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An Analysis of Human Trafficking Victims in Federal Court Cases

by

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the Department of Criminal Justice, University of Arkansas

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INDEX

I.	Introduction	1
	a. Human Trafficking in Historical Context	1
	b. America's Response to Trafficking	3
	c. Research Questions	5
II.	Literature Review	5
	a. The Victims of Human Trafficking	5
	i. Methods of Control	7
	ii. Industry	9
	iii. Mistreatment of Victims in Court	9
	iv. Access and Utilization of T-visas	10
	b. Victims Who Aid Their Traffickers	11
	c. Human Trafficking as Organized Crime	12
III.	Research Questions and Hypotheses	14
	a. Research Question 1	14
	b. Research Question 2	15
	c. Research Question 3	16
IV.	Methodology	17
V.	Findings	25
	a. Research Question 1	26
	b. Research Question 2	33
	c. Research Question 3	34
VI.	Discussion/Conclusion	41
	a. Research Question 1	41
	b. Research Question 2	43
	c. Research Question 3	45
	d. Future Research	47

I. Introduction

Human trafficking affects over 160 different countries worldwide (Human Trafficking Statistics n.d.). Patel (2011) estimates that approximately 175,000 people were trafficked into the United States between 2000 and 2010. The extent of the crime in the United States and around the world has been increasingly revealed over the past few decades as many people and organizations are currently taking part in the efforts to defeat this epidemic. Indeed, to combat human trafficking, the U.S. Congress passed the Trafficking Victims Protection Act in 2000 (TVPA), aimed to aid in both the prosecution of traffickers and protection of victims. While organizations are rescuing and assisting victims, helping to prosecute defendants, and promoting positive legislation, there are people conducting research to contribute to the body of knowledge on human trafficking. Researchers have studied the process of human trafficking victimization, trends among trafficking networks, the characteristics of victims, and various other topics within human trafficking using, predominantly, case studies and qualitative methods of research. There have also been some studies attempting to quantitatively study the extent of human trafficking. However, there are large gaps in the quantitative analysis of human trafficking, and virtually nothing has been done to study the effectiveness of the TVPA. This study attempts to contribute to the body of knowledge of human trafficking by empirically analyzing human trafficking within the federal court system of the United States.

Human Trafficking in Historical Context

Before diving into the research for this paper, it is important to understand what is known about human trafficking thus far. While the concept of slavery typically evokes the images of Africans during the Atlantic slave trade, modern human trafficking is quite different in both form and quantity. Human Trafficking contrasts with the Atlantic slave trade in three characteristic

ways. First, the Atlantic slave trade involved the trafficking of strictly black Africans while modern slavery is what Kevin Bales calls “equal opportunity slavery” (Bales & Soodalter 2009, p. 6). This means that any race, ethnicity or type of person could be trafficked in modern slavery. This includes males, females, children, and adults, as well as people from any origin. Second, societies deem modern human trafficking as illegal and criminal, but the Atlantic slave trade was accepted in society and was typically lawful. As a result, there was extensive documentation of slaves during the Atlantic slave trade and government could track the transactions. However, since modern day slavery is a criminal activity, it must survive as an underground crime, making it difficult to identify and quantify. Third, the best estimates suggest that there are currently about twenty-seven million people enslaved (Bales & Soodalter 2009, p. 3). By contrast, approximately eleven million people were enslaved during the 350-year period of the Atlantic slave trade. (Thomas 1999, p. 862)

The differences between historic and modern slavery provide a powerful perspective on the issue and highlight both the challenges posed by the contemporary practice and the scale of the problem. Hughes (2007) noted that trafficking women “has been a lucrative moneymaker for transnational organized crime networks, ranking third, behind drugs and arms, in criminal earnings.” Kevin Bales (2009) agrees, stating that, “trafficking is ... the third most profitable criminal enterprise of our time, following only drugs and guns.” Human trafficking is a global epidemic, and one that infects the United States.

While the precise extent of the problem of trafficking in the US is unknown, there have been attempts to quantify it. One of these estimates comes from the CIA, which estimated that 50,000 women and children are trafficked each year in the US for the purpose of commercial sexual exploitation alone (Hepburn & Simon 2007, p. 4). Hepburn estimated that “domestic,

food and care services, garment, and agricultural slavery constitute 46.2% of trafficking cases. When combined, if true, sex and labor trafficking in America involves a staggering number of victims. Granted, estimates have varied substantially over the past two decades because human trafficking is part of the underground economy, and, as mentioned, quite difficult to quantify; yet, these estimates do provide us with a frightening representation of the level of the problem, and many argue the estimates have become more reliable as research has progressed. For instance, a U.S. State Department study revealed that some 14,500-17,500 people are trafficked into the United States from overseas and enslaved *each year* (Human Trafficking Statistics n.d., p. 1). While actual numbers are somewhat unclear, the problem is large and has captured the attention of both state and federal authorities.

America's Response to Trafficking

In order to address the human trafficking problem, the United States took a monumental step forward in 2000 by enacting the Trafficking Victims Protection Act (TVPA). The TVPA focuses on three main aspects of trafficking: prosecution of human trafficking, prevention of human trafficking, and protection of human trafficking victims (referred to as the "Three P's"). The modern definition of human trafficking for federal law was also established in conjunction with the TVPA. Although the TVPA was a step forward in combating the crime, critics have argued that over the fifteen years since the TVPA's passage, an emphasis has been placed on prosecuting defendants with little attention paid to protecting victims (Patel 2011). Indeed, critics argue that the imbalance between the three p's is caused by a number of factors ranging from the language of the act itself, the myopic focus of authorities' on prosecuting "easy" cases, the lack of familiarity among federal and state officials with the TVPA's protective function, and the inability of law enforcement to identify trafficking cases in general (Bales 2009; Patel

2011). Patel argues that once someone is identified as a victim of a severe form of trafficking, prosecutors have to rely in large part on victim cooperation for a successful conviction (p. 816). Patel maintains that when prosecution is the primary focus of the TVPA, victims risk being mistreated when prosecutors seek successful convictions.

Patel stated in her research that “with dedicated DOJ funding being contributed towards prosecuting traffickers, it is evident that most efforts to combat human trafficking have focused on prosecution. While federal laws are in place to prosecute traffickers, a simple analysis of data illustrates that few prosecutions are occurring” (p. 812). Although trafficking laws have positively evolved, Patel says that there are few prosecutions occurring compared to the extent of the issue. Moreover, Bales (2009) reports that one of the protective measures created by the TVPA—T-visas—are underutilized. The T-visa provides victims of trafficking with a temporary non-immigration status to protect them and allow for an alternative to their deportation so they can assist in the prosecution of the defendant. While the TVPA makes available up to 5,000 T-visas per year, only a little over 6,000 have been issued since 2000 (Chronkite 2013).

While these critics believe the TVPA has been used to focus efforts almost exclusively on prosecution while simultaneously ignoring the TVPA’s mandate to protect victims, there exists virtually no quantitative, empirical research to back up those claims. With that in mind, I constructed a database of all federal trafficking cases from 1980 to 2014 and examined three exploratory research questions aimed to add to the body of literature and help us understand more about the victims in federal TVPA trafficking cases. For clarity, I present the research questions here:

Research Questions

1. Who are the victims of human trafficking in federal cases?
2. What are the characteristics of victims who aid traffickers in federal court cases?
3. How organized are the defendants in human trafficking cases who are prosecuted in federal court?

II. Literature Review

Human Trafficking is the term we use to describe modern day slavery. The Polaris Project (an organization that assists the victims of trafficking) states that, “human trafficking is a form of modern slavery where people profit from the control and exploitation of others” (Polaris Project n.d.). Although that is the most basic of definitions, trafficking has many definitions worldwide ranging from legal definitions varying from country to country to organizational descriptions like the one presented by Polaris Project. The definition that is used in the federal court of the United States is the definition that will apply to this research. According to U.S. Federal Law, human trafficking is defined by "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age"; or "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery" (What is Human Trafficking 2015).

The Victims of Human Trafficking

A considerable amount of research, almost exclusively in the form of qualitative studies, has been published about the characteristics of victims of human trafficking in the United States.

Through such studies, we have learned a great deal about individual victims of human trafficking, such as their gender, age, origin, and types of control that their traffickers used against them. What is lacking, however, are generalizable results.

For example, in a study involving interviews of eight different medical professionals, Rosales (2007) reported a “collective agreement” that most often, the victims the professionals dealt with were minors and nearly every victim was female. This qualitative study, derived from a convenience sample, highlights the problem alluded to above: there remains a high probability for error and it contains results that are not easily generalizable. There is potential for error because it may be difficult for medical professionals to identify whether someone is a victim of human trafficking, and a large number of victims in the area of the physician may not be able to access medical help.

Another source of information comes from the Polaris Project. The Polaris Project, which developed a hotline as a way of rescuing victims from exploitation, has helped us to better understand information about victims by documenting information from every call it receives. Recording each report over the course of many years has created one of the better sources for empirical data on human trafficking. Analyzing their hotline data from 2007-2012, Polaris reported that 84% of victims were women and 34% of victims were minors (2015). However, even Polaris reported the limitations of hotline data, suggesting that female victims may be over-reported compared to male victims, due to the type of industry involved and because of limited exposure to the public, as 61.7 percent of hotline calls were from non-affected persons calling in tips (NHTRC 2014, p.4). These findings are informative, but they do have limitations. Polaris data do not differentiate between tips that go unprosecuted and those that result in federal or state intervention. Therefore, these data cannot be used to ascertain answers to my research questions.

