

National Strategy to Combat Human Trafficking

January 2022



MESSAGE FROM THE ATTORNEY GENERAL



Human trafficking is an insidious crime. Traffickers exploit and endanger some of the most vulnerable members of our society and cause unimaginable harm. The Justice Department is committed to using every available resource to combat human trafficking and to support human trafficking survivors. While we have made great strides since the enactment of the Trafficking Victims Protection Act more than two decades ago, we still face grave and continually evolving human trafficking threats.

Because combating human trafficking demands a whole-of-government approach, the Justice Department supported the development of the interagency *National Action Plan to Combat Human Trafficking*, which was released by President Biden in December 2021. The Justice Department's new *National Strategy to Combat Human Trafficking* is fully aligned with the foundational pillars of the President's *National Action Plan*, namely: *prevention* of human trafficking; *prosecution* of human trafficking cases; *protection* of human trafficking victims and survivors; and *partnership* at every level of government.

The Justice Department's *National Strategy to Combat Human Trafficking* will bring the full force of the Department to the fight. It will enhance our capacity to identify human trafficking victims and to detect human trafficking networks. It will help to strengthen our efforts to support and protect survivors. And it will guide us as we step up our efforts to investigate and prosecute human trafficking cases and bring the perpetrators of human trafficking crimes to justice.

Our work will involve cross-jurisdictional collaboration and coordination among federal, state, local, Tribal, and territorial law enforcement partners. And it will require us to take a multi-disciplinary, trauma-informed approach that unites investigators, prosecutors, victim assistance specialists, and non-governmental service providers. This *National Strategy* will enable us to expand the impact of the Department's broad-based anti-trafficking efforts and introduce innovative approaches to make them more effective than ever before.

In partnership with our anti-trafficking partners across all levels of government and beyond, the Justice Department will work tirelessly to protect vulnerable individuals and communities from human trafficking threats, vindicate the rights of human trafficking victims, empower survivors, and bring human traffickers to justice.

Merrick B. Garland
Attorney General

Table of Contents

Message from the Attorney General	i
Introduction	1
A. Mandate, Purpose, and Objectives of Strategy	1
B. Definition of Human Trafficking	2
C. Gravity and Complexity of Human Trafficking Threats	3
D. Extent and Prevalence of Human Trafficking	4
E. Scope and Outline of Strategy	5
Chapter I. Identification: Enhance Capacity to Detect Human Trafficking and Identify Human Trafficking Victims	8
A. Develop and Disseminate a DOJ Human Trafficking Victim Screening Protocol to Identify Potential Human Trafficking Victims During Law Enforcement Operations	8
B. Develop and Deliver Training for Law Enforcement Officials and Other Stakeholders to Detect Human Trafficking and Identify Human Trafficking Victims	11
C. Conduct Outreach to Survivors, Service Providers, and Grantees to Increase Identification of Human Trafficking Victims	14
D. Publish Research Findings on Identifying Human Trafficking Victims	15
Chapter II. Protection: Expand Capacity to Stabilize and Provide Services to Survivors	17
A. Increase DOJ Capacity to Provide Victim-Centered Assistance to Trafficking Survivors	17
B. Deliver Training and Conduct Outreach to Support Financial Restoration of Human Trafficking Victims	19
C. Enhance Victim Access to Comprehensive Services	21
D. Protect Human Trafficking Victims from Inappropriate Arrest, Detention, Prosecution, or Removal	22

Chapter III. Prosecution: Enhance Capacity to Investigate and Prosecute Trafficking	26
A. Increase Engagement by U.S. Attorneys and U.S. Attorneys’ Offices in Human Trafficking Efforts	26
B. Strengthen Federal Anti-Trafficking Enforcement Initiatives with Proven Impact.....	27
C. Increase Targeted Labor Trafficking Investigations and Prosecutions	31
D. Develop Initiatives to Address Child Sex Trafficking	32
E. Establish Federally-Funded, Sustainable State, Tribal, Territorial, or Locally-Led Human Trafficking Task Forces	32
F. Expand Dissemination of Federal Human Trafficking Training, Guidance, and Expertise	33
Chapter IV. Prevention: Enhance Capacity to Prevent Human Trafficking	37
A. Leverage Existing Prevention Initiatives	37
B. Examine Innovative Demand-Reduction Strategies	38
C. Utilize Civil and Administrative Authority	42
Chapter V. Enhance Impact of DOJ-Wide Anti-Trafficking Efforts	44
A. Strengthen DOJ Infrastructure to Support Coordination and Communication.....	44
B. Improve Data Gathering and Reporting	45
Conclusion	47

