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Bureau of Justice Statistics Data Brief

October 2006, NCJ 215248

Federal Prosecution of Human Trafficking, 2001-2005

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Between 2001 and 2005, U.S. attorneys investigated 555 suspects in matters involving violations of Federal human trafficking statutes. Over half of the matters (58%) opened during this period were for offenses created under the Trafficking in Victims Protection Act (TVPA) of 2000.

This report used data from the Federal Justice Statistics Program (FJSP) to describe violations of Federal human trafficking statutes from 2001 to 2005. (See Notes for specific statutes). Annual data sets from the Executive Office (EO) for U.S. Attorneys' National LIONS system and the Administrative Office of the United States Courts (AO) were combined to report on four distinct case processing stages: matters opened by U.S. attorneys, matters closed by U.S. attorneys, cases filed in U.S. district court, and cases terminated in U.S. district court.

This report describes persons processed at each stage for the 5-year period. It does not track persons or cases through the entire case process. (See Notes). The groups at each stage should not be compared.

In matters opened, U.S. attorneys investigated 58% of suspects for violating TVPA offenses

Of the 555 human trafficking suspects in matters opened by U.S. attorneys between 2001 and 2005, more than half (58%) were investigated for offenses created by TVPA:

- forced labor (24%)
- sex trafficking of children (23%)
- trafficking slaves (9%)
- unlawful conduct or general provisions (2%) (table 1).

The Federal Bureau of Investigation referred 61% of the human trafficking matters investigated by U.S. attorneys. Agencies of the Department of Homeland Security (DHS) referred 22% of matters.

Almost half of the human trafficking matters opened by U.S. attorneys (48%) were in Federal judicial districts in four States: California (17%), Florida (14%), Texas (9%), and New York (8%). (See map on page 2). Thirty-seven percent of sex trafficking of children matters were referred by U.S. attorneys in California.

146 suspects prosecuted in matters closed by U.S. attorneys

From 2001 to 2005, a total of 377 matters where human trafficking was the lead charge were closed by U.S. attorneys. In the closed matters, U.S. attorneys prosecuted 146 suspects (39%) in U.S. district courts.

Table 1. Suspects in matters referred to U.S. attorneys with human trafficking offenses as lead charge, 2001-2005

Lead charge	Suspects	
	Number	Percent
Total	555	100.0%
Peonage/involuntary servitude	63	11.4%
Sale into involuntary servitude	155	27.9
Transportation for slavery ^a	16	2.9
Forced labor ^b	134	24.1
Trafficking slaves ^b	49	8.8
Sex trafficking of children ^b	129	23.2
Other ^{b,c}	9	1.6

^aIncludes vessels for the slave trade, enticement, and transport of slaves from the U.S.

^bOffenses added to the human trafficking statute by the TVPA.

^cIncludes misuse of documents and general provisions.

Source: Executive Office for U.S. Attorneys, National LIONS database, fiscal year.

Seventy-three percent of suspects with sex trafficking of children as the lead charge and 52% of suspects referred for forced labor were prosecuted. The median time from receipt of matter to decision to prosecute was 1.8 months (not shown in table).

U.S. attorneys declined to prosecute suspects in 222 matters or 59% of the matters closed during this period, due to —

- lack of evidence of criminal intent (29%)
- weak or insufficient admissible evidence (28%)

- prosecution by other authorities or facing other charges in federal court (14%)
- no federal offense evident (9%)
- and other (20%) reasons.

The median time from receipt of matter by a U.S. attorney to the decision to decline a matter was 9.9 months.

2 in 3 human trafficking defendants had sex transportation or alien smuggling offenses

The Administrative Office of the United States Courts (AO) provided data on cases filed that show a total of 131 defendants with a human trafficking offense. Two in three of these human trafficking defendants were also charged with one or more sex transportation offenses (33%), one or more alien smuggling offenses (27%), or both sex transportation and alien smuggling offenses (5%) (not shown in table).*

75 human trafficking defendants convicted; 57 pleaded guilty

The AO also provided data on cases terminated between 2001 and 2005. A total of 75 of the 78 defendants in cases terminated were convicted under human trafficking statutes (table 2). Of convicted defendants, 57 pleaded guilty and 18 were found guilty at trial.