Hepburn stated that, “the US is one of the top 10 destinations for human trafficking” (2011, p. 3). Hepburn argues that in the absence of such a huge demand in the United States, the presence of foreign victims would be dramatically smaller. The problem is enormous. The Polaris Project reported receiving 13,546 calls between 2007 and 2012 and concluded that about 50% of the calls containing valid sex or labor exploitation involved foreign national victims. The other half of the cases involved U.S. citizens. Polaris maintains that those numbers represent only a small portion of the people who are enslaved in the United States, but the numbers nonetheless provide an understanding of where victims in the United States originate. Further, Rosales’ (2007) concluded that victims in the United States (aside from native born victims) most commonly originate from China, Japan, Russia, East Europe, France, Thailand, Mexico, Guatemala, Korea, Indonesia, Philippines, Afghanistan, and Ukraine.

Methods of Control

Other studies have focused on the mechanisms and tactics traffickers use to maintain control of their victims. Kevin Bales, an expert on modern day slavery and prolific author, has published extensively on the topic of human trafficking. Bales (2005) conducted one of the few macro-level studies of human trafficking for the Department of Justice. Based on data from case studies, his findings on the demographics, characteristics, and treatment of victims, as well as his detailed descriptions of the trafficking process, supported the findings of many prior qualitative studies. According to Bales, traffickers use a few principal methods to control victims, including: taking away victims’ travel and identity documents; repeatedly telling victims that local police or immigration authorities will arrest, brutalize, or even kill them if they are found; submitting victims to sexual abuse, physical violence, and threats of death; isolating victims; and

the use of debt bondage (p. 5). Bales identified three main categories of control. Traffickers use physical force, non-physical force, and confinement to control their victims.

As previously stated, underreporting and failed identification are major obstacles in both studying and combating human trafficking (Bales 2009; Hopper 2004). Hopper (2004) focused on victims, and suggested that there were three aspects in human trafficking that lead to the under-identification of victims. First, she argues that a shroud of secrecy surrounds the crime, despite the large number of victims, due to the illegal nature of trafficking. Secrecy, Hopper maintains, is necessary to prevent detection. In addition, she mirrors Bales' findings, reporting that traffickers utilize secrecy to maintain control over their victims; the methods of control include threatening victims, confiscating victims' passports or travel documents, isolating them from larger society, and keeping their victims captive (p. 129). Second, there are also some natural barriers for foreign victims, such as the inability to speak English, being unfamiliar with the laws of the United States, and often "victims are moved from city to city," maintaining their lack of familiarity with their environment. Third, those who are trafficked from foreign lands are generally impoverished and lack resources. These qualities and "limited educational opportunities" are factors that make them more vulnerable to being trafficked (Hopper 2004). These factors make it easier for the traffickers to enforce "smuggling debts" and the victims have no one to turn to for information or support (Bales 2008). It is evident through Hopper and Bales' research that in order to accomplish secrecy, offenders use specific measures to control their victims including physical force, non-physical force, and types of confinement, and many methods are re-occurring. Because these methods of control are reoccurring in the literature, I intend to examine these categories in this research.

Industry

Another body of research on trafficking victims in the United States addresses the industries of slavery. There are many types of work that victims in trafficking could be forced to do. However, Bales determined that prostitution, domestic service, agricultural work, sexual entertainment, factory work, restaurant service, and street peddling were the most common (2009, p.5). Often a more general method of describing industries has been done by grouping industry into either the sex industry or the labor industry (Polaris 2013). The Polaris Project received 9,298 human trafficking reports via its hotline between the years of 2007 and 2012 (Polaris 2013). Using this dichotomous approach, the project found that 64% were sex trafficking cases and 22% were labor trafficking cases. The report clarified that the percentages were not completely concrete because of cases where it was not possible to determine pertinent information from the calls. The National Human Trafficking Resource Center (NHTRC) annual report suggested that about 48% of all cases reported were either labor exploitation (30%) or labor trafficking (18%) (2011). This suggests a much higher proportion of labor exploitation than recognized by most (*for example*, Bales 2009, Office of Justice Programs 2011, Human Trafficking Statistics (n.d.)). Despite the lack of adequate reporting and less desirable identification procedures, the literature maintains that the proportion of sex trafficking cases significantly outnumbers labor trafficking in the United States. I intend to examine this issue in federal trafficking cases.

Mistreatment of Victims in Court

Previous studies have focused on how victims are mistreated within the United States court system. Although it is unknown how often victims are prosecuted within the courts, Kanigher (2011) argues that mistakenly convicting an offender who was actually a victim of

trafficking is one way that federal authorities have allegedly mistreated victims. Kanigher suggests that many stories exist that are similar to the following:

“Sexually abused as a child and pimped as a teen in Hawaii, Annie Lobert fell into the violent side of prostitution. She was beaten, raped, tied up and more than once had a gun barrel shoved into her mouth. Lobert said she was convicted of solicitation just once in 25 arrests from ages 19 to 23, but it took seven years to get her record sealed by a judge” (Kanigher 2011).

Finklea (2014) explained that even juvenile trafficking victims are being criminalized in U.S. courts, often resulting in the inability to obtain jobs later on due to their criminal record. Lately, the federal courts of the United States have been responding to such stories by evolving their methods of identifying and protecting victims within the court system (Ishayik 2015). Ishayik reports that in 2010, a law was passed that has allowed more than 60 women in New York to be cleared of their prostitution charges.

Access and Utilization of T-Visas

Another body of research asserts that T-Visas (Trafficking-Visas) were created as measures to protect and provide services to victims, yet neglected in their usage. As mentioned in the introduction, T-visas are used to provide victims with services and an alternative to deportation during the prosecution of their offender. Since 2002, more than 65,000 T-Visas could have been issued, but at present, less than 10% have been issued (Chronkite 2013). T-visas have been difficult to acquire for victims for a couple of reasons. First, Olsen (2008) points out that the victim must initiate the process of obtaining the visa, and claims that “the T-visa process is designed to be initiated by victims and reviewed by immigration officials — prosecutors are not directly involved. The law is designed this way so it doesn't appear that victims receive a visa

in exchange for testimony.” Nonetheless, T-visas are issued partially for the purpose of receiving a testimony of the victim because “nearly every case depends heavily on victims’ testimony” (Olsen 2008). Second, “applications can be tricky and tedious” due to the requirements including the \$545 fee, written statements of abuse which can be traumatizing, and obtaining documents from native countries (Olsen 2008; *see also* Bales 2009). The wait can also be very long. Lastly, victims may not attempt to apply for T-visas because they fear facing their trafficker in court (Bales 2009). Bales argues that these collective factors have led to the underutilization of T-visas. I intend to analyze the proportion of victims in federal cases who applied for and received T-visas.

Victims Who Aid Their Traffickers

Research has not only focused on characteristics of confinement and victim demographics, but some research has also suggested that victims sometimes take active roles helping traffickers. At this point, the literature is silent on how widespread the phenomenon might be. Bales and Soodalter (2009) reported several ways in which victims aid their traffickers to intimidate and control other victims. The researchers concluded that recruitment is a particularly effective skill that traffickers rely on (p. 32). They suggest that traffickers enslave victims using authority and control, which leads victims to fear their “master.” Citing Stockholm Syndrome, they suggest that after a while, some victims become loyal to the offender, especially when the trafficker “trusts” the victims with a role in the enterprise. Bales and Soodalter report that traffickers have found success recruiting new women using female recruiters because females make the offers convincing (p. 32). The researchers also suggest that female victims make excellent recruiters because other women trust them. Once recruited, traffickers use victim-enforcers to intimidate and enforce rules over new, younger victims. Other than the

results from Bales' and Soodalter's case studies, very little is known about the characteristics of victims who aid traffickers, or how extensive the problem may be.

Human Trafficking as Organized Crime

The final area of research proposed for this study focuses on claims that human trafficking is almost always a premeditated and planned occurrence perpetrated by traffickers (Bales 2005, p. 5). Sagnip (2011) suggests that, much of the time, networks of people are engaged in the process, which delineates it as organized crime. A United States House of Representatives hearing in 2011 examined and recognized the connection between human trafficking and organized crime on a transnational level. The House emphasized that "human trafficking—modern day slavery—is the third most lucrative criminal activity in the world." It concluded that because people are reusable commodities, unlike drugs, and because they are in such high demand, "more and more organized criminal groups are engaging in human trafficking" (Sagnip 2011).

Three years after his DOJ study was published, Bales retreated a little from the view that "nearly all" trafficking was organized. Bales (2008) found that "in half of the cases studied ... the trafficking operations were simple links between single individuals or agencies providing a single service ... One quarter of the cases were segmented businesses involving a criminal network and a legitimate transportation or labor recruitment company. One quarter of the cases were relatively sophisticated and complex networks spanning both long periods of time and large geographical distances" (p. 38). In other words, fifty percent of the cases were individual transactions, which would include just one victim. Twenty-five percent of the cases involved networks in which "trading" took place and most likely included more than one victim at a time. The final twenty-five percent of the cases involved much more planning and complexity, which

means that they were well-developed trafficking circles and involved a higher number of victims per trafficking case. Although the study revealed that trafficking cases can range from simple transactions of few victims to complex and sophisticated transactions of many victims, Bales maintained that “the premeditation and organization needed [in trafficking humans], suggests that most instances of human trafficking should be considered as organized crime, not simply the opportunistic exploitation or coincidental negligence of an employer” (p. 54). He concludes that most instances of human trafficking are premeditated and planned, and about half of all cases involve networking and groups.

