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Federal Prosecutions of Human Trafficking Cases: Striking a Blow Against Modern Day Slavery

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ARTICLE

**FEDERAL PROSECUTIONS OF HUMAN
TRAFFICKING CASES: STRIKING A BLOW
AGAINST MODERN DAY SLAVERY**

MARK J. KAPPELHOFF*

I. INTRODUCTION¹

Trafficking in humans stands among the most offensive and degrading scourges in America. In homes, farm fields, sweatshops, and brothels throughout the United States, human traffickers prey upon and exploit some of the most vulnerable people in our society—the poor, the unemployed, the underemployed, the uneducated, and the desperate—both immigrants and U.S. citizens who are simply seeking an opportunity to experience a small piece of the American dream. And, tragically, the victimization can take many forms:

The Filipina woman who, for nearly twenty years, toils night and day as a domestic servant in the home of wealthy doctors who controlled her by using threats of deportation, isolation, and psychological coercion.²

The fourteen-year-old Cameroonian girl, who is lured into the United States on false promises of an education and a better life; confined in the home of a suburban couple; never allowed to attend school; and compelled, through beatings, threats, and sexual assaults, to care for three children and

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1. This article was a collaborative effort of prosecutors in the Criminal Section of the Civil Rights Division: Mark Kappelhoff, Chief; Robert Moossy, Director of the Human Trafficking Prosecution Unit; Hilary Axam, Special Litigation Counsel; and Barbara Bosserman, Senior Legal Counsel. This article is submitted in conjunction with Mr. Kappelhoff's participation in the University of St. Thomas Law Journal's symposium on human trafficking. Portions of this essay are based on an article that appeared in the *United States Attorneys' Bulletin*. Mark J. Kappelhoff et al., *Selected Issues in Criminal Civil Rights Enforcement*, 56 U.S. ATT'YS' BULL. 37 (2008).

2. *See United States v. Calimlim*, 538 F.3d 706 (7th Cir. 2008).

cook and clean for the household, without pay, from sunrise until late at night, seven days a week.³

The nineteen-year-old U.S. citizen woman, impoverished and homeless, who is preyed upon with false promises of a stable job and housing, only to be physically and sexually assaulted, held in debt, and compelled to perform acts of prostitution against her will.⁴

The young Central American women who are enticed to enter the United States on promises of good jobs and a better life for their families, but once in the United States, are compelled, through threats to harm their families, to serve as “bargirls” entertaining male customers from the early evening, throughout the night, until the early hours of the morning, with little rest or food. Through a scheme of fear and intimidation, they are held in this condition of servitude, and deprived of most of their earnings, until they pay off thousands of dollars in smuggling debts.⁵

The undocumented Mexican migrant workers working in the citrus groves of Florida, who are threatened with violence if they attempt to leave their jobs before paying off debts to labor contractors. When they attempt to leave, a van driver and several others who are attempting to assist the workers are brutally beaten to prevent the workers from leaving.⁶

While it may seem unimaginable that such human degradation could occur in neighborhoods and businesses in the United States, each of the above examples was based on a case that was successfully brought under the federal anti-human trafficking statutes. Many of these prosecutions were possible because of a powerful and effective law that was enacted in 2000—the Trafficking Victims Protection Act of 2000 (TVPA). This law has played an instrumental role in fundamentally changing and dramatically enhancing the ability of the United States Department of Justice (Department) to prosecute traffickers and rescue victims of trafficking. Indeed, since passage of the TVPA, the Department has prosecuted record numbers of traffickers and rescued well over 1,300 victims from 80 different countries, including the United States.

This essay will explore the evolution of the Department’s anti-trafficking program since passage of the TVPA. The essay will begin by defining the term “human trafficking” from the perspective of the federal criminal justice system. The body of the essay will focus on outlining the key provisions in the TVPA, discussing how the TVPA has led to record prosecution results in recent years, and providing examples of some recent cases prose-

3. *See* *United States v. Djoumessi*, 538 F.3d 547 (6th Cir. 2008).

4. *See, e.g.*, *United States v. Paris*, No. 03:06-CR-64 (CFD), 2007 WL 3124724 (D. Conn. Oct. 24, 2007); *United States v. Norris*, No. 05-16662, 2006 WL 1889654 (11th Cir. June 27, 2006); *United States v. Jones*, No. 1:05-CR-00617-WSD-AJB (N.D. Ga. Dec. 29, 2005).

