periods of unexplained docket inactivity, project attorneys monitored these dockets annually for new activity. Fugitive defendants are considered inactive after two years of docket inactivity.

IMPORTANT DATES

For each defendant, the Report tracked important dates in the criminal justice process. These include dates:

- The government filed the initial charging instrument;
- The defendant pled guilty or went to trial;
- The district court entered the final judgment;
- The defendant filed a notice of appeal (if applicable);
- The appellate court entered judgment (if applicable);
- The defendant’s time to directly appeal expires.

The Report calculated a defendant’s length of disposition as the number of months from a defendant’s active date to a defendant’s inactive date.

When determining dates, the Report generally relied 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 from the file stamp date, the Report relied on the date the event in fact occurred.

DISPOSITION, IMPRISONMENT, & MONETARY PENALTIES

The Report also captured the manner in which the district court disposed of the charges against each defendant: by dismissal, plea agreement, or trial. If the defendant was convicted, the Report tracked their sentence, including:

- Term of imprisonment, if any;
- Term of supervised release, if any;
- Amount of fine, if imposed;
- Information about special assessments, if ordered;
- Information about assets forfeited; and
- Amount of restitution to the victims, if ordered.

The Report tracked the total length of imprisonment to which a defendant in a human trafficking case was sentenced. This included the term of imprisonment ordered for human trafficking convictions as well as non-human trafficking convictions. When calculating average terms of imprisonment, the Report excluded sentences exceeding 600 months (50 years) because these sentences are infrequent and distort average sentencing data. In 2021, no defendant was sentenced to more than 50 years in prison. From 2000 to 2020, 5 defendants were sentenced to more than 50 years in prison, with sentences ranging from 660 months (55 years) to 1440 months (120 years).

DEFENDANT’S PROFILE

When known, the Report included 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 classified the defendant’s gender according to the gender specified in public court documents, press releases, or by the Federal

Bureau of Prisons. Where public sources identified the relationship that the defendant had with the victim prior to exploitation, the Report captured these data.

DEFENDANTS IN ANCILLARY HUMAN TRAFFICKING CASES

In federal criminal cases where human trafficking is an ancillary matter, the Report captured only defendants whom the government charged with a human trafficking crime. The Report categorized human trafficking as an ancillary matter where it was clear that the *primary purpose* of the criminal enterprise was *not* human trafficking. For example, if a federal case was primarily about health care fraud, and the government charged only one of ten defendants with a human trafficking crime and the remaining defendants with non-human trafficking-related offenses, the Report considered human trafficking an ancillary matter in the case. The Report only captured information about the defendant the government charged with a human trafficking crime, it did not include other defendants unrelated to the trafficking crime(s).

Alternatively, the Report did not consider human trafficking as an ancillary matter in cases where the case is *primarily* about human trafficking, even if the majority of charges brought were non-human trafficking offenses (i.e., where one defendant was charged with sex trafficking while the other defendants were charged non-human trafficking offenses for acts related to the same sex trafficking scheme). For example, if prosecutors charged one of ten defendants with a human trafficking crime and the remaining defendants with alien harboring and money laundering in a scheme where 30 women were smuggled into the United States and compelled to provide commercial sex at a massage parlor, the Report *did not* consider human trafficking to be an ancillary matter. Accordingly, the Report captured information about all the defendants the government charged.

Of the new criminal cases charged in 2021, the Report found that human trafficking was an ancillary matter



in 1 sex trafficking case. It is important to note that in cases where trafficking was an ancillary matter, the case becomes inactive when the defendant charged with a trafficking crime becomes inactive, even where charges may still be pending against the other defendants.

CIVIL DEFENDANTS

For civil human trafficking cases, the Report included only defendants against whom plaintiffs allege Chapter 77 or Fair Labor Standards Act claims. Where a defendant in a civil suit 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 tracked important dates in the civil process, such as the date;

- The plaintiffs filed suit;
- Of dismissal, trial, or settlement;
- A party filed a notice of appeal (if applicable);
- The appellate court entered judgment (if applicable).

When determining dates, the Report generally relied 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 from the file stamp date, the Report relied on the date the event in fact occurred. For cases where the district court entered a judgment or default judgment, the Report disclosed the amount of the judgment. The Report also disclosed the amount of settlement when known.