In the context of organized trafficking, some researchers have levied criticism at the TVPA. Aiesi (2000) addressed six main problems that deal with identifying victims under the TVPA that need to be improved. For the purpose of this study, I will focus on one of them. The problem addresses human trafficking as organized crime, and Aiesi states that, “human trafficking generally ... operates in a manner similar to organized crime, and thus should be approached with an increased level of commitment to combat and deter organized crime and corruption in the future” (p. 39). Aiesi argues that human trafficking can be a stand-alone activity within a crime group or a criminal network, but it can also be found among other organized criminal activities. Similar to Bales, she found that “authorities have identified potential victims of human trafficking during the operations of related crimes such as drug trafficking investigations, prostitution stings, immigration raids or within various racketeering crimes” (p. 40). Aiesi agrees with the United States House of Representatives that human trafficking is in high demand, which provides incentives for crime groups and networks to engage in the crime. She argues that there needs to be more focus placed on the networks

involved in the process of human trafficking, and says “network[s] consist of a variety of actors from recruiters, smugglers, enforcers, drivers, guards, manages, etc.” (p. 41).

III. Research Questions and Hypotheses

As discussed above, valuable research has focused on the characteristics of human trafficking, but there is a lack of empirical data on the topic (Atkins, Moran, & Hanser 2013, p. 27). Despite criticisms of victim treatment in federal courts, there is no research I can find that analyzes the characteristics of victims in federal court cases. Similarly, there is no literature I can find that addresses what proportion of victims in federal cases have successfully received T-visas under the TVPA. Furthermore, nothing has been written on the extent to which victims of trafficking have been prosecuted in the United States. To address these shortcomings, I explored the following research question (I will discuss methodology in more detail in the next section):

Research Question 1: Who are the victims of human trafficking in federal cases?

Based on the existing literature, which suggest that females comprise a disproportionate percentage of trafficking victims due to the sex trafficking industry, I first determined whether a higher proportion of victims were female in the sex trafficking industry than in the labor industry. To do this, I constructed the following hypothesis:

H₁: A higher proportion of victims in the sex industry will be female than in the labor industry.

The literature suggests that most trafficking victims in the sex industry are minors between 12 and 14-years-old (DoSomething 2015), but that a significant proportion of victims in the sex trade industry are adults (NHTRC 2014). The DOJ claimed that 48% of the victims of sex trafficking in the U.S., between 2008 and 2010, were adults (NCVRW 2013). Critics of the TVPA suggest that a presumption in the law—that any minor in the sex industry is a victim of

trafficking—has led federal authorities to focus attention on prosecuting those cases to the exclusion of others. Based on the literature, I posit the following hypothesis:

H₂: If the critics of the TVPA are correct, there will be a substantially smaller proportion of adult victims in sex trafficking cases than the 48% reported by the DOJ.

The literature suggests that female victims are significantly younger than male victims in human trafficking. To test this suggestion, I created the following hypothesis:

H₃: The proportion of female minor victims will be higher than male minor victims in federal trafficking cases.

The final analyses I performed for research question one concerned methods that traffickers use to control their victims. The literature doesn't suggest a primary method for controlling victims, nor did it capture the breadth of methods we noted while coding. For that reason, I did not construct a hypothesis, but rather, intend to explore the data to determine what the primary forms of control might be, and determine whether there may be patterns to guide future research.

Research Question 2: What are the characteristics of victims who aid traffickers in federal court cases?

As mentioned in the literature review, other than the results from Bales and Soodalter's 2009 case studies, very little is known about the characteristics of victims who aid traffickers. Bales and Soodalter (2009) did suggest that traffickers sometimes use their victims to assist them in trafficking other victims. The researchers also provided evidence that victims are used in a variety of ways to aid their traffickers, but no research has been conducted to determine how often victims are used in that capacity or the characteristics of those victims, so I could not

construct a hypothesis. Therefore, my examination of this issue is predominantly exploratory. I did construct one hypothesis. My initial presumption was that victims who aid their traffickers are likely persons who have been in captivity for a longer period of time than those who don't provide assistance. I will test that presumption with the following hypothesis:

H₄ Victims who aid their traffickers will have spent more time in captivity than those who do not aid their captors.

Literature on the organization of traffickers is informative and highlights the increased difficulty in tracking, intercepting, and prosecuting organized criminal networks. But as noted in that section, critics contend that the TVPA is not written to address the complexity of trafficking organizations. That, however, is as far as the literature takes us. My third research question will begin to address those issues via an examination of the defendants in federal trafficking cases.

Research Question 3: How organized are the defendants in human trafficking cases who were prosecuted in federal court?

Bales (2009) suggests that about fifty percent of trafficking cases involve legitimate transportation services and/or legitimate labor companies in the process of trafficking victims. He then suggests that the other fifty percent involve links between individuals who provide single elements of multi-step transactions. If this is the true, then most cases should involve more than one defendant, either as principals and accessories, or as co-conspirators. To test whether the prevailing literature is correct, that most cases involve complex networks, and therefore, multiple offenders, I propose the following hypothesis:

H₅: Less than 50 percent of the federal human trafficking cases will involve single defendants operating alone.

Conversely, if the critics are correct and the TVPA provides inadequate provisions to combat well-organized trafficking, the null hypothesis should hold true. Similar to the number of defendants in a case, one would expect the number of victims to be higher in more sophisticated operations. To test this, I propose the following hypothesis:

H₆: The more organized the traffickers are, the more victims they will subjugate

An additional measure of group organization might be measured by the nature of the charges filed against the defendants. One would expect complex cases to involve racketeering and conspiracy charges. It is also likely that more complex organizations will have access to foreign-born victims. To examine these propositions, I posit the following hypotheses

H₇: Cases involving a larger number of victims will include a higher proportion of RICO charges than cases involving fewer victims.

H₈: Cases involving larger numbers of defendants will include a higher proportion of foreign-born victims than cases involving fewer defendants

Methodology

To conduct empirical research on these three research questions, I needed data. Early in our research Dr. Shields discovered a list of state and federal trafficking cases on the Michigan Law School website. Michigan Law School created the Human Trafficking Law Project (HTLP), which according to them, is a compilation of all known human trafficking cases from state and federal courts. Michigan Law School continues to add cases when information becomes available. The HTLP includes cases that span from the early 1980s to present. The information is presented in a case study format, but contains no variables.

When constructing our database, we chose to use all 354 federal court cases from the HTLP as the sample for this study. We chose not to include state cases due to a few timing and methodological issues. First, there are more than a thousand state cases and we simply did not have the time to complete coding in one semester. Second, state law ranges widely, with most states not adopting a TVPA-based approach to trafficking until just recently, requiring a much more sophisticated approach to coding that could account for the differences in the laws across 50 jurisdictions and for changes in those laws over time.

Exploratory Research Method

Because quantitative analysis of trafficking in federal court cases is a brand new area of study, and because the only other quantitative study I could find was purely descriptive, I used an exploratory approach for this study rather than theoretically driven models. Working with my thesis advisor, another student and I created a database and coded variables that would allow us to quantify and analyze the data. We initially created 47 different variables. Beginning in the fall of 2014, we coded each of the 354 federal court cases into the aforementioned variables, which include information about victim characteristics and demographic information, victim treatment, defendant information, trafficking industries, sentences and charges, and victims who aided their traffickers. Using an exploratory approach, each variable was generally based on what we learned from previous research/literature, but the coding was driven by information gleaned from the cases. Through coding the Non-physical Force variable (force_1), for instance, we identified twenty-five types of non-physical force that traffickers used to control their victims, a far greater number than reported in the literature. For a complete list of variables used in this research, and the coding, see Appendix 1.

After we completed coding all 354 federal court cases using the 47 variables, we placed the data into a flat file and migrated that file into SPSS (Statistical Package for the Social Sciences) for analysis. I used my primary research questions and hypotheses to identify pertinent variables, and performed my analyses using SPSS. We constructed some variables during the analysis stage using information from original variables to isolate certain information, group information, and we combined multiple variables, and when required, eliminated missing data. The final dataset contains 61 variables. The data are robust, as the results will show, and while beyond the scope of this project, will support theoretically driven research in the future. For the purposes of this study, however, I now turn to each research question to explain what analyses I performed.

Research Question 1

In order to identify the victims in federal court cases, I separated cases pertaining to the labor industry and the sex industry, and examined the first hypothesis:

H₁: A higher proportion of victims in the sex industry will be female than in the labor industry.

To analyze this hypothesis, I used the variables that identified the gender of victims. Victim gender posed a measurement challenge. In many cases, the victim's gender was easy to determine from court records, but some cases contained more than one victim. In those cases, we coded for each victim's gender, up to three victims in separate variables (see Appendix 1). However, in some cases gender was not listed for all of the victims, some cases had more than three victims, and occasionally cases only generically reported whether the victims were female, male, or both. To resolve the coding issue we constructed the *gendergroup* variable which

allowed us to code cases that contained only females, only males, or males and females. Cases with missing gender information were coded system missing. Because *gendergroup* was better populated than the individual gender variables, I ran a frequency distribution on cases in the sex industry using the *gendergroup* variable. I subsequently ran an identical frequency, but with cases involving the labor industry.