5. *See* *United States v. Mondragon*, No. H-05-468 (S.D. Tex. May 12, 2008).

6. *United States v. Ramos*, No. 07-11558, 2008 WL 5125992 (11th Cir. Dec. 8, 2008) (vacating and remanding for resentencing on other grounds).

cuted under the federal anti-trafficking laws. The essay concludes by offering suggestions to further enhance the Department's anti-trafficking program as we continue to look for new and more effective ways to apprehend and prosecute traffickers and identify and rescue more trafficking victims.

II. HUMAN TRAFFICKING DEFINED IN THE FEDERAL CRIMINAL JUSTICE SYSTEM

At the outset, it is important to clearly define the term “human trafficking” in the context of criminal law in the United States. The term “human trafficking” is used in common parlance to describe many forms of exploitation of human beings. At its most basic, “human trafficking” means compelling or coercing a victim to perform labor, services, or commercial sex. Although the words “human trafficking” evoke images of undocumented migrants being smuggled across international borders, and although human trafficking can arise in this context, the term has a distinct and highly specific meaning under the United States Criminal Code. Federal criminal trafficking statutes are rooted in the prohibition against slavery and involuntary servitude guaranteed by the Thirteenth Amendment to the United States Constitution.⁷ Accordingly, human trafficking crimes, which are defined in title 18, chapter 77, of the United States Code, focus on the modern-day slavery aspect of the potential defendant's conduct: the act of compelling or coercing a person's labor, services, or commercial sex acts. The coercion can be subtle or overt, and can be physical or psychological, but it must be used to coerce a victim into performing labor, services, or commercial sex acts. Because of the inherent vulnerability of minors, the law does not require proof of force, fraud, or coercion when minors are provided for commercial sex.

Contrary to some misconceptions, human trafficking crimes do not require smuggling or moving the victim. Trafficking offenses involve compelled labor, services, or commercial sex, or the provision of a minor for commercial sex (regardless of whether the victim was ever moved or transported), and the crime is a crime against the victim's human rights. In contrast, smuggling offenses specifically require movement or the transportation of the victim, regardless of whether the victim was exploited for labor, services, or commercial sex, and the crime is against the integrity of the U.S. border.⁸

7. Because many of the federal anti-trafficking statutes are rooted in the Thirteenth Amendment to the United States Constitution, the Department's Civil Rights Division plays an important role in enforcing these statutes, along with the United States Attorney's Offices and the Department's Child Exploitation and Obscenity Section in the Criminal Division.

8. Notably, trafficking and smuggling offenses are codified in separate titles in the United States Code. Trafficking offenses are found in 18 U.S.C. ch. 77, whereas smuggling and harboring offenses are found in 8 U.S.C. ch. 12.

Another misconception is that all trafficking victims are foreign born or are undocumented aliens. Although undocumented persons can be particularly vulnerable to coercion because of their fear of authorities (which compounds other vulnerabilities), traffickers have exploited other vulnerable populations such as documented guest workers and U.S. citizen adults and children, often exploiting vulnerabilities such as emotional instability, drug dependence, poverty, or disabilities. As noted above, because minors are presumed to be inherently vulnerable, the law does not require separate proof of force, fraud, or coercion when a minor is offered for commercial sex.

III. TRAFFICKING STATUTES

Title 18, chapter 77 of the United States Code contains a number of different criminal statutes prohibiting various forms of compelled or coerced labor, services, or commercial sex. Because the TVPA changed the landscape in this area, federal trafficking statutes and the Department's enforcement program are best understood by comparing pre-TVPA and post-TVPA provisions. Prior to the enactment of the TVPA, the Department's ability to prosecute traffickers was limited by the scope of statutes passed in the post-civil war era, sometimes referred to as involuntary servitude and slavery crimes. These statutes were limited in their effectiveness because, as interpreted by the Supreme Court, they addressed only the most forceful and overt forms of coercion, and failed to reach many of the subtle forms of coercion commonly used by traffickers to control and exploit their victims. In an effort to remedy these limitations and more effectively address the trafficking problem in the United States, Congress passed the TVPA in 2000. It includes many important provisions that significantly improved the effectiveness of the federal government's anti-trafficking program. In particular, the TVPA included new criminal statutes that greatly expanded the federal government's ability to prosecute traffickers and provided enhanced protections and benefits for victims of trafficking.

