

S. 1236: A Bill to Designate Human Trafficking Coordinators in U.S. Attorney Offices

PURPOSE

To increase justice for victims and expand accountability for perpetrators of human trafficking through increased investigations and successful prosecution of those responsible for exploiting others in modern day slavery.

LEGISLATIVE SUMMARY

Designating at least one Assistant U.S. Attorney in each Federal judicial district to serve as a Human Trafficking Justice Coordinator who will:

- Prosecute cases of forced labor, international sex trafficking and sex trafficking of adults by force, fraud, or coercion and ensure restitution for victims as required by law;
- Collaborate with Departments of Labor (DOL) and Homeland Security (DHS), State and local law enforcement, and victim services providers to build partnerships to identify and successfully prosecute human trafficking cases with a victim-centered approach;
- Conduct public outreach and awareness activities relating to human trafficking.

The Attorney General will designate a Deputy Assistant Attorney General who is a career appointee as Human Trafficking Coordinator at the Department of Justice (DOJ) who will:

- Coordinate, promote, and support the work of the DOJ related to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;
- Lead and support law enforcement efforts and policy activities related to human trafficking in coordination with designated Assistant U.S. Attorney in each Federal judicial district;

- Disseminate training guides and programs, in consultation with human trafficking survivors to ensure a victim-centered approach and best practices, that address evidentiary and other legal issues, and how to appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases including in administrative, civil, and criminal judicial proceedings to law enforcement officers at all levels, prosecutors, judges, emergency responders, individuals working on victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and other individuals whose work may bring them into contact with human trafficking; and
- Recommend targeting allocation of DOJ resources to combat trafficking

SUPPORTING DATA

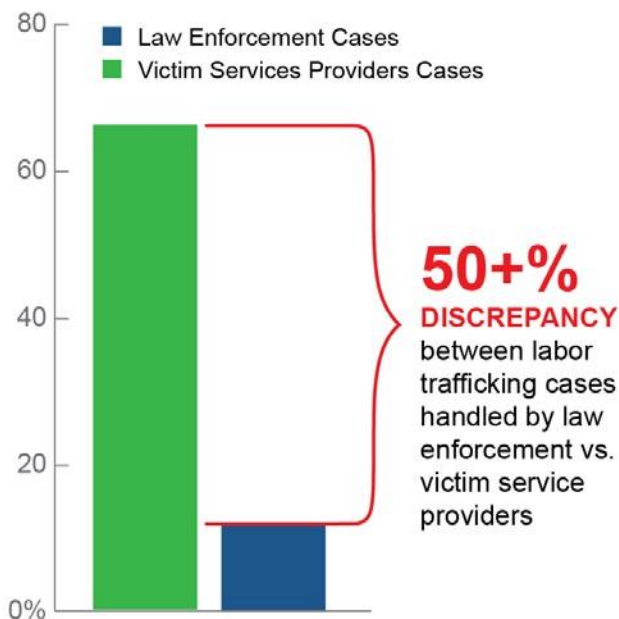
There are an estimated 20.9 million victims of human trafficking worldwide, but last year only 6,609 of those responsible for these crimes were convicted. In the United States, the National Human Trafficking Hotline received 24,757 communications, while only 297 convictions were secured. Traffickers are operating with near impunity. To avoid replacing every victim who escapes slavery with a new victim, we need to significantly increase the legal risks to traffickers. But holding traffickers accountable can be challenging as trafficking cases can be difficult to identify, investigate, and prosecute. These challenges are particularly prevalent in more complex investigations and prosecutions such as labor trafficking cases.

Although human trafficking goes vastly unreported, compared to the 24,757 communications

to the National Human Trafficking Hotline in 2015, only 297 convictions were secured.

Prosecutors are overwhelmed by the current caseload and are often unable to prioritize labor trafficking cases given they are harder to identify and require more resources to prosecute. Labor cases can hide in legitimate businesses, requiring more coordination with agencies at the federal and local levels to gain the access and expertise necessary to investigate.

Significant discrepancy apparent between labor trafficking cases served by victim service providers and law enforcement.



The 2016 State Department Trafficking in Persons report states that of the 6,609 trafficking-related convictions worldwide in 2015, only 7 percent (456) were labor trafficking cases despite the International Labor Organization estimating that 68 percent of the 20.9 million slaves worldwide are victims of labor trafficking. The U.S. Department of Justice (DOJ) reported that only 2 percent of the 297 convictions secured in the United States in 2015 were labor trafficking cases, though 48 percent of the trafficking victims served by DOJ-funded victim service providers were labor trafficking victims. In the past, labor trafficking cases constituted up to 49 percent of DOJ prosecutions annually, but there has been a steady decline since 2009.

A designated trafficking prosecutor in U.S. Attorney's Offices would ensure increased exploration of all potential cases of human trafficking and their specific focus would allow them to have more success bringing traffickers to justice in more complex cases. Prosecutors focused predominately on trafficking cases would deepen expertise on how to successfully apply anti-trafficking statutes to gain convictions, as well as cultivate partnerships between government officials at all levels and service providers that are key to rooting out and prosecuting cases of trafficking.

We know that collaboration across government can also exponentially increase accountability for traffickers. The number of human trafficking cases filed has increased 119 percent and defendants charged by 86 percent in districts where there is interagency coordination between representatives from DOJ, DHS, and DOL. Adding designated prosecutors in judicial districts and a coordinator at DOJ will foster such collaboration and ensure that best practices and models for identification, investigation, prosecution, and treatment of victims are utilized around the country. This will also significantly increase the risk for human traffickers bringing real accountability to those responsible for this horrific crime nationwide and justice for those who have been victimized by modern day slavery.