Next, I wanted to explore the question of age among victims and therefore proposed the following hypothesis:

H₂: If the critics of the TVPA are correct, there will be a substantially smaller proportion of adult victims in sex trafficking cases than the 48% reported by the DOJ.

Age of victim presented measurement problems similar to those we encountered with gender. Federal cases only occasionally report the age of victims, and for those cases that did, we recorded the data in variable *age1* for the first victim, *age2* for the second victim, and *age3* for the third victim. One unique thing about trafficking cases, however, is even when exact ages were not reported, it was typical to find information on whether the victims were adults or minors. We recorded those data in the variable, *minor*. When analyzing these variables, I first used variables *age1*, *age 2*, and *age3* (*see variable coding in Appendix I*) to determine the ages of victims in the sex industry. I ran descriptive statistics to determine the mean, median, and mode, and I also produced a frequency table. I then ran an independent samples T-test on the variable, *minor*, to determine the proportion of minor victims in the sex industry compared to those in all other cases.

The final examination I performed on gender and age was to determine the differences in the proportion of minor males to minor females in the trafficking cases, overall.

H₃: The proportion of female minor victims will be higher than male minor victims in federal trafficking cases.

To test this hypothesis, I divided my sample by gender (victim1gender) and ran an independent T-test utilizing the variable, minor. I also performed the same test using the variables age1.

The remaining analyses were purely exploratory. The literature doesn't suggest a primary method for controlling victims, nor did it capture the breadth of methods we noted while coding. Bales (2009), however, did suggest three main categories of control. Based on his work, we coded four variables that separately measure nonphysical force, physical force, type of confinement, and type of physical force (force_1, force_2, force_3, and force_4; *see Appendix 1 for coding*). I ran frequency distributions on the overall data set, and then I ran frequencies by industry.

Research Question 2

Research question two focuses on the phenomenon of victims who assist their captors. As previously stated, the first part of this examination was exploratory. I ran a frequency distribution using the *vic_asst* variable to determine the proportion of cases that dealt with victims assisting the defendant. *Vic_asst* was coded a dichotomous variable (no assistance = 0, assistance = 1). I then examined the type of assistance that the victims provided by running descriptives for the variable *asst_type*. *Asst_type* is a categorical variable, and we coded it for each unique type of assistance identified in the court documents. To determine whether victims were prosecuted, I limited the sample to only those victims who assisted their traffickers and ran

descriptives for *vic_convict*, a dichotomous variable (no conviction = 0, conviction = 1). For my final examination, I tested the following hypothesis.

H₄ Victims who aid their traffickers will have spent more time in captivity than those who do not aid their captors

I divided the data into two samples using the victim assistance variable, and then performed two independent sample T-tests. In the first, I used *vicI_length*, a variable measuring the length of time a victim was held captive, as the dependent variable. For the second test, I ran the model using *vicage_1b*, a variable that measures the age of the victim at the time of release.

Research Question 3

To determine how organized and sophisticated traffickers were in federal cases, I postulated the following hypothesis:

H₅: Less than 50 percent of the federal human trafficking cases will involve single defendants operating alone.

To test this hypothesis, I looked to *tot_indict*, a continuous variable that measures the number of defendants in a case and performed a frequency distribution to get an idea of what the data looked like. However, a problem arose when I tried to measure what qualifies as a sophisticated/organized case. Namely, the literature doesn't suggest a framework to determine the difference between non-organized, highly organized, and moderately organized trafficking schemes. Another issue came about by result of the cases, which always contained information on the number of defendants, but infrequently discussed the organizational nature of the enterprises, avoiding conspiracy counts that would have shed light on this issue. To create a proxy measure of organization, I recoded the aforementioned variable, *tot_indict*, into the

variable *groupsize* (see Appendix I for coding). While coding the data during the research portion of this study, I noticed a large number of cases that involved married and unmarried couples who were both defendants, and in some cases I noted two sets of couples who trafficked victims together. Those cases appeared to be more organized than cases involving solo defendants, but they also appeared less sophisticated than the cases that included 5 or more defendants. I structured the *groupsize* variable to mirror these observations. I coded cases with a single defendant as “solo,” cases that included two to four defendants as “small group,” and any cases that included five or more defendants as “large group.” Using the *groupsize* variable, I ran a frequency to determine how many cases appeared in each of the three categories.

Presuming that the more organized (larger) the group, the larger the number of victims those groups would subjugate, I turned to the continuous variable *tot_vic*, which measures the total number of victims reported in a case, and tested the sixth hypothesis:

H₆: The more organized the traffickers are the more victims they will subjugate

I performed a one-way anova using *groupsize* as the sorting variable, and *tot_vic* as the independent. In addition, I used a grouping method for victims, assuming that more victims in a case would indicate more organization. Therefore, I again created three categories in the variable *vicnum*: one victim was coded as a solo group, two to nine victims were coded as a small case, and cases with ten or more victims were considered a large group.

I performed a cross tabs, then a bivariate analysis was conducted using *vicnum* as the dependant variable and *groupsize* as the independent variable. From the analyses, I determined the significance of each variable and then used them to see if the solo group and the large group compared to the numbers stated in the hypothesis.

Another method to examine the organization of the cases was looking to the charges filed in the cases. Some of the cases involved defendants who were charged with racketeering (RICO). This is a specific charge that delineates the crime as an act of an ongoing organized crime group with operations that cross state lines. To examine this proposition, I tested hypothesis seven.

H₇: Cases involving a larger number of victims will include a higher proportion of RICO charges than cases involving fewer victims.

I divided the sample by RICO charges (yes = 1, no = 0) and then ran descriptive statistics for each sample on the groupsize variable, followed by a similar model using the vicnum variable to determine the number of victims and defendants in each of the racketeering cases. Then I performed an independent samples T-test with RICO cases/ non-RICO cases as the selection variable, and the continuous variable total-vic as the dependent variable.

As stated above, most of the cases reported the known number of victims, but many additionally listed an estimated number of unidentified victims. We tracked those figures with the continuous variable, *unknown_vic*. I ran a frequency on the variable *unknown_vic* among RICO cases to determine how robust the variable was in cases where racketeering charges were used. I then ran a T-test with RICO, Non-RICO as the sorting variable and *tot-vic* as the dependent.

My final hypothesis is intended to examine the origin of victims as a measure of group organization, under the assumption that more sophisticated operations (in this case, larger operations) will have greater access to foreign-born victims:

H₈: Cases involving larger numbers of defendants will include a higher proportion of foreign-born victims than cases involving fewer defendants

I used the variable, *vic_origin* (see Appendix 1 for coding) to see if there were substantial differences in the victims' origin between solo, small, and large groups of defendants (non-organized, less organized, or most organized). A frequency distribution of the variable revealed tremendous variation in the origins of victims, so based on Bales (2009) research, I grouped the countries by regions. I created the variable, *originvic* (see Appendix 1 for coding) to create eight different regions that defendants trafficked their victims from. Following the creation of the newly constructed origin variable, I ran crosstabs comparing solo groups of defendants, small groups of defendants, and large groups of defendants with the categorical variable *originvic*.

To grasp a further understanding of human trafficking as an organized crime within the sample of federal court cases, I performed a one-way anova to determine whether *groupsize* (number of defendants) has a relationship to industry type. For that, I used the dichotomous *sextrade* variable (*sextrade* = 1, *labor* = 0). To determine whether there was a statistically significant relationship between the gender of victims and the size of groups, I performed a crosstabulation with *gendergroup* and *groupsize*.

Finally, I performed an exploratory analysis to determine whether there was a relationship between *groupsize* and *industry* (see Appendix 1 for coding). First, I filtered the cases by large group of defendants and ran a frequency to determine the types of industry the defendants in these larger groups were engaged. I ran identical analyses of small and solo group sizes.

Findings

The following results to my analyses are presented and characterized in reference to the three research questions and their corresponding hypotheses.

Research Question 1: Who are the victims of human trafficking in federal cases?

As mentioned in the methodology section, in order to understand the victims of federal trafficking cases, I determined the demographics of the victims and then analyzed the treatment of victims in these cases. The database contains information on 354 cases, involving 1,049 defendants and 4,819 known victims. The overall conviction rate in the database stands at 94.4%, and the average sentence defendants received was 160 months in prison. Victims in the database were predominately female (84.4%), with an average age of 15 years.

Hypothesis 1:

The findings generally support the first hypothesis. Table 1A indicates that there were 241 sex industry cases that contained valid coding information for the *gendergroup* variable. Only 20 of the sex industry cases did not provide the gender of any of the victims in the case. The findings suggest that 234 out of the 241 sex cases included only female victims (97%).

Table 1A: Gender Groups in Sex Industry

		Frequency	Valid Percent
Valid	Female Only	234	97.1
	Male Only	4	1.7
	Female and Male	3	1.2
	Total	241	100.0
System	Missing	20	
	Total	261	

That means that less than 3% of those cases involved any male victims at all. The frequency distribution of labor cases, shown in Table 1B, indicates an N of 52 labor cases in the database and 48 cases that provided information on the gender of the victims. Males were involved in 54% of those cases and females were involved in 68.6%.