A. *Pre-Trafficking Victims Protection Act: Involuntary Servitude and Slavery Statutes*

The involuntary servitude and slavery statutes, codified at 18 U.S.C. §§ 1581–1584, include § 1584's prohibition against involuntary servitude, § 1581's prohibition against peonage, and § 1583's prohibition against enticement into slavery. In *United States v. Kozminski*,⁹ the Supreme Court interpreted the statutes to require very specific forms of coercion, limited to physical force or restraint, threats of physical force or restraint, or threats of legal coercion tantamount to incarceration. After *Kozminski*, prosecution under the involuntary servitude statute required proof that a person was held

9. *United States v. Kozminski*, 487 U.S. 931, 952 (1988).

in service to another, for a term, through one of the Supreme Court's identified means of coercion. The peonage statute required proof of all of the elements of involuntary servitude, plus proof that the servitude was tied to the discharge of a debt.

Because *Kozminski* limited the applicability of these statutes to trafficking involving only the most overt and egregious forms of coercion, the statutes were used relatively sparingly. Many traffickers who compelled their victims through psychological or other nonviolent and subtle forms of coercion, without also using proscribed means specifically identified in *Kozminski*, could not have been prosecuted federally under the previously existing trafficking statutes. Accordingly, prior to the passage of the TVPA, the largest number of trafficking cases ever prosecuted in a single year was six in 1999. As reports of victimization continued, the time was ripe for a new, more comprehensive federal approach to combat trafficking.

B. The Trafficking Victims Protection Act

In 2000, President William J. Clinton signed into law the TVPA of 2000. This new statute represented a welcome sea change in the U.S. government's approach to addressing the problem of human trafficking. Broadly speaking, the TVPA essentially codified a "victim-centered" approach to the prosecution of trafficking cases. The legislation not only strengthened and expanded the federal criminal statutes to reach more cases, it also provided enhanced victim protections and benefits, which has been recognized as essential both in restoring the rights and dignity of human trafficking victims, and in assisting in efforts to apprehend and prosecute traffickers.

1. Expanded Prosecution Tools

The TVPA introduced two new, powerful criminal provisions: the forced labor statute, 18 U.S.C. § 1589, and the sex trafficking statute, 18 U.S.C. § 1591. Both of these statutes criminalized broader forms of coercion than those prohibited under the older involuntary servitude and slavery statutes by including threats of nonphysical harm as well as threats of harm to third persons.

Section 1589 prohibited obtaining labor or services by any of three means:

- 1) by threats of serious harm to or physical restraint of any person;
- 2) by means of a scheme, plan, or pattern intended to cause the person to believe that they or another would suffer serious harm or physical restraint if they did not perform such services; or,
- 3) by means of the abuse or threatened abuse of law or legal process.

To convict a defendant of forced labor under this statute, the government must prove that a defendant knowingly used one or more of these means to provide or obtain the labor or services of another person. The term “serious harm” under this statute encompasses physical and nonphysical types of harm, and the statute by its terms applies to threats toward third persons, such as a victim’s family members.

The sex trafficking statute, 18 U.S.C. § 1591, prohibited recruiting, enticing, harboring, transporting, providing, or obtaining a person for commercial sex, where the defendant knew that force, fraud, or coercion would be used to cause the person to engage in commercial sex, or knew that the person was under the age of eighteen. When a minor was involved, the statute required no separate proof of force, fraud, or coercion. The statute also prohibited a defendant from knowingly benefitting, financially or by receiving something of value, from participation in a venture that engages in such acts. The conduct also must have been in or affecting interstate or foreign commerce.

The TVPA introduced additional criminal provisions, including 18 U.S.C. § 1592, which prohibits withholding identification documents in connection with a trafficking offense; 18 U.S.C. § 1590, which prohibits trafficking a person into servitude; and 18 U.S.C. § 1594, which makes an attempted violation of chapter 77 punishable to the same extent as a completed violation.

18 U.S.C. §§ 1593 and 1594 also require mandatory restitution and forfeiture for any chapter 77 violation, ensuring that victims are provided some measure of recompense for the exploitation they have endured and that defendants are forced to disgorge their ill-gotten gains.