Convicted defendants received —

- prison sentences, 85%
- probation only sentences, 7%, or
- other sanctions (fines, suspended sentence), 8%.

Forty-two percent of human trafficking defendants had private counsel, followed by Criminal Justice Act appointed counsel (41%) and public defender (17%) (not shown in table). The median processing time from case filing to disposition was 10 months. The median prison sentence was 70 months.

*Sex transportation offenses include Title 18 U.S.C. §§ 2421-2427. Alien smuggling offenses include Title 8 U.S.C. §§ 1322-1328

Almost half of the human trafficking suspects referred to U.S. attorneys were in four states, 2001-2005

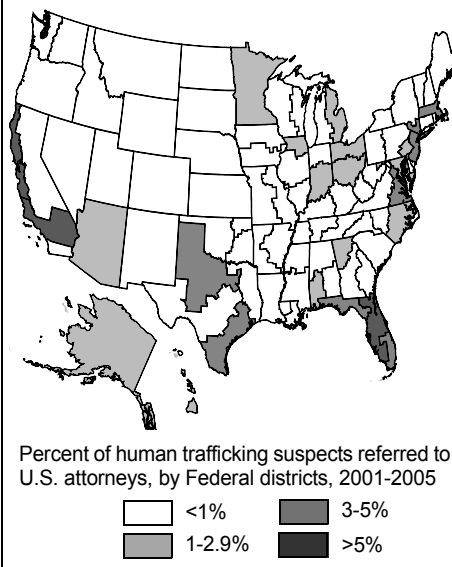


Table 2. Defendants adjudicated in Federal courts for a human trafficking offense as any charge filed, 2001-2005

Number of defendants	Cases concluded
Total	78
Disposition	
Convicted	75
Guilty plea	57
Jury trial	18
Not convicted	3
Dismissed	2
Acquitted	1
Type of sentence imposed ^a	
Prison	64
Probation	5
Other ^b	6
Median prison sentence imposed	70 mos
Median case processing time	10 mos

^aIncludes convicted defendants only.

^bIncludes fines and suspended sentences.

Source: Administrative Office of the U.S. Courts, criminal master file, 2005.

This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/abstract/fpht05.htm>>.

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Notes

This report defined human trafficking according to Title 18 U.S.C. §§ 1581-1594. The TVPA of 2000 created: forced labor (18:1589), trafficking slaves (18:1590), sex trafficking of children (18:1591), and misuse of documents for trafficking persons (18:1592).

Data from the EO LIONS system and the AO criminal master file were used in this report (available at <<http://fjsrc.urban.org>>). In the EO data "lead charge" is the basis for investigation and for which at least 1 hour of investigation time is spent. Differences exist in the numbers reported by each agency, in part due to the case processing time, case filing definitions in agency databases, and the details on case statutory information. (See *Reconciling Federal Criminal Case Processing Statistics*, BJS, <<http://www.ojp.usdoj.gov/bjs/abstract/rfc-cps.htm>>).

In this report, 44% of the 555 human trafficking matters opened by U.S. attorneys from 2001 to 2005 occurred in 2005. A significant portion of these matters will not be reported in subsequent stages until after 2005.

Additional resources

Trafficking in Persons Report, June 2006. U.S. State Department at <<http://www.state.gov/g/tip/ris/tiprpt/2006/>>.

Report on Activities to Combat Human Trafficking, 2001-2005. Civil Division, U.S. Department of Justice at <http://www.usdoj.gov/crt/crim.trafficking_report_2006.pdf>.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is director.

This Data Brief was written by Mark Motivans and Tracey Kyckelhahn, under the supervision of Steven K. Smith. Thomas H. Cohen verified the report. Carolyn C. Williams edited the report and Jayne Robinson prepared the report for final printing under the supervision of Doris J. James.

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