Table 1B: Gender Groups in Labor Industry

		Frequency	Valid Percent
Valid	Female Only	20	41.7
	Male Only	14	26.9
	Female and Male	14	26.9
	Total	48	100.0
System	Missing	4	
Total		52	

Hypothesis 2:

The second hypothesis sought to provide insight on prevalence of minor victims of human trafficking in the federal courts (See Table 2A). The results indicate that the mean age of all victims in the database (N=113) was 15.08 years old and the median age was 15.00 years old. Table 2B provides descriptives for victims within the sex industry (N=96). The mean age of victims in the sex industry was 14.84 years old and the median age was 15.00 years old. Either the low sample size of known age in the labor trafficking sample rendered bivariate analyses insignificant, or there is not a statistically significant age difference between the sex industry and labor industry.

Table 2A: Descriptive Statistics

Valid	113
Missing	241
Mean	15.08
Median	15.00
Mode	14.00

Table 2B: Descriptive Statistics

Valid	96
Missing	165
Mean	14.84
Median	15.00
Mode	14.00

Since the known age variable was poorly populated, I examined our constructed age variable, *minor*. Results for analysis of the minor variable are presented in Table 2C. Of the 261 sex industry cases in our database, we had data on 232. Out these cases, a total of 82.2% of the cases involved minor victims and 17.2% involved adults. When applying the minor victim variable to all cases within the database (N=306), as presented in Table 2D, I found that 71.2% of those cases involved minors and 28.8% involved adults. These results provide some support the second hypothesis, and a higher proportion of victims of sex trafficking cases are minors. Bivariate analysis is needed.

Table 2C: Minor Victims in Sex Industry

		Frequency	Valid Percent
Valid	Adult	40	17.2
	Minor	192	82.8
	Total	232	100.0
System	Missing	29	
Total		261	

Table 2D: Minor Victims in All Cases

		Frequency	Valid Percent
Valid	Adult	88	28.8
	Minor	218	71.2
	Total	306	100.0
System	Missing	48	
Total		354	

Hypothesis 3:

The final hypothesis focused on the proportion of minor females to minor males across all cases. The results support the hypothesis that a higher proportion of cases involving females will involve minors than cases involving males. In the analysis of cases with male victims (N=19),

64.3% involved adult victims while the 35.7% involved minors. By comparison, of the female victims in the sample (N=284), 73.6% were minors.

Measures of Control

For my final examination of the first research question, I analyzed the four variables of force we created to measure how traffickers control their victims. The initial frequency distribution revealed that defendants (N=207) controlled their victims by means of physical force 73.4% of the time (table not presented). Table 3A presents the different methods of physical control the defendants used (N=265). The three most significant categories of physical

Table 3A: Type of Physical Force (All Cases)

		Frequency	Valid Percent
Valid	None	114	43.0
	Beatings	69	26.0
	Tattoo Branding	1	.4
	Sexual Assault	26	9.8
	Beatings/Sexual Assault	38	14.3
	Beatings/Sexual Assault/ Firearms	4	1.5
	Beatings/Torture	5	1.9
	Beatings/Firearm	3	1.1
	Sexual Assault/Firearm	1	.4
	Beating/Branding	2	.8
	Sexual Assault/Torture	1	.4
	Beatings/Sexual Assault/ Torture	1	.4
	Total	265	
	System	Missing	89
Total		354	

force used in the sample were beatings, sexual assault, and the combination of beatings and sexual assault. Beatings occurred independently as forms of physical control in 26.0% of the cases, sexual assault occurred independently in 9.8% of the cases, and the two occurred together

in 14.3% of the cases. The remainder of the physical forces categories represented 2% or less per category.

The findings presented in Tables 3B and 3C reveal the total percentage of beatings and total percentage of sexual assault in cases involving physical force. If physical force was reported, beatings occurred 79.6% of the time. Similarly, if physical force was reported, sexual assault occurred as a form of control 46.4% of the time.

Table 3B: Beatings in all Physical Force Cases

		Frequency	Valid Percent
Valid	No Beatings	31	20.4
	Beatings	121	79.6
	Total	152	100.0
System	Missing	0	
Total		152	

Table 3C: Sexual Assault in all Physical Force Cases

		Frequency	Valid Percent
Valid	No Sexual Assault	81	53.6
	Sexual Assault	70	46.4
	Total	151	100.0
System	Missing	1	
Total		152	

Non-Physical Force

The results for the non-physical force are provided in Table 4. This analysis focused on 720 victims identified in the cases. While for a significant proportion of defendants the variable could not be coded because of missing information (system missing 236), we were able to code for 484 victims. Of those, 400 (82.6%) featured some form of non-physical force. Defendants threatened their victims 33.88% of the cases. Debt bondage was used in 13.43% of the cases, in

Table 4: Type of Non-Physical Force

		Frequency	Valid Percent
Valid	None	84	17.36
	Drug Addiction	25	5.17
	Threaten Family	35	7.23
	Held Papers	63	13.02
	Threaten Victim	164	33.88
	Debt Bondage	65	13.43
	Other	48	9.91
	Total	484	100
System	Missing	236	
Total		720	

13.02% of the cases, traffickers confiscated the victims' passports, travel documents, or other forms of identification. Threats of harm against victim's family members occurred in 7.23% of cases. Traffickers also used drug addiction as a method of maintaining control of their victims 5.17% of the time. The "other" category was created because there were many combinations of non-physical force that occurred in very low frequencies. Combined, the cases labeled "other" totaled 9.91% of the cases.

Confinement

Confinement was the final method of control that traffickers used, according to the literature. I identified seven specific types of control: isolated location, language barrier, locked room, human surveillance, physical restraints, armed guards, and prohibited communication. Although each of these occurred to some extent among the federal cases, the three categories that provided the most significant results were isolated location, human surveillance, and language barrier. Table 5A provides the proportion of cases, 36.7%, where defendants isolated their victim/s as a form of confinement. Table 5B provides the frequency of cases in which defendants

used human surveillance to confine their victims. Traffickers used human surveillance as a method of control in nearly half (47.9%) of the cases coded.

Table 5A: Isolated Location as Confinement

		Frequency	Valid Percent
Valid	No Isolated Location	181	63.3
	Isolated Location	105	36.7
	Total	286	100
System	Missing	68	
Total		354	

Table 5B: Human Surveillance as Confinement

		Frequency	Valid Percent
Valid	No Human Surveillance	149	52.1
	Human Surveillance	137	47.9
	Total	286	100
System	Missing	68	
Total		354	

In Table 5C, I present results for cases where a language barrier proved to be a factor in controlling victims. The results indicate that in only 37 cases (12.9%), did a language barrier contribute to confinement. I want to note here that determining whether victims faced a language barrier was problematic. While coding, we did not assume foreign victims had a language barrier unless it was explicitly stated in the case study, so this result is likely under-representative.

Table 5C: Language Barrier as Confinement

		Frequency	Valid Percent
Valid	No Language Barrier	249	87.1
	Language Barrier	37	12.9
	Total	286	100
System	Missing	68	
Total		354	

Research Question 2: What are the characteristics of victims who aid traffickers in federal court cases?

The results for analyses of this question were not at all what I expected, as I found only a small number of cases that showed evidence of victim assistance to traffickers.

Hypothesis 4:

The small number of cases (N=11) that involved a victim who assisted his/her trafficker makes gleaning generalizable findings impractical, and testing the hypothesis extremely problematic. I will, however, present the results of what I did find. The frequency distribution presented in Table 6A shows the length (in months) that each of the identified assistance-providing victims was in captivity.

Table 6A: Length of Assisting Victims in Captivity

		Frequency	Valid Percent
Valid	Unknown	9	81.8
	72 Months	1	9.1
	96 Months	1	9.1
System	Missing	0	
Total		11	

Unfortunately, for nine of the eleven cases, the length the victim was in captivity was not known. The two remaining victims held for 72 months and 96 months. Despite the low “N”, I decided to see if the ages of the victims were listed for these cases (these findings are not presented in a table). Of the 11 cases, only one contained an exact age for one victim (14), but by examining the variable *minor* I found that 72.7% of the victims who assisted their traffickers were minors.

To learn as much as I could from the data, I examined the type of assistance the victims provided. Table 6B lists the different ways these victims assisted their traffickers. In three of the cases, victims collected money. In two cases, the victims recruited other victims. The final three

victims engaged in a combination of things for their traffickers, including money collection, victim recruitment, drug dealing, and concealing from authorities the crimes that traffickers committed. In total, five cases involved victims collecting money, and four of the cases involved victims recruiting other victims. Of note, five of the eleven victims who assisted traffickers were convicted (45.5%) on related charges.

Table 6B: Assistance Type

		Frequency	Valid Percent
Valid	Unknown	3	27.3
	Collected Money	3	27.3
	Recruited	2	18.2
	Collected Money/ Dealt Drugs	1	9.1
	Recruited/ Concealed Crime	1	9.1
	Concealed Crime/ Collected Money	1	9.1
	System Missing	0	
	Total	11	

Research Question 3: How organized are the defendants in human trafficking cases prosecuted in federal court?

The purpose of these analyses was to examine claims in the literature that most trafficking crimes are the result of either highly organized groups, networks of individuals providing specialized services, or a combination of both. I present results for the four hypotheses below.