In 2008, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA),¹⁰ which further expands the reach of criminal trafficking statutes—not only clarifying the broad definitions of coercion set forth in the TVPA of 2000, but also criminalizing additional acts of obstructing trafficking investigations and acts of knowingly benefitting financially from ventures that engage in trafficking crimes. The TVPRA of 2008 also expands the reach of the statute criminalizing sex trafficking by force, fraud, or coercion to include not only those who know of the force, fraud, or coercion, but also those who recklessly disregard the use of force, fraud, or coercion. The reach of the prohibition against child sex trafficking is similarly expanded to provide that, where the defendant had a reasonable opportunity to observe the victim of sex trafficking of a minor, the government need not prove that the defendant knew the victim’s age.

10. Pub. L. No. 110-457, 122 Stat. 5044 (2008) (enacted Dec. 23, 2008).

2. *Enhanced Victim Protections*¹¹

The TVPA also importantly provides for a number of unique protections and benefits for trafficking victims that help ensure that the victims are treated with dignity and respect. Victims whose rights are restored, whose humanitarian needs are met, and who have access to the support necessary to become independent survivors of the ordeals they have endured are also more effective witnesses. While many victims are initially intimidated by the criminal justice process, with proper victim-centered support, many eventually decide to participate in the criminal justice process. Often, victims will later describe the experience as difficult, yet at the same time liberating and empowering. They play a central role in exposing the truth the trafficker told them would never be believed, and in helping to bring the trafficker to justice. Two key, victim-focused TVPA provisions include immigration relief and access to refugee-type assistance through various federal and state programs.

When a potential trafficking victim has been located, federal law enforcement agents, investigators, and prosecutors can seek continued presence, a form of temporary immigration relief that enables law enforcement to keep an otherwise undocumented victim in the United States to help effectuate a prosecution. In those cases, the trafficking victim may also be eligible for T nonimmigrant status, commonly known as the T visa. The T visa allows trafficking victims the opportunity to live and work legally in the United States for three years.¹² After three years, victims may be eligible to adjust to lawful permanent resident status.

11. The civil provisions of the TVPA distinguish between severe forms of trafficking and trafficking; the victim provisions discussed here refer to severe forms of trafficking:

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—

(A) 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

(B) 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.

(9) SEX TRAFFICKING.—The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. . . .

(13) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).

(14) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

Trafficking Victims Protection Act § 103, 22 U.S.C. § 7102 (2006).

12. Section 107(e) of the TVPA created the new T visa, which is available to victims of a severe form of trafficking in persons who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons (or who are under the age of fifteen), and who can demonstrate that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. *Id.* § 107(e), 22 U.S.C. § 7105.

The TVPA also grants immigrant victims of trafficking access to federal and state benefit programs that provide assistance to refugees. This provision was introduced because, prior to the TVPA, undocumented immigrant victims were otherwise ineligible for the crime victim funds and the general public assistance programs that are available to U.S. citizens and lawful permanent residents. Experience demonstrated that, in the absence of legal status and stabilizing support, victims had difficulty recovering from the trauma of their horrible experience and moving their lives forward, resulting in a reluctance to confide their experience and speak out about the crime.

The needs of trafficking victims are substantial from the outset and continue to be resource intensive throughout an investigation and prosecution. Often the most critical need is housing, followed by access to legal assistance and interpreter services. Since many victims are rescued with only the clothes they are wearing, victims must be provided everything to sustain their daily lives (e.g., food, clothing, shelter, and transportation) and other services to enable them to maintain a secure, stable, and healthy environment (e.g., protections, medical services, counseling, job training, and employment). In some instances, victims may have special needs or cultural requirements (e.g., hearing impairments, illiteracy, dietary restrictions, or pregnancy) that necessitate additional services or referrals.

IV. SUCCESSFUL FEDERAL PROSECUTION PROGRAM

The Department has put the TVPA to good use. In recent years, the number of trafficking investigations and prosecutions has increased dramatically. From fiscal years 2001 to 2008, the Division and United States Attorneys' Offices have prosecuted 531 defendants, compared to 95 defendants charged during the prior eight years, representing a 455 percent increase; secured 518 convictions and guilty pleas, a 581 percent increase over the 76 obtained over the previous eight years; and opened 1,005 new investigations, about 628 percent more than the 138 opened in the previous seven years.¹³ In fiscal year 2008, the Department's Civil Rights Division, in partnership with U.S. Attorneys' Offices, prosecuted more trafficking cases than ever before. In fact, the Department has experienced three straight years of record trafficking prosecutions.¹⁴

13. These case-related statistics do not include juvenile sex trafficking prosecutions brought by the United States Attorney's Offices in conjunction with the Criminal Division's Child Exploitation and Obscenity Section.