HUMAN TRAFFICKING & NON-HUMAN TRAFFICKING CHARGES

The Report captured each charge that the government filed against each defendant, including both human trafficking charges and non-human trafficking charges. The Report relied 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 indicated the government reduced a defendant’s human trafficking charges as part of a plea agreement. In this situation, to accurately reflect that the defendant pled down from a human trafficking charge, the Report relied on the last in-time charging instrument that contains a human trafficking charge.

HUMAN TRAFFICKING CHARGES

This Report categorized 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);
- 18 U.S.C. § 1962 (RICO to Human Trafficking);

This list encompasses all Chapter 77 offenses, as well as attempt, conspiracy, ITAR, and RICO charges 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 crimes are classified as non human-trafficking offenses. Non-human-trafficking charges include, inter alia, the following offenses:

- 8 U.S.C. § 1324 (Alien harboring);
- 18 U.S.C. §§ 2421–2423 (Mann Act);
- 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);
- 18 U.S.C. §§ 2251–2252 (Child sexual abuse material);
- 18 U.S.C. § 371 (Conspiracy);
- 18 U.S.C. § 1952 (ITAR); and
- 18 U.S.C. § 1962 (RICO) where the predicate offense is outside of Chapter 77.

NUMBER OF CHARGES

In general, the number of charges that the Report captured for a defendant equals the total number of charges included in the final charging instrument

against the defendant. Where the government filed a superseding information that included additional charges for the sole purpose of a plea agreement, the Report also captured the charges from the charging instrument immediately preceding the superseding information. In doing so, the Report aimed 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 included all charges that the government brought against only those defendants involved in the trafficking enterprise. This includes both human trafficking and non-human trafficking charges filed against those defendants.

HUMAN TRAFFICKING VICTIMS

VICTIMS IN CRIMINAL CASES

The Report captured only publicly-available information about victims the government identified by name, initials, or pseudonym within one or more human trafficking charges or related charges listed in the charging instruments. For these victims, the Report tracked the victim’s gender, age, particular vulnerabilities the recruiter may have exploited, the manner in which the victim was recruited, and who recruited the victim. The Report also provided data on the nationality of victims, type of visa held, if applicable, and 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 identified 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.





## VICTIMS IN CIVIL CASES

The Report relied on public court documents to track victim information in civil human trafficking cases. For civil suits involving fewer than 10 plaintiffs, the Report captured 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 captured information about the lead plaintiff in the case.

## HUMAN TRAFFICKING APPEALS

Where a defendant filed a notice of appeal in a criminal case, the Report tracked the timing and decision of the appeal. The Report tracked only direct appeals that followed a final judgment in the case that were filed within the timeline set out in Rule 4 of the Federal Rules of Appellate Procedure. The Report captured information about direct appeals to an appellate court, and direct appeals to the United States Supreme Court. The Report did not track interlocutory appeals. Furthermore, the Report did 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.

## 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 engaged in a comprehensive review process of each human trafficking case entered into the database. Every case in the database was reviewed by at least two different project attorneys. 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 Primary Authors for decisions. In addition, the project attorneys reviewed the database through various topical troubleshooting reports to detect any blank fields or unusual entries.

## REVIEW OF FEDERAL HUMAN TRAFFICKING CASE DATA

HTI provided a rigorous review of the data in federal human trafficking cases to identify key findings and emerging trends. In addition, prior to drafting the Report, HTI collaborated with key anti trafficking stakeholders to preview the preliminary findings from the data and discussed themes and trends to include in the final Report publication. For the 2021 Report, HTI provided 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. HTI incorporated the recommendations and feedback from the preliminary findings briefings into the 2021 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 tracked the primary method that defendants in sex trafficking cases used to solicit buyers. The method of solicitation was determined by how or where a defendant located buyers, including the following strategies:

- **Bar or Club:** When a trafficker solicited buyers of commercial sex at an establishment which served alcohol or drinks as their primary business purpose.
- **Brothels:** When a trafficker solicited buyers of commercial sex through an illegal establishment where in-house commercial sex was offered to customers.
- **Internet:** When a trafficker solicited buyers of commercial sex through an online website or social media platform.
- **Massage Parlor:** When a trafficker solicited buyers of commercial sex at a business that offered, or claimed to offer, legitimate spa services. This included legal massage parlors, as well as illicit massage parlors that claimed to offer legitimate spa services but whose true purpose was to offer commercial sex to customers.
- **Pre-existing Relationship:** When a trafficker solicited buyers of commercial sex among individuals they already knew. An example of the pre-existing relationship method of solicitation would be a drug dealer who began selling victims for commercial sex to his customers in addition to drugs.
- **Street-based Commercial Sex:** When a trafficker expected 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 solicited or expected a victim to solicit buyers or initiate commercial sex at a strip club.
- **Truck Stop:** When a trafficker solicited or expected a victim to solicit buyers or initiate commercial sex at a truck stop.