Hypothesis 5

The results for my analysis of hypothesis five, which examined the proportion of single defendants to multiple defendants in trafficking cases, is presented in Table 7. In this sample,

155 cases (44%) involved a solo defendant, 85 cases (24%) involved two defendants, and the remaining 112 cases (32%) involved more than two defendants.

Table 7: Total Indictees Per Case

		Frequency	Valid Percent
Valid	1	155	44.0
	2	85	24.1
	3	32	9.1
	4	26	7.4
	5	12	3.4
	6	10	2.8
	7	3	.9
	8	7	2.0
	9	5	1.4
	10	2	.6
	11	3	.9
	12	1	.3
	13	1	.3
	15	3	.9
	16	2	.6
	18	1	.3
	20	1	.3
29	2	.6	
31	1	.3	
	Total	352	100
System	Missing	2	
Total		354	

The next analysis was performed with the categorical variable *groupsize* (Solo group = 1 defendant; Small group = 2 to 4 defendants, large group = 5 or more). The results, presented in Table 8, shows that 84.6% of the cases involved solo defendants (44%) or groups of less than 5 defendants (40.6%). The large group category contained only 15.3% of the cases. The results support my hypothesis, that less than 50% of the cases would involve a solo defendant, but as I will discuss in the next section, these findings are subtly different that what the literature suggests.

Table 8: Group Sizes of Defendants Per Case

		Frequency	Valid Percent
Valid	Solo	155	44.0
	Small	143	40.6
	Large	54	15.3
	Total	352	100
System	Missing	2	
Total		354	

Hypothesis 6

Hypothesis 6 suggests that the number of victims per case will increase as the number of defendants per case increases. The cases in our sample contained an average 13.4, a mode of 1, and a median of 2, victims per case, indicating outliers. Indeed, total number of victims ranged from 1 to 1,000. After recoding the five cases that had more than 100 defendants, to 100, I produced the follow results by examining the recoded variable, presented in Table 9. I found that cases with one victim comprised 28.6% of the sample, cases with 2 victims made up another 22.7% of the sample, meaning that over half of the cases in the database involved 1 or 2 victims.

Table 9: Frequency of Victim Group

		Frequency	Valid Percent
Valid	Solo	101	30.6
	Small	162	49.1
	Large	67	20.3
	Total	330	100
System	Missing	24	
Total		354	

To determine the average number of victims per case, based on group size (number of defendants) I performed a 1-way anova (see Table 10). The results were significant (sig < .01) and cases involving solo defendants, average less than 5 victims, small groups averaged less than 10 victims, and large groups average more than 21 victims. The findings support the hypothesis. It is interesting to note, that the Post Hoc test on the anova (results not presented), indicated a significant difference between groups only for large groups compared to small and solo groups, but the mean difference between small groups and solo defendants was not significant (sig = .15). As I will discuss in the next section, this could provide direction for future research.

Table 10: Anova of Victim Groups

	N	Mean	Std. Deviation
Solo	137	4.85	13.34
Small	140	9.48	20.18
Large	52	21.67	30.93
Total	329	9.48	20.68

F = 13.421 Df = 2 Sig. < .01

Hypothesis 7

I tested Hypothesis 7 to determine whether larger cases, and presumably more organized cases, would result in a higher proportion of racketeering charges. A frequency revealed that RICO charges were filed in only 10 cases. Table 11A and Table 11B display frequencies for the *groupsize* variable (defendants) and the *vicgroup* variable (victims) according to the RICO cases to determine how many of the racketeering charges were filed by defendant group size and against defendants by their number of victims. The groups indicate that RICO charges were

Table 11A: Groupsize in RICO Cases

		Frequency	Valid Percent
Valid	Solo	3	37.5
	Small	3	37.5
	Large	2	25.0
	Total	8	100.0
System	Missing	0	
Total		8	

Table 11B: Vicgroup in RICO Cases

		Frequency	Valid Percent
Valid	Solo	2	33.3
	Small	2	33.3
	Large	2	33.3
	Total	6	100.0
System	Missing	2	
Total		8	

evenly distributed among defendants regardless of group size, or number of victims, so I didn't analyze the data further. These results do not support the hypothesis.

Because many of the cases in the HTLP listed only a few known victims and labeled the case as involving an unknown number of additional victims, I used the *unk0wn_vic* variable to discover how many of the RICO cases involved additional "suspected victims" (unknown victims). A frequency revealed that 6 out of the 10 RICO cases actually contained information on the number of additional "unknown" victims. Even though that was a small sample, I performed an independent t-test comparing RICO cases to Non-RICO cases. The results were not statistically significant (not shown). I found that 58.0% of the cases in the entire database involved unknown victims, and that did not vary, statistically between RICO and Non-RICO cases.

Hypothesis 8:

I examined hypothesis eight to determine whether there would be a higher proportion of foreign-born victims in cases with large numbers of defendants. Using the categorical variable *originvic*, which geographically places victims by regions, I ran a series of frequencies. The first was a frequency based on the entire sample (see Table 12), but only for the first victim in each case. The results reveal that 34.5% of the cases involved victims from the USA. Another 22.9% of the victims were from Asia and the third largest population of victims was from Mexico (20.2%). In order to address the hypothesis I ran a crosstab by group size and victim origin.

Table 12: Victim Origins (All Cases)

		Frequency	Valid Percent
Valid	USA	77	34.5
	Mexico	45	20.2
	Central America	13	5.8
	South America	9	4.0
	Africa	14	6.3
	Asia	51	22.9
	Australia	1	.4
	Former Soviet Union	13	5.8
	Total	223	100
System	Missing	131	
Total		354	

The results are presented in Table 13. The results support the hypothesis, and the most striking finding is the difference in US born victims among solo defendants (54.1%), small groups (23.4%) and large groups (18.6%). Among the large groups, victims from Mexico made up 30.2%, and they also featured a large number of victims from Asia (23.3%). The difference between large groups and small groups were not as stark, where 29.8% of the victims were from Asia and victims from Mexico made up 22.3% of the sample. However, among solo defendants, only the victims from two regions made up more than 10% of the sample (Asia at 15.3% and Mexico at 12.9%).

Table 13: Crosstabulation of Victims Origin by Defendant Group Size

Defendant Group Size	Origin of Victim							Valid percent
	USA	Mexico	Central America	South America	Africa	Asia	Former Sov. Union	
Solo	46	11	5	2	3	13	5	85
% Within Group	54.1%	12.9%	5.9%	2.4%	3.5%	15.3%	5.9%	100%
Small	22	21	4	4	10	28	5	94
% Within Group	23.4%	22.3%	4.3%	4.3%	10.6%	29.8%	5.3%	100%
Large	8	13	4	3	1	10	3	43
% Within Group	18.6%	30.2%	9.3%	7.0%	2.3%	23.0%	7.0%	100%
Total	76	45	13	9	14	51	13	222
	100%	100%	100%	100%	100%	100%	100%	100%

$\chi^2 = 36.769$ DF= 14 Sig < .01

To discover further information on the organization of trafficking cases I ran two final tests to conclude this study. I first ran an anova and multiple comparisons on *groupsize* in the *sextrade* industry as displayed in Table 14. The results indicate that nearly 90% of solo defendants are forcing their victims to work in the sex trade, whereas only 60% of large

Table 14: Anova of Victim Group in Sextrade

Group	N	Mean	Sig.	Df
Solo	155	.8903	.000	2
Small	142	.6408		
Large	53	.6038		
Total	350	.7457		

groups force their victims into the sex trade. Next, I ran a crosstabulation to analyze *groupsize* and *gendergroup*. Presented in Table 15, I found that victims were female almost 96% of the time they were being subjugated by solo defendants, 87% the time in small groups, and 74% of time in the large groups.

Table 15: Crosstabulation of Gendergroup and Groupsize

		Gendergroup			Valid Percent	
		F	M	M&F		
Groupsize	Solo	Count	129	5	2	136
		% Within Groupsize	94.9%	3.7%	1.5%	100.0%
	Small	Count	120	9	9	138
		% within Groupsize	87.0%	6.5%	6.5%	100%
	Large	Count	40	3	11	54
		% within Groupsize	74.1%	5.6%	20.4%	100.0%
Total		Count	289	17	22	328
		% of Total	88.1%	5.2%	6.7%	100.0%

$\chi^2 = 23.614$ DF= 4 Sig < .01

Discussion

Research Question 1

The literature suggested that there are more female victims than male victims in human trafficking, especially in the sex industry. Consistent with the literature, I found that federal trafficking cases did feature a majority of female victims, and in the sex industry, the population of victims was almost completely female. Although I expected a high population of female victims, the proportion of female victims was higher than expected if the Polaris Project and the NIJ studies are correct (which have estimated that between 16 and 20 percent of all trafficking victims are male). These numbers suggest that either there is simply a higher proportion of females being trafficked than previously thought, or that federal authorities are not identifying cases with male victims as readily. The findings might also suggest the critics are correct, and that more emphasis is being placed on the sex trade, where more females are involved.