14. In addition to its record setting trafficking prosecutions in recent years, the Criminal Section has maintained an outstanding prosecution track record in its other core enforcement areas of hate crimes and official misconduct offenses. For example, in fiscal year 2008, the Section filed 111 cases, the largest number of criminal civil rights cases ever filed in a single year by the Civil Rights Division.

This increase is a result of the Department's comprehensive program to address the issue, including enforcing enhanced criminal statutes and victim protection provisions, raising public awareness through law enforcement training initiatives and programs introduced by the TVPA, and dedicating resources to combating human trafficking.

The Department has also implemented a number of internal changes to further enhance the effectiveness of the federal government's anti-trafficking program. For example, in 2007, the Civil Rights Division created the Human Trafficking Prosecution Unit (HTPU) within the Criminal Section to consolidate the expertise of some of the nation's top human trafficking prosecutors. HTPU prosecutors work closely with Assistant United States Attorneys and federal and state law enforcement agencies to streamline fast-moving trafficking investigations, ensure consistent application of trafficking statutes, and identify multijurisdictional trafficking networks.

The Bureau of Justice Assistance has also funded forty-two Human Trafficking Task Forces to bring together federal, state, and local law enforcement authorities, government agencies, and nongovernmental victim service providers in a multidisciplinary approach to identifying human trafficking crimes, assisting human trafficking victims, and prosecuting human trafficking cases.

V. RECENT TRAFFICKING PROSECUTIONS

As noted above, the Department has successfully prosecuted human trafficking crimes committed in agricultural fields, sweatshops, suburban mansions, brothels, escort services, bars, and strip clubs, using both older involuntary servitude statutes and the TVPA provisions discussed above. These cases have included all types of victims—U.S. citizens and foreign nationals (both documented and undocumented), men and women, and minors and adults.

A. *Forced Labor and Involuntary Servitude Prosecutions*

In *United States v. Djoumessi*,¹⁵ the defendants were convicted of involuntary servitude for holding a fourteen-year-old Cameroonian girl as a domestic servant in their Michigan home, using a scheme of violence, threats, and sexual assault. One defendant was sentenced to 218 months imprisonment, and the other was sentenced to 60 months imprisonment. They were ordered to pay the victim \$100,000 in restitution.

In *United States v. Calimlim*,¹⁶ two defendants were convicted for holding a Filipina woman as a domestic servant in their home outside Milwaukee, Wisconsin, for nearly twenty years, using threats of deportation

15. 538 F.3d 547 (6th Cir. 2008).

16. 538 F.3d 706 (7th Cir. 2008).

and other nonviolent forms of coercion. They were each sentenced to four years in prison and jointly ordered to pay the victim \$960,000 in restitution.

Three defendants were convicted in *United States v. Ramos*¹⁷ for conspiring to commit involuntary servitude by using threats of violence to hold undocumented migrant workers in their service as agricultural workers in citrus groves. Two defendants were sentenced to 180 months in prison and ordered to forfeit over \$3 million in property. A third defendant was sentenced to 123 months in prison.

In a recent forced labor case, *United States v. Farrell*,¹⁸ two hotel owners were convicted in South Dakota for peonage, document servitude, and visa fraud for using threats of legal coercion and other threats to compel Filipino workers into service in the defendants' hotels. The lead defendant was sentenced to 50 months imprisonment and the second defendant was sentenced to 36 months.

In *United States v. Mondragon*,¹⁹ eight defendants were convicted for their respective roles in a scheme to smuggle young Central American women into the United States, using threats of harm to their families and other forms of intimidation to compel them into service in bars, restaurants, and cantinas, and to dissuade them from attempting to escape before paying off thousands of dollars in smuggling debts. Two lead defendants were sentenced to 180 months imprisonment, and the defendants were ordered to pay a total of \$1.7 million in restitution to the victims. Another lead defendant is pending sentencing.

B. Sex Trafficking Prosecutions

In *United States v. Norris*,²⁰ the lead defendant, Harrison Norris, who referred to himself by his professional wrestling name, Hardbody, was sentenced to life imprisonment for compelling multiple U.S. citizen victims to perform acts of prostitution in and around Atlanta, Georgia. He enticed some of his victims with false promises of a career in professional wrestling, and kidnapped others, then used a scheme of debts, threats, and assaults to create a climate of fear that he used to compel them to engage in prostitution and turn over all proceeds to him. The compelled acts of prostitution were prosecuted under 18 U.S.C. § 1591.