Introduction

A. Mandate, Purpose, and Objectives of Strategy

Under the Justice for Victims of Trafficking Act (JVTA) of 2015,¹ the Department of Justice (Department or DOJ) is required to implement and maintain a National Strategy to Combat Human Trafficking (Strategy). The Department’s Strategy will be implemented under the direction of the National Human Trafficking Coordinator (NHTC) designated by the Attorney General in accordance with the Abolish Human Trafficking Act of 2017.²

This Strategy aims to strengthen capacity and coordination within the Department to advance shared priorities in combating human trafficking. In keeping with the Trafficking Victims Protection Act (TVPA) of 2000, as amended over the past two decades, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children,³ the Strategy focuses on

efforts aligned with the “three Ps” paradigm of *protection* of victims of trafficking, *prosecution* of human trafficking cases, and *prevention* of human trafficking. The paradigm emphasizes the importance of partnership, enhancing collaboration at the federal, state, local, Tribal, and territorial levels and with external partners to improve results.⁴ This paradigm also aligns with the four pillars of *The National Action Plan to Combat Human Trafficking (National Action Plan)*,⁵ released by the White House in December 2021.

This Strategy includes both DOJ initiatives that complement broader U.S. government-wide federal anti-trafficking efforts, as well as activities coordinated with other agencies. Interagency efforts are coordinated through the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF),⁶ the Senior Policy Operating Group (SPOG),⁷ and the SPOG committees.⁸ The

¹ See 34 U.S.C. § 20711(a).

² See 34 U.S.C. § 20711(d).

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (also known as the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

⁴ The “3 Ps” paradigm is a widely-known framework for describing a comprehensive anti-trafficking strategy. See, e.g., <https://www.state.gov/3ps-prosecution-protection-and-prevention>.

⁵ See *The National Action Plan to Combat Human Trafficking (Dec. 2021)*, <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>.

⁶ The PITF is a cabinet-level entity created by the TVPA that consists of 20 agencies across the federal government responsible for coordinating U.S. government-wide efforts to combat human trafficking. See <https://www.state.gov/the-presidents-interagency-task-force>.

⁷ The TVPA, as amended in 2003, established the SPOG, which consists of senior officials designated as representatives of the PITF agencies. See <https://www.state.gov/senior-policy-operating-group>.

⁸ Five standing committees meet regularly to advance substantive areas of the SPOG’s work: Research & Data, Grantmaking, Public Awareness & Outreach, Victims Services, and Procurement & Supply Chains. See id.

Strategy also supports DOJ’s implementation of several priority actions identified in the interagency *National Action Plan*. While the *National Action Plan* emphasizes interagency collaboration, the DOJ Strategy focuses on intra-Departmental actions that components can undertake either independently of external partners, or to strengthen DOJ’s engagement with its strategic partners. In addition, the Strategy incorporates elements of strategic overlap with DOJ initiatives in closely related areas, including *The National Strategy for Child Exploitation Prevention and Interdiction*.⁹ This Strategy is informed by DOJ’s engagement with a broad range of external anti-trafficking stakeholders through, for example, listening sessions, annual reports of the U.S. Advisory Council on Human Trafficking, and other governmental and non-governmental reports on U.S. anti-trafficking efforts.¹⁰ Implementation of the Strategy will continue to be informed by such engagements, as outlined further within the Strategy itself.

This introduction will first explain the definition of human trafficking, which is

often misunderstood or conflated with other violations, and then describe the gravity, complexity, extent, and prevalence of human trafficking threats to provide relevant context for the strategic actions set forth in the Strategy’s substantive chapters.

B. Definition of Human Trafficking

The TVPA was enacted to strengthen the ability of the federal government to combat human trafficking. That act recognizes two primary forms of human trafficking: sex trafficking and forced labor. Specifically, the TVPA defines human trafficking as:

- The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act (sex trafficking),¹¹ in which a commercial sex act¹² is induced by force, fraud, or coercion,¹³ or in which the person induced to perform such act has not attained 18 years of age¹⁴ or

⁹ See DOJ, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress* (Apr. 2016), <https://www.justice.gov/psc/national-strategy-child-exploitation-prevention-and-interdiction>.

¹⁰ These reports include, but are not limited to, the U.S. Department of State’s Trafficking in Persons Report and reports from non-governmental organizations such as the Human Trafficking Institute and the Human Trafficking Legal Center.

¹¹ See 22 U.S.C. § 7102(12).