The existing literature reports that while a majority of the victims have been minors, there are a significant number of adult victims as well. In fact, Polaris (2015) estimated that between 2007 and 2012, only 34% of victims (according to their hotline statistics), were minors. I expected an even higher proportion of adult victims in the labor industry. The results on age presented a stark break from the literature. I found that the average age of victims in the federal court cases was 15.1 years old, regardless of industry, and the proportion of minor victims was 71.8%. In the sex industry the victims were even younger with an average age of 14.84 years, and 82.8% of the cases were minors.

There are few possible explanations these findings. It could be that cases involving adult victims and male victims are resolved in state court cases, which we did not include in our database. It is also possible that the literature is incorrect and that males and adults are victimized at a much lower rate than estimated. However, that seems to be a fairly unlikely possibility. A more plausible explanation for the inconsistency with the literature is that the critics are right. Recall, cases involving minors who are engaged in the sex industry come with a powerful tool that law enforcement uses for arrests, and that prosecutors use for convictions. A minor engaged in the sex industry is *presumed* to be a trafficking victim under the TVPA. That means less evidence is required when prosecuting cases involving minors and sex, and that is important for prosecutors who must otherwise provide evidence of force, fraud or coercion to secure a trafficking conviction. More analysis is needed, but this would seem to provide evidence that federal authorities are grabbing the low hanging fruit.

Turning to the methods that defendants used to control their victims, the literature suggested common methods through case studies but never indicated which were the most prevalent. The literature mentioned several varieties, and we focused on this issue while coding.

Among the most prevalent methods we found, were: debt bondage, isolating the victims, surveillance of victims, language barriers, physical violence, sexual abuse, threats to victims, and threats to victims' families as systems of control. Based on the literature, I focused on-physical force, physical force, and confinement, and I found that the most common category of controlling victims was non-physical force. According to the results, 82.6% of the cases involved non-physical force, whereas 73.4% involved physical force, and 62.9% involved “coercive” methods of confinement. These results paint a broader picture than prior qualitative accounts, which focus on the experiences of a few victims. After reading some of the horrific personal accounts of survivors, I did not expect prevalence of non-physical force. It also suggests the complexity of trafficking, and perhaps, it supports the critics assessment of the TVPA, that the requirements of “force and coercion” is too narrowly drawn because there are countless situations where victims are being controlled by other methods including debt bondage, threats, confiscating travel documents, to name a few.

These data may not produce generalizable results that help us to describe the full context of trafficking in America, that remains elusive, but the database does reveal the types of cases that federal authorities are focusing on in the fight against the human trafficking epidemic. It is a positive aspect that cases are being prosecuted in federal court with a 94% conviction rate, even when there is no evidence of physical control. However, these results support the critique that federal authorities may be focusing on simpler prosecutions and convicting mainly defendants who traffic minor, native-born female victims in the sex industry.

Research Question 2

Research question two is based on literature produced mainly by Bales, who suggested that some victims aid their traffickers. Bales contends that most often female victims becoming

recruiters because other females trust them more than men. I found evidence that Bales was correct, but I only found eleven cases to support that argument. That aid ranged from selling drugs to collecting money, but I didn't uncover any evidence of victims acting to physically restrain or punish other victims, as Bales had suggested. In addition, I found only one example of a victim recruiting other victims. Regardless of the small sample size, I found that five of the eleven victims were convicted, which is 45% of the sample. That raises the important question of whether victims of trafficking should be prosecuted for their roles. Many commentators have urged against that (Bales 2009), as victims who do aid their captors are rarely in a position to refuse. It brings up another important issue. One-third of the TVPA was written to protect victims, and that includes protecting them from prosecution. While some may suggest that convictions could be due to misidentifications by law enforcement or by the courts, that is highly unlikely in these cases, as the court documents clearly identified these people as victims. On one hand, there are fewer cases of victims providing aid than I expected, but with half of them resulting in conviction, the TVPA has not been effective in this capacity. Further study is warranted.

There are several plausible explanations for why there were very few federal cases involving victims who aided their traffickers. Because Bales was the only researcher I could find who addressed this issue, it may simply be a small issue. It might also be an underreported problem, due in part to law enforcement's inability to properly identify victims who commit crimes on behalf of their traffickers. It is also possible that the defendants who acquire assistance from their victims have not been caught, or they've been tried in state courts. And perhaps, federal authorities are not focusing on more complex cases where this behavior might be occurring.

Research Question 3

It is a common theme in the literature that a substantial portion of trafficking was moderately or highly organized. The most conservative estimates suggest that, at a bare minimum, at least 25% of human trafficking is performed by organized criminal groups and sophisticated networks of people, and another 25% involves criminal networks and organizations to some extent. The literature maintains that trafficking should be considered an organized crime and that many organized criminal groups are engaged in supplying victims because it is such a lucrative business in America. My results suggest that some trafficking cases do involve more sophisticated networks, but those cases comprise only the minority of federal trafficking cases.

My results suggest larger groups are more sophisticated than small groups, and solo defendants. As group size increased, the number of victims increased, as expected. In addition, larger groups tend to traffic a higher proportion of foreign-born victims, suggesting the ability to get victims in the country using their own organization, or by using a network of traffickers. The solo defendants—expected to have the lowest level of organization—trafficked the largest percentage of victims from the USA (54.1%). Conversely, the large groups of defendants trafficked a higher proportion of foreign-born victims, most often from Mexico (30.2%) and Asia (23.3%). It is likely that solo defendants trafficked domestic victims because those victims were more convenient given solo traffickers less-organized methods of trafficking. Again, the more organized cases should involve larger networks, making foreign victims more readily available.

Using those measures of “group sophistication” reveals that a majority federal trafficking cases are not as sophisticated as the literature suggests. Cases that involve criminal groups who commit crimes across state lines can be charged with racketeering, which would suggest a higher

level of sophistication. I found only 10 cases involving RICO charges. Moreover, 84.7% of the cases I analyzed involved solo defendants or small groups (two to four defendants), which indicates that federal trafficking cases don't involve nearly as many sophisticated groups and networks as the literature suggests.

There are a few possibilities that might explain why federal court cases appear less sophisticated than what the literature suggests. First, the experts could be wrong and the crime is not as sophisticated as most people think. Another more likely possibility is that there may be a problem with law enforcement priorities. As much as the awareness of human trafficking has increased over the past two decades, there are still many people who do not see it as an "American" problem. The fight against human trafficking has received nowhere near the collective buy-in that the war on drugs and the war on terrorism have received in the United States. Even the cases I analyzed indicate that there are complex networks operating in America, but as the results indicate, there are numerous "low hanging" cases that are easier to detect. The results seem to support critics who claim a poor response to a complex issue. Whether through misidentification of trafficking cases, lack of public interest in the crime forcing the government to act, or the difficulty associated with pursuing complex organized trafficking schemes, it appears that law enforcement and prosecutors have pursued obvious, easy to prosecute cases, like those involving minors in the sex trade. Unless the literature is wrong, the more difficult cases—the ones involving adults, labor trafficking, male victims, and complex criminal networks—are dramatically under-represented in federal cases, and that is troubling.

Future Research

I believe future research would benefit from coding all of the state court cases provided in the HTLP using the same variables and possibly adding some we missed in the first round. Adding state cases would be difficult due to the variability in state laws; nonetheless, it would be beneficial. This would fill in the gaps to better understand whether certain cases are being neglected in the court system, or being shifted to state court over federal.

Another suggestion for future research would be to compare the effectiveness of the TVPA to foreign trafficking laws that may approach the problem differently. This would provide the chance to create more effective legislation to help us fight trafficking. Of course, this research is exploratory, so future research should be theory driven.

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Appendix 1

Research Question 1		
Variable Name	Description	Values
Totvic	Total victims in each case	1 = 1 2 = 2 3 = 3 ...Etc. -9 = Unknown
Vicnum	Total victims without outliers	1 = 1 2 = 2 3 = 3100 = 100+
Age1	Age of first victim of each case	1 = 1 2 = 2 3 = 3 ...Etc. -9 = Unknown
Industry	In what industry were the victims engaged?	1 = Sex Work 2 = Domestic Labor 3 = Agricultural Labor 4 = Factory Labor 5 = Service Labor 6 = Street Peddling

Gendergroup	Gender of victims in each case	1 = Only Female 2 = Only Male 3 = Male and Female
Minor	Victims who were younger than 18	0 = Adult 1 = Minor
Force_1	Type of nonphysical force used by defendants to control victims	0 = None 1 = drug addiction 2 = threat family 3 = held papers 4 = threat victim 5 = debt bondage 6 = fraud, force, coercion 7 = withheld food 8 = cultural fear (voodoo/witchcraft) 9 = forced sex 10 = coercion of mentally ill 11 = Tattoo / branding 12 = emotion coercion 13 = sold 14 = legal guardianship 15 = extended work days/ withheld sleep 17 = degrading acts/dehumanizing acts 18 = withheld clothing 19 = threat w/ gun

		<p>20 = threaten other victims</p> <p>21 = withheld money</p> <p>22 = counterfeit documents</p> <p>23 = recorded phone calls</p> <p>24 = forced abortion</p> <p>25 = false arrest</p>
Force_2	Was physical force used?	<p>0 = No</p> <p>1 = Yes</p>
Force_3	What type of confinement did the defendant use to control the victims?	<p>0 = none</p> <p>1 = isolated location</p> <p>2 = language barrier</p> <p>3 = locked room</p> <p>4 = human surveillance</p> <p>5 = physical restraints</p> <p>6 = armed guards</p> <p>7 = prohibited communication</p> <p>8 = language barrier, isolated location, physical restraints, prohibited communication</p> <p>9 = isolated location, language barrier, human surveillance, physical restraints</p> <p>10 = isolated location, language barrier, locked room</p> <p>11 = human surveillance, isolated location</p> <p>12 = human surveillance, isolated location, locked room</p> <p>13 = isolated location, locked room,</p>