In a similar case, *United States v. Paris*,²¹ ten defendants were convicted in connection with a prostitution enterprise in the Hartford, Connecticut area that victimized U.S.-citizen women and girls, using threats and assaults to compel the adult women into prostitution. The lead defendant

17. No. 07-11558, 2008 WL 5125992 (11th Cir. Dec. 8, 2008) (vacating and remanding for resentencing on other grounds).

18. Nos. 08-1559 & 08-1561, 2009 WL 1025722 (8th Cir. Apr. 17, 2009).

19. No. H-05-468 (S.D. Tex. May 12, 2008).

20. No. 05-16662, 2006 WL 1889654 (11th Cir. June 27, 2006).

21. No. 03:06-CR-64 (CFD), 2007 WL 3124724 (D. Conn. Oct. 24, 2007).

was prosecuted and convicted after trial of violating 18 U.S.C. § 1591 and committing other related offenses.

In *United States v. Carreto*,²² six defendants entered guilty pleas for violating 18 U.S.C. § 1591 by operating a trafficking ring that smuggled young Mexican women and girls into the United States illegally and forced them into prostitution in Queens and Brooklyn, New York. The defendants used psychological manipulation, including promises of love and marriage, to lure vulnerable victims and then maintained control over the victims through a scheme of threats, violence, and control over the victims' children. Two lead defendants were sentenced to fifty years in prison and a third was sentenced to twenty-five years in prison. A fourth defendant was sentenced to eighty months in prison.

LOOKING FORWARD

Although the Department's anti-trafficking program has achieved dramatic results since the passage of the TVPA, there is more work to be done to further enhance our ability to identify and prosecute traffickers and rescue trafficking victims.

First, sufficient resources are required to continue to investigate and prosecute these crimes. Federal law enforcement must have sufficient resources at its disposal to effectively combat these crimes. The successful prosecution of a human trafficking case requires an intensive commitment to earning and maintaining the trust of traumatized victims, and investigating factually complex conduct that may span many years, multiple countries, and diverse offense conduct, including sex crimes, violent crimes, financial crimes, immigration offenses, and labor exploitation. Successful human trafficking prosecutions also require close collaboration among multiple law enforcement agencies, other government agencies, and nongovernmental victim service organizations. The specialized issues that arise in the realm of human trafficking call for significant resource investments in terms of person-hours and victim support services.

Second, our experience prosecuting these cases to date has identified a need for additional prosecution tools. The TVPRA of 2008 includes numerous additional tools that prosecutors can use. These added tools include the following:

- creating a trafficking-specific conspiracy offense punishable to the same extent as the completed crime;
- criminalizing conduct that obstructs a trafficking investigation;
- prohibiting financially benefitting from knowingly participating in a venture engaged in trafficking acts;

22. No. 04-140 (FB) (E.D.N.Y. June 1, 2006).

- prohibiting more broadly sex trafficking by force, fraud, or coercion, by reaching defendants who act in reckless disregard of the use of force, fraud, or coercion to cause a person to engage in a commercial sex act;
- prohibiting more broadly sex trafficking of minors—a crime primarily prosecuted by the Child Exploitation and Obscenity Section—by eliminating the requirement of proof that the defendant knew the minor’s age, where the defendant had a reasonable opportunity to observe the minor; and
- adding definitional language clarifying the breadth of the TVPA’s prohibition against nonviolent forms of coercion.

Finally, law enforcement and community groups must engage in public education and outreach aimed at understanding and identifying human trafficking crimes. Most of the cases prosecuted by the Department were first identified either by a local police officer or by a member of a nonprofit community service organization. Although the Department and others have trained tens of thousands of officers and members of the community to identify these crimes, we are a large nation and much work remains to be done to increase society’s awareness of human trafficking and to alert all segments of our society to the signs of human trafficking.

In the last several years, the federal government has made great strides in combating human trafficking in the United States. The TVPA provided important tools that federal prosecutors have used effectively to protect victims of trafficking and bring trafficking offenders to justice. With the continued commitment, coordination, and collaboration among federal and state law enforcement agencies and nongovernmental organizations, we can continue to move toward a day when involuntary servitude in the United States is truly a thing of the past.