¹² The TVPA defines “commercial sex act” as “any sex act on account of which anything of value is given to or received by any person.” 22 U.S.C. § 7102(4).

¹³ The term “coercion” broadly encompasses the range of schemes that human traffickers use to control their victims: psychological coercion; threats of serious harm to the victim, including threats of force, debt manipulation, withholding of pay, or reputational harm; confiscation of identity documents; manipulation of the use of addictive substances; threats to family members or other close relations of the victim; abuse of legal processes; or other forms of coercion. See 18 U.S.C. § 1591.

¹⁴ See 22 U.S.C. § 7102(11)(A).

-
- 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.¹⁵

Human trafficking is sometimes incorrectly conflated with human smuggling. However, these are two distinct crimes. Human trafficking is a crime of exploitation committed against an individual that requires no transportation or physical movement, either internationally or domestically. By contrast, human smuggling is a crime against a country’s immigration laws and requires the illegal transportation of an individual across an international border; while some smuggling crimes also involve exploitation of the smuggled individual, others do not.

Human trafficking is also distinct from other forms of exploitation and abuse, including child sexual abuse material (referred to in federal law as “child pornography”), sexual assault, and domestic violence. The mere fact that a person is involved in a high-risk industry, such as an adult engaging in commercial sex acts, does not mean human trafficking has occurred. However, human trafficking cannot be addressed in isolation from other forms of exploitation and abuse. For example, sexual assault and domestic violence are often used as means to compel

a person’s labor, services, or commercial sex acts. Thus, although abuses such as sexual assault and domestic violence do not constitute human trafficking, they are referenced in this Strategy as relevant to detecting and investigating human trafficking threats and assisting victims who may have experienced multiple forms of abuse.

C. Gravity and Complexity of Human Trafficking Threats

Forced labor and sex trafficking infringe upon the individual rights and freedoms that are central ideals to the United States and are protected under the U.S. Constitution. As is the case in many crimes of exploitation and abuse, human traffickers often prey upon members of marginalized communities and other vulnerable individuals, including children in the child welfare system or children who have been involved in the juvenile justice system; runaway and homeless youth; unaccompanied children; persons who do not have lawful immigration status in the United States; Black people and other people of color; American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, and other indigenous peoples of North America; Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) individuals; migrant laborers; persons with disabilities; and individuals with substance use disorder.¹⁶

¹⁵ See 22 U.S.C. § 7102(11)(B). Additional legal definitions are contained in 18 U.S.C. Chapter 77 (criminal definitions) and 19 U.S.C. § 1307 (includes definition of “forced labor” for purposes of implementing the federal prohibition on importation of goods produced with forced labor). See *National Action Plan*, at 9 n.7.

¹⁶ Individuals from these groups are recognized as being particularly vulnerable to human trafficking in the *National Action Plan*, at 11.

Combating human trafficking requires us to recognize the intersection between these crimes and gender, racial, and economic inequality. Vulnerabilities such as poverty, limited English proficiency, or lack of lawful immigration status are often exacerbated by lack of stable, safe housing, and limited economic and educational opportunities. Traffickers often manipulate the vulnerabilities of victims on multiple levels, first offering protection and opportunity, and then coercing victims to provide labor, services, or commercial sex through a combination of physical and sexual violence, threats of physical harm to their families or other close relations, psychological harm, financial or debt-related threats, threats of deportation or arrest, theft of disability benefits, manipulation of substance use disorder, or withdrawal of housing security or other material support.

Human trafficking often has a nexus to other criminal activities that pose a risk to public safety. Many human traffickers are members of domestic or transnational criminal organizations, and they are often engaged in drug-related crimes and financial crimes, such as money laundering. For example, as part of the Joint Task Force Alpha (JTFA) initiative launched in June 2021, DOJ, in partnership with the U.S. Department of Homeland Security (DHS) and other law enforcement agencies, combats human smuggling and human trafficking from Guatemala, El Salvador, Honduras, and Mexico into the

United States.¹⁷ JTFA is working within the United States and with our foreign partners to dismantle criminal smuggling networks and trafficking networks that endanger, abuse, and exploit smuggled migrants, and also engage in related criminal activity. Effectively identifying and combating human trafficking both within the United States and globally requires partnerships between federal, state, local, Tribal, territorial, and international entities. Only through this type of holistic approach can we reduce the compounded threat that human trafficking poses to our border security, rule of law, and economy.

D. Extent and Prevalence of Human Trafficking

Forced labor and sex trafficking are often hidden crimes that can easily evade detection, are frequently underreported, and are constantly evolving. Reliable prevalence estimates have been difficult to ascertain. Greater support and funding for research and data collection are needed to better understand the prevalence of human trafficking within the United States. At the same time, proactive detection strategies are needed to expose pervasive, hidden human trafficking threats. To overcome the difficulty of documenting the full extent of human trafficking threats, law enforcement agencies should leverage partnerships, including within academia and the technology sector, to increase their ability to detect and respond to cross-cutting human trafficking indicators.

¹⁷ See DOJ, Office of Public Affairs, “Attorney General Announces Initiatives to Combat Human Smuggling and Trafficking and to Fight Corruption in Central America” (June 7, 2021), <https://www.justice.gov/opa/pr/attorney-general-announces-initiatives-combat-human-smuggling-and-trafficking-and-fight>.

When we uncover human trafficking indicators, we have usually only scratched the surface of a network of criminal exploitation and abuse. Further in-depth investigations often reveal multi-jurisdictional conduct involving multiple victims and multiple crimes over several years. Effectively addressing expansive criminal networks and conduct requires additional integration of and collaboration among multi-disciplinary subject-matter experts on related crimes, such as money laundering, transnational organized crimes, human smuggling, cybercrimes, fraud, and narcotics. Engagement of stakeholders and members of vulnerable populations and marginalized and underserved communities is necessary to ensure that we are listening to the voices of those directly impacted by human trafficking crimes and incorporating their experiences into our strategies. Through strategic partnerships involving multiple investigators, prosecutors, and victim specialists, and informed by survivors themselves, we will be able to bring the lengthy, resource-intensive investigations and prosecutions required to vindicate victims' rights and bring human traffickers to justice.

E. Scope and Outline of Strategy

This Department-wide¹⁸ Strategy lays out the Department's multi-year plan to combat all forms of human trafficking: forced labor and sex trafficking of both adults and minors in or with a nexus to the United States. The Strategy is expansive in scope, addressing human trafficking that occurs in illicit industries as well as the licit economy, and seeks to identify and hold accountable everyone who participates in, or unlawfully benefits from, these heinous crimes. Human traffickers include perpetrators directly involved in trafficking, such as recruiters, enforcers, facilitators, buyers/customers, and advertisers, and individuals who benefit from the exploitation, such as importers of goods made with forced labor and others who unlawfully financially benefit from these crimes. They include individuals who act alone, those who participate in loosely-affiliated criminal networks, members of domestic or transnational organized criminal enterprises, and those who willfully turn a blind eye while benefiting from human trafficking in businesses such as hotels, truck stops, importers, and retailers.

¹⁸ Brief descriptions of anti-trafficking work by DOJ components are available at <https://www.justice.gov/humantrafficking/department-justice-components>.

Chapter I of the Strategy identifies strategies for detecting human trafficking crimes and identifying victims and survivors. These detection and identification efforts are vital to all other anti-trafficking efforts, including the protection, prosecution, and prevention action items found in Chapters II, III, and IV, respectively. Chapter V contains cross-cutting actions that play a role in supporting the action items in Chapters I–IV. Each substantive chapter of this Strategy identifies

numerous concrete actions intended to be executed within approximately one year from the launch of this Strategy, as well as actions intended to lay the foundation for establishing long-term, sustainable structures, protocols, and practices to increase the efficacy of the Department’s anti-trafficking efforts, both internally and in collaboration with federal, state, local, Tribal, territorial, non-governmental, academic, private sector, and international partners.

Chapter I

Identification: Enhance Capacity to Detect Human Trafficking and Identify Human Trafficking Victims

This chapter sets forth actions to enhance DOJ’s capacity to detect human trafficking and identify human trafficking victims. Effective detection and identification require the use of practices that encourage potential victims to share important information. The Department employs victim-centered, trauma-informed, and culturally-responsive approaches to avoid retraumatizing victims and to gain their trust. Those who come into contact with victims must remain sensitive to each victim’s needs, understanding that building trust and rapport with victims may take time and will require culturally-responsive services. Identified victims should be immediately referred to service providers (discussed in Chapter II) and, where appropriate, leads should be referred to investigative agencies, including to federal, state, local, Tribal, or territorial agencies as appropriate.

To enhance its overall capacity to detect and identify human trafficking, DOJ will take specific actions to develop and disseminate a victim screening protocol to identify potential

human trafficking victims during law enforcement operations; develop and deliver relevant training for law enforcement officials and other stakeholders to detect human trafficking and identify victims; conduct outreach to survivors, service providers, and grantees to increase identification of victims; and publish research findings on identifying human trafficking victims.

A. Develop and Disseminate a DOJ Human Trafficking Victim Screening Protocol to Identify Potential Human Trafficking Victims During Law Enforcement Operations

Recently enacted laws direct DOJ¹⁹ and DHS²⁰ to issue a victim screening protocol for use in all anti-trafficking law enforcement operations in which the agencies are involved. The *National Action Plan* references these requirements in additionally providing that federal agencies will update screening forms and protocols within a year.²¹

¹⁹ See Pub. Law No. 115-393, Section 502.

²⁰ See Pub. Law No. 115-392, Section 5.

²¹ *National Action Plan* Priority Action 2.1.1 provides: “The SPOG will convene an interagency working group to develop best practices in implementing screening forms and protocols as relevant for all federal officials who have the potential to encounter a human trafficking victim in the course of their regular duties that do not otherwise pertain to human trafficking. Within a year, and subject to the availability of appropriations, each federal agency will have updated all forms and protocols unless these forms and protocols were recently updated or already meet the agency’s needs, or the funding or validation required to complete this action would unduly impact the agency’s operations” (footnote omitted).

Action Item I.1. Develop DOJ Human Trafficking Victim Screening Protocol.

Within one year of the release of this Strategy, the Federal Bureau of Investigation (FBI), in collaboration with DHS, the Civil Rights Division's (CRT) Human Trafficking Prosecution Unit (HTPU), the Criminal Division's (CRM) Child Exploitation and Obscenity Section (CEOS) and Money Laundering and Asset Recovery Section (MLARS), the Executive Office for United States Attorneys (EOUSA), including the National Indian Country Training Initiative (NICTI),²² and in consultation with the Office of Justice Programs (OJP), the Office of Tribal Justice (OTJ), and the SPOG's Ad Hoc Working Group on Screening Forms and Protocols, will develop a DOJ Human Trafficking Victim Screening Protocol for use during all anti-trafficking law enforcement operations in which DOJ is involved. The Protocol will describe operational steps to support victim identification that is victim-centered, trauma-informed, and culturally-responsive. It will promote the use of special care by law enforcement officers when encountering minors who are potential victims. Survivor experts will be consulted during preparation of the Protocol.

Action Item I.2. Adopt DOJ Human Trafficking Victim Screening Protocol. Within

a year of finalization of the DOJ Human Trafficking Victim Screening Protocol, DOJ investigative components—including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Drug Enforcement Administration (DEA); the FBI; the Federal Bureau of Prisons (BOP); and the U.S. Marshals Service (USMS)—will adopt the DOJ Human Trafficking Victim Screening Protocol for use in their investigations, making any needed adaptations and consulting with headquarters components, including HTPU, CEOS, EOUSA, and OTJ, as needed. Litigating components—including United States Attorneys' Offices (USAOs), HTPU, CEOS, and MLARS—will also adopt the Protocol. Each component will use its protocol, and any accompanying forms, checklists, or other tools, during investigations in which there is significant potential to encounter a human trafficking victim.

Action Item I.3. Update Component Training and Policies to Incorporate DOJ Human Trafficking Victim Screening Protocol. Within a year of adopting the DOJ Human Trafficking Victim Screening Protocol, each DOJ component will update its training and other policies, as applicable, in order to implement it.

²² EOUSA created the National Indian Country Training Initiative (NICTI) to ensure that Department prosecutors, as well as Tribal, state, local, and territorial criminal justice personnel, receive the training and support needed to address particular challenges relevant to Indian Country investigations and prosecutions. The NICTI hosts a dozen or more residential courses at the National Advocacy Center each year, prepares and delivers distance education products, and authors and disseminates written educational materials. In addition, the NICTI Coordinator teaches at dozens of other training events every year.

Action Item I.4. Issue Memorandum and Guidance on Screening to Criminal Chiefs in USAOs. Within 120 days of the development of the DOJ Human Trafficking Victim Screening Protocol described above, EOUSA will send a memorandum to all USAO Criminal Chiefs describing the Protocol and reinforcing the importance of screening dockets for potential human trafficking charges and related offenses. This memorandum will identify DOJ subject-matter experts, describe relevant human trafficking resources, and encourage district-wide training for federal law enforcement personnel, as described in section B below. The memorandum will encourage Criminal Chiefs to prioritize certain USAO personnel to receive training on human trafficking screening, including personnel who work on DOJ’s Opioids, Project Safe Neighborhoods, Project Safe Childhood, Violence Against Women Act, National Public Safety Partnership, Indian Country – Tribal Liaisons, and other relevant initiatives. The memorandum will encourage Criminal Chiefs to engage with their local human trafficking task forces, including DOJ grant-funded task forces, in support of their Assistant United States Attorneys (AUSAs) designated as district-level Human Trafficking Coordinators, as required under

the JVTA.²³ The memorandum will suggest that Criminal Chiefs further facilitate collaboration among federal, state, local, Tribal, and territorial law enforcement partners on identification of potential victims and subsequent investigations.

Action Item I.5. Provide Guidance on EOUSA Memorandum in Criminal Chiefs Working Group Briefings. EOUSA will routinely confer with the Attorney General’s Advisory Committee’s (AGAC)²⁴ Criminal Chiefs Working Group to determine whether USAOs require additional guidance or resources to implement the DOJ Human Trafficking Victim Screening Protocol (see Action Item I.4). Further, within 180 days of issuing this Strategy, EOUSA will provide information on human trafficking to the Working Group through a presentation on human trafficking threats and trends that then should be updated and presented annually thereafter.

Action Item I.6. Issue Follow-Up Memorandum for All U.S. Attorneys. Within 150 days of the release of the Human Trafficking Victim Screening Protocol, EOUSA will send a memorandum to all United States Attorneys and First AUSAs to reinforce DOJ’s anti-trafficking mission,

²³ See 34 U.S.C. §20711(c).

²⁴ The AGAC established under 28 CFR § 0.10 consists of an appropriate number of U.S. Attorneys, designated by the Attorney General, who are intended to be representative of the judicial districts. The serving U.S. Attorneys assist in developing Department policies. During the last Administration, the AGAC created a Child Exploitation and Human Trafficking Working Group to address challenges in prosecuting human trafficking cases. EOUSA provides a liaison to assist the Working Group and provide expertise in the subject matter, as needed.

encourage continued implementation of the Protocol, and encourage collaboration and information exchange among AUSAs prosecuting a wide range of crimes. This memorandum will also identify human trafficking resources and relevant DOJ subject-matter experts, and encourage district-wide training for USAO personnel, and other federal law enforcement personnel when feasible, on identifying and referring potential human trafficking victims and matters, using relevant training modules developed under this Strategy, including for new AUSAs, drug trafficking prosecutors, immigration prosecutors, and money-laundering prosecutors.

Action Item I.7. Provide FBI Guidance to Field-Based Human Trafficking Program Coordinators. Within 90 days of the development of the DOJ Human Trafficking Victim Screening Protocol referenced above, the FBI will provide guidance to field-based human trafficking program coordinators (PCORs), and within 180 days to non-trafficking PCORs addressing criminal violations that may intersect with human trafficking. This guidance will help PCORs identify victims of human trafficking and investigate and make referrals, as appropriate and consistent with the Protocol.

B. Develop and Deliver Training for Law Enforcement Officials and Other Stakeholders to Detect Human Trafficking and Identify Human Trafficking Victims

Developing and delivering training for law enforcement officials at the federal, state, local, Tribal, and territorial levels to identify human trafficking is critical to detecting and disrupting human trafficking networks nationwide. Professionals serving high-risk populations such as runaway and homeless youth and victims of violence against women, as well as personnel in state, local, Tribal, and territorial juvenile justice systems and in adult and child welfare systems, should also receive training to identify human trafficking given significant intersections among child maltreatment, juvenile justice, and human trafficking.²⁵

Action Item I.8. Develop and Release Training for AUSAs. Within two years of the release of this Strategy, EOUSA's Office of Legal Education (OLE),²⁶ in collaboration with HTPU, will release a webinar module, available on demand to USAO personnel, including all AUSAs, incorporating training

²⁵ *National Action Plan* Priority Action 2.1.3 prescribes regular training of federal law enforcement and service provider agencies on identifying human trafficking.

²⁶ EOUSA's Office of Legal Education (OLE) provides training to all DOJ attorney and non-attorney legal personnel.

on identifying human trafficking victims and crimes, and the appropriate referral protocols. This module will be available for relevant trainings discussed below in Action Items I.9 and I.10.

Action Item I.9. Develop Human Trafficking Modules for Incorporation into Drug Trafficking Training. Within two years of the release of this Strategy, the FBI and OLE, in collaboration with DEA, HTPU, and CRM’s CEOS, MLARS, Organized Crime and Gang Section (OCGS), Narcotic and Dangerous Drug Section (NDDS), and Fraud Section, will develop human trafficking training modules for drug trafficking investigators and prosecutors, respectively, for incorporation into existing trainings. These training modules will include information on identifying and responding appropriately to potential cases of human trafficking.

In particular, the training will be developed for drug trafficking investigators in DEA and the FBI and prosecutors with NDDS and OCGS, and will also be made available to BOP, USAOs, and the Department of the Interior’s Bureau of Indian Affairs. These modules will train personnel to identify victims who may have been coerced to engage in criminal conduct, commercial sex acts, or labor or services by manipulating their substance use disorder or by other means of coercion.

The FBI will record its training module and make it available online to federal investigators. The OLE training will be also recorded and made available online to federal investigators and prosecutors. The FBI and

OLE, respectively, will adopt policies to initiate revision and promote dissemination of these training modules at least every two years to maintain relevance.

Action Item I.10. Develop Human Trafficking Module for Incorporation into Immigration Training. Within two years of issuing this Strategy, OLE, in collaboration with HTPU, CEOS, MLARS, OCGS, and NDDS, will develop a human trafficking training module for immigration investigators and prosecutors for incorporation into existing trainings. The module will include information on identifying and responding appropriately to potential cases of human trafficking. The OLE training will be recorded and made available online to federal investigators and prosecutors. OLE will adopt a policy to initiate revision and promote dissemination of this training module at least every two years to maintain relevance.

HTPU will collaborate to develop training for judges and trial attorneys at the Executive Office for Immigration Review (EOIR). The training will focus on identifying foreign national victims of labor trafficking and sex trafficking.

Action Item I.11. Develop Training to Combat Human Trafficking in Indian Country. Within 180 days of the release of this Strategy, EOUSA, including the NICTI, will reaffirm its commitment to ensuring that Department personnel, as well as Tribal, state, local, and territorial criminal justice personnel, receive the training and support needed to effectively combat human trafficking and address challenges specific to

Indian Country. The NICTI will customize a training module on identifying potential human trafficking victims and matters and appropriate referrals, drawing on existing resources,²⁷ such as protocols, screening forms, and checklists. The module will emphasize a multi-jurisdictional response and will serve to cross-train federal, state, local, Tribal, and territorial participants. The module will also foster relationships to support information sharing and strengthened partnerships.

Action Item I.12. Facilitate Access to OJP Training and Technical Assistance for USAOs and Their Partners. On an ongoing basis, OJP’s Office for Victims of Crime (OVC) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) will share information in a timely manner with HTPU, CEOS, EOUSA, including the NICTI, and the FBI on federally-funded training and technical assistance (TTA) resources that could be useful for staff and partners of the FBI and USAOs. Such existing federal resources are targeted at a broad range of stakeholders, including law enforcement agencies, social service providers, and other community members that may be positioned to identify human trafficking indicators. EOUSA will share detailed information with USAOs on available resources and how to access further information on specific topics.

Action Item I.13. Deliver Training to Judicial Officers to Identify Victims. From

fiscal year (FY) 2022 through FY 2024, OJP will offer TTA to help judicial officers in juvenile and family courts identify trafficked and at-risk children, better understand applicable laws and legal considerations, and connect these youth to appropriate services.

Action Item I.14. Deliver Training to Identify Victims Who Can Be Served by Domestic Violence, Dating Violence, Sexual Assault, and Stalking Against Youth Grant Recipients. In FY 2022, the Department’s Office on Violence Against Women (OVW) will release the FY 2022 Grants to Prevent and Respond to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Against Children and Youth Program and FY 2022 Grants to Engage Men and Boys As Allies in the Prevention of Violence Against Women and Girls. These solicitations will include funding that can be used to support training for law enforcement officers, school officials, and youth-serving organizations and programs to recognize and respond to youth victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking.

Action Item I.15. Train-the-Trainer Program for Schools. In FY 2022, OJP will train law enforcement officials to deliver a human trafficking identification and prevention program for high school students in two pilot schools. OJP funded a national partner to design the program in FY 2020. The program will then be delivered in at least five additional schools in FY 2022 and FY

²⁷ For example, the Office for Victims of Crime and its grantees have developed relevant resources available at <https://ovc.ojp.gov/program/human-trafficking/training-and-technical-assistance-resources>.

2023. The selected schools are working in collaboration with OVC-funded Enhanced Collaborative Model Task Forces partners.²⁸

C. Conduct Outreach to Survivors, Service Providers, and Grantees to Increase Identification of Human Trafficking Victims

DOJ components will develop resources and provide TTA to strengthen screening processes to help grantees better identify victims of human trafficking. This support will be tailored to meet the needs of different kinds of grantee organizations, with the goals of increasing victim identification, identifying perpetrators, reporting trafficking to law enforcement as appropriate, and connecting potential victims to appropriate resources.

DOJ's TTA and site-based grantees can provide important training on identifying human trafficking victims to various audiences, including community-based organizations, youth-serving community programs, medical providers, LGBTQI+ programs, child welfare and foster care programs, and housing programs and shelters, among others. OJP and other grantmaking components, including OVW and the Office of Community Oriented Policing Services (COPS Office), will coordinate to ensure consistent information and greater marketing and dissemination of these resources, including strategies to engage community stakeholders, for the field to better identify victims across these

multiple sectors and systems, with tailoring to these varied professional roles.

Action Item I.16. Engage in Consultations with Survivors. At least annually, the NHTC, HTPU, CEOS, the FBI, OVC, and other components will meet with the U.S. Advisory Council on Human Trafficking.²⁹ During the Council's regular annual meetings with DOJ, DOJ representatives will provide updates on concrete actions taken under this Strategy to strengthen detection and identification efforts and solicit the Council's input and recommendations on Strategy implementation efforts. OVC will continue to include subject-matter experts with relevant experiences, including those from marginalized communities and underserved populations, in listening sessions and other efforts to receive feedback from the anti-trafficking field.

Action Item I.17. Provide Online Training for Service Providers. OVC will continue to promote Understanding Human Trafficking, a four-hour, self-paced online training for service providers and others on identifying and responding appropriately to human trafficking.

Action Item I.18. Update Index of DOJ-Funded Technical Assistance Providers. To improve access to technical assistance, OVC will collaborate annually with other DOJ grantmaking components to solicit updates to the consolidated list of DOJ-funded human trafficking TTA assistance providers on its website.

²⁸ See III.B of the Strategy for information on the Enhanced Collaborative Model Task Forces.

²⁹ Information on the U.S. Advisory Council is available at <https://www.state.gov/u-s-advisory-council-on-human-trafficking>.

Action Item I.19. Facilitate Coordination among Federally-Funded TTA Providers.

In FY 2022, OVC will convene an annual working group of its various human trafficking TTA providers to facilitate information sharing and enhance coordination among these providers and, for the same purpose, will coordinate with other federal partners to collaboratively host a biennial federal human trafficking TTA working group in FY 2022 with federally-funded providers.

Action Item I.20. Develop Domestic Violence and Sexual Violence Webinars.

In FY 2022, OVW will fund a new National Law Enforcement Training and Technical Assistance Consortium. In FY 2022, during the planning and development phase of the project, OVW will work to ensure that the Consortium addresses the intersection of human trafficking with domestic violence, dating violence, sexual assault, and stalking, with a focus on Tribal grantees and potential

grantees. OVW's comprehensive technical assistance project on prosecution will also incorporate training on this topic.

D. Publish Research Findings on Identifying Human Trafficking Victims

Action Item I.21. Publish Research on Identifying Human Trafficking Victims.

In FY 2023, OJP's National Institute of Justice (NIJ) plans to publish research findings on identifying victims of trafficking among children and youth involved in the juvenile justice, homeless, runaway, and child welfare systems. This study will analyze the lifetime trajectories of juvenile justice and child-welfare-system-involved youth who may be trafficking victims to improve understanding of the relationships among trafficking victimization, youth characteristics, and experiences in the juvenile justice and child welfare systems.

Chapter II

Protection: Expand Capacity to Stabilize and Provide Services to Survivors

This chapter prescribes DOJ efforts to protect victims and connect them to appropriate services. DOJ's protection efforts will be informed by the experiences of trafficking survivors. Effective protection is closely tied to our victim-centered, trauma-informed, and culturally-responsive approaches. Victims should have access to appropriate financial remedies, including restitution. They should also have access to comprehensive services and legal protections, including protection from inappropriate arrest, detention, prosecution, or removal. DOJ personnel should be aware of their responsibilities to victims of human trafficking, including the right of victims to be treated with fairness and dignity at each stage of the investigation and prosecution. Protecting victims is required under the TVPA, the Crime Victims' Rights Act (CVRA), the Victims' Rights and Restitution Act (VRRRA), and the *Attorney General Guidelines for Victim and Witness Assistance* (Attorney General Guidelines).³⁰ These actions are vital to DOJ's