		<p>human surveillance, physical restraints</p> <p>14 = 12</p> <p>15 = isolated location, locked room</p> <p>16 = isolated location, physical restraints</p> <p>17 = human surveillance, physical restraints</p> <p>18 = human surveillance, isolated location, locked room, armed guards</p> <p>19 = language barrier, human surveillance</p> <p>20 = locked room, human surveillance, armed guards</p> <p>21 = isolated location, human surveillance, physical restraints</p> <p>22 = isolated location, language barrier, human surveillance</p> <p>23 = language barrier, locked room, human surveillance, physical restraints</p> <p>24 = 17</p> <p>25 = isolated location, language barrier</p> <p>26 = isolated location, language barrier, physical restraints</p> <p>27 = isolated location, locked room, human surveillance, physical restraints, armed guards</p> <p>28 = isolated location, language barrier, locked room, human surveillance</p>
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		<p>29 = locked room, human surveillance</p> <p>30 = isolated location, language barrier, human surveillance, physical restraints, armed guards</p>
Force_4	What type of physical force was used?	<p>0 = none</p> <p>1 = Beating/Assault</p> <p>2 = Tattoo/ Branding</p> <p>3 = Sexual Assault</p> <p>4 = torture (mutilation/disfigure)</p> <p>5 = abuse of family member</p> <p>6 = threatening abandonment</p> <p>7 = firearms</p> <p>8 = beatings, sexual assault</p> <p>9 = beatings, sexual assault, firearms</p> <p>10 = beatings, torture</p> <p>11= beatings, firearms</p> <p>12= sexual assault, firearms</p> <p>13 = beatings, branding</p> <p>14= beatings, threatened abandonment</p> <p>15= beatiings, threatened family</p> <p>16= sexual assault, torture</p> <p>17= beatings, torture, sexual assault</p>

Research Question 2		
Variable Name	Description	Values
Vic_asst	Did any victim in the case assist the defendant(s)?	0 = No 1 = Yes -9 = Unknown
Asst_type	How did the victim assist the defendants?	1 = served as informant 2 = collected money for defendant 3 = physically attacked other victims etc. 4 = Drug dealer 5 = helped recruit victim 6 = helped conceal crime 7= collected money, dealt drugs 8=recruit victims, concealed crime 9 = recruit victims, concealed crime, collected money -9 = unknown
Vic_convict	Was a victim in the case convicted of a crime?	0 = No 1 = Yes
V1_length	What was the length (in months) that victim 1 was held?	1 = 1 month 2 = 2 months 3 = 3 months Etc.

		-9 = Unknown
Vic_age1b	Age of first victim in case at time of release/escape	1 = 1 year old 2 = 2 year old 3 = 3 year old 100 = Minor 200 = Adult -9 = Unknown

Research Question 3		
Variable Name	Description	Values
Tot_indict	Total number of indictees in case	1 = 1 defendant 2 = 2 defendants 3 = 3 defendants ...Etc.
Groupsize	Number of defendants per case grouped by size	1 = solo defendant 2 = small group of defendants 3 = large group of defendants
Tot_vic	Total victims in each case	1 = 1 victim 2 = 2 victims 3 = 3 victims ...Etc.

		-9 = Unknown
Vicnum	Total victims without outliers	1 = 1 2 = 2 3 = 3 ...100 = 100+
Vicgroup	Number of victims per case grouped by size	1 = Solo victim 2 = Small number of victims 3 = Large number of victims
Unknown_vic	Was the number of victims in the case unknown?	0 = No 1 = Yes
Vic_origin	What is the victim's national origin?	-9=Unknown 0 = US born or resident 1 = Afghanistan 2 = Albania 3 = Algeria 4 = Andorra 5 = Angola 6 = Antigua and Barbuda 7 = Argentina 8 = Armenia 9 = Australia 10 = Austria 11 = Azerbaijan 12 = Bahamas

		13 = Bahrain 14 = Bangladesh 15 = Thailand 16 = Nigeria 17 = Federated States of Micronesia 18 = Mexico 19 = Honduras 20 = China 21 = Barbados 22 = Belarus 23 = Belgium 24 = Belize 25 = Benin 26 = Bhutan 27 = Bolivia 28 = Bosnia and Herzegovina 29 = Botswana 30 = Brazil 31 = Brunei 32 = Bulgaria 33 = Burkina Faso 34 = Burma 35 = Burundi 36 = Cambodia 37 = Cameroon
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		38 = Canada 39 = Cape Verde 40 = Central African Republic 41 = Chad 42 = Chile 43 = Colombia 44 = Comoros 45 = Congo, Democratic Republic of the 46 = Congo, Republic of the 47 = Costa Rica 48 = Cote d'Ivoire 49 = Croatia 50 = Cuba 51 = Curacao 52 = Cyprus 53 = Czech Republic 54 = Denmark 55 = Djibouti 56 = Dominica 57 = Dominican Republic 58 = East Timor 59 = Ecuador 60 = Egypt 61 = El Salvador
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		62 = Equatorial Guinea
		63 = Eritrea
		64 = Estonia
		65 = Ethiopia
		66 = Fiji
		67 = Finland
		68 = France
		69 = Gabon
		70 = Gambia, The
		71 = Georgia
		72 = Germany
		73 = Ghana
		74 = Greece
		75 = Grenada
		76 = Guatemala
		77 = Guinea
		78 = Guinea-Bissau
		79 = Guyana
		80 = Haiti
		81 = Holy See
		82 = Honduras (**Use #19)
		83 = Hong Kong
		84 = Hungary
		85 = Iceland
		86 = India

		87 = Indonesia
		88 = Iran
		89 = Iraq
		90 = Ireland
		91 = Israel
		92 = Italy
		93 = Jamaica
		94 = Japan
		95 = Jordan
		96 = Kazakhstan
		97 = Kenya
		98 = Kiribati
		99 = Korea, North
		100 = Korea, South
		101 = Kosovo
		102 = Kuwait
		103 = Kyrgyzstan
		104 = Laos
		105 = Latvia
		106 = Lebanon
		107 = Lesotho
		108 = Liberia
		109 = Libya
		110 = Liechtenstein
		111 = Lithuania

		112 = Luxembourg 113 = Macau 114 = Macedonia 115 = Madagascar 116 = Malawi 117 = Malaysia 118 = Maldives 119 = Mali 120 = Malta 121 = Marshall Islands 122 = Mauritania 123 = Mauritius 124 = Mexico (**Use #18) 125 = Micronesia (**Use #17) 126 = Moldova 127 = Monaco 128 = Mongolia 129 = Montenegro 130 = Morocco 131 = Mozambique 132 = Namibia 133 = Nauru 134 = Nepal 135 = Netherlands 136 = Netherlands Antilles
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		137 = New Zealand 138 = Nicaragua 139 = Niger 140 = Nigeria 141 = North Korea 142 = Norway 143 = Oman (**Use #16) 144 = Pakistan 145 = Palau 146 = Palestinian Territories 147 = Panama 148 = Papua New Guinea 149 = Paraguay 150 = Peru 151 = Philippines 152 = Poland 153 = Portugal 154 = Qatar 155 = Romania 156 = Russia 157 = Rwanda 158 = Saint Kitts and Nevis 159 = Saint Lucia 160 = Saint Vincent and the Grenadines
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		161 = Samoa 162 = San Marino 163 = Sao Tome and Principe 164 = Saudi Arabia 165 = Senegal 166 = Serbia 167 = Seychelles 168 = Sierra Leone 169 = Singapore 170 = Sint Maarten 171 = Slovakia 172 = Slovenia 173 = Solomon Islands 174 = Somalia 175 = South Africa 176 = South Korea 177 = Spain 178 = Sri Lanka 179 = Sudan 180 = Suriname 181 = Swaziland 182 = Sweden 183 = Switzerland 184 = Syria 185 = Taiwan
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		186 = Tajikistan 187 = Tanzania 188 = Thailand (**Use #15) 189 = Timor-Leste 190 = Togo 191 = Tonga 192 = Trinidad and Tobago 193 = Tunisia 194 = Turkey 195 = Turkmenistan 196 = Tuvalu 197 = Uganda 198 = Ukraine 199 = United Arab Emirates 200 = United Kingdom 201 = Uruguay 202 = Uzbekistan 203 = Vanuatu 204 = Venezuela 205 = Vietnam 206 = Yemen 207 = Zambia 208 = Zimbabwe 209 = Puerto Rico 210 = Asia
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Originvic	Which region is the victim from? (vic_origin recoded by regions)	1 = USA 2 = Mexico 3 = Central America 4 = South America 5 = Africa 6 = Asia 7 = Australia 8 = Former Soviet Union
Industry	In what industry were the victims engaged?	1 = Sex Work 2 = Domestic Labor 3 = Agricultural Labor 4 = Factory Labor 5 = Service Labor 6 = Street Peddling
Gendergroup	Gender of victims in each case	1 = Only Female 2 = Only Male 3 = Male and Female