## INDUSTRIES IN FORCED LABOR CASES

The 2021 Report tracked the primary industry in forced labor cases, which was defined by the predominant type of labor or services that the defendant compelled a victim to provide. Federal human trafficking cases involved victims exploited for labor or services in the following industries:

- **Agriculture:** When a trafficker compelled 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 compelled a victim to provide labor or services at an establishment that served alcohol or drinks as its primary business purpose.
- **Beauty Services:** When a trafficker compelled a victim to work at a business, the primary purpose of which was providing health or beauty services. This includes but is not limited to manicures, haircuts, hair braiding, facials, and/or waxing.
- **Construction:** When a trafficker compelled 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 compelled a victim to work for a family or household performing tasks such as cleaning or childcare, often living on site.



- **Hospitality:** When a trafficker compelled 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.
- **Imprisonment:** When a victim alleged that their detention in jail/prison alone constituted forced labor.
- **Janitorial Services:** When a trafficker compelled a victim to work in janitorial or cleaning duties for a cleaning company or for commercial or public properties. This includes but is not limited to employees of maid services, and commercial janitors.
- **Labor While Incarcerated:** When victims were forced to perform labor or any other services while in jail/prison without adequate compensation.
- **Manufacturing:** When a trafficker compelled 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.
- **Massage Parlor:** When a trafficker compelled a victim to work in a business that offered, or claimed to offer, legitimate spa services. This includes but is not limited to legal massage parlors, as well as illicit massage parlors that claimed to offer legitimate spa services but whose true purpose was to offer commercial sex to customers.
- **Medical or Health Services:** When a trafficker compelled a victim to work in any industry focused on health and medical care.
- **Restaurant or Food Industries:** When a trafficker compelled a victim to work at a venue, the primary purpose of which was selling prepared food. This includes but is not limited to fast food restaurants, sit down restaurants, and food or ice cream trucks.
- **Retail:** When a trafficker compelled a victim to work at a commercial venue whose primary purpose was to sell merchandise. This includes but is not limited to gas stations, grocery stores, and car dealerships.

- **Technology Services:** When a trafficker compelled a victim to work in the technological industry.

## METHODS OF COERCION

The 2021 Report categorized every method of coercion as either physical or nonphysical. Physical coercion included any method that involved bodily contact, physical restraint, or physical isolation, as well as conduct that impacted the victim’s physical health.

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 or forcing a victim to use drugs
- Physical abuse
- Physical isolation
- Rape or sexual violence
- Sleep deprivation
- Tattoos or branding
- Withholding medical care

Nonphysical coercion included any method that involves threats, fraud or conduct that impacted 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 romantic relationship
- 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

## ADDITIONAL TERMINOLOGY

- **Adult:** Any person who is 18 years of age or older.
- **Bottom:** A female appointed by the trafficker/pimp to supervise the others and report rule violations. Operating as his “right hand,” the Bottom may help instruct victims, collect money, book hotel rooms, post ads, or inflict punishments on other girls.
- **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 2021.
- **Commercial exchange:** When persons provide a thing of value to another individual in exchange for a good or service

- **Commercial sex:** The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person (22 U.S.C. 7102 (4))
- **District Court:** The district court was categorized by the district of the trial court that had jurisdiction over the case, or the district court that ultimately disposed of the charges in the case.
- **Minor:** Any person under the age of 18.
- **Life Imprisonment:** A sentence of imprisonment for the defendant to remain in prison for the rest of their natural life. The Report captured life sentences that the 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 was 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 included case filings that HTI purchased from PACER or documents that HTI retrieved from subscription legal databases.
- **Recruitment:** the act of inducing an individual to engage in commercial sex or forced labor.
- **Sting Case:** A deceptive law enforcement operation used to catch a person committing a crime. This included sting cases in which law enforcement responded to an advertisement posted by a trafficker selling a victim, and cases in which law enforcement advertises a fictitious victim to attract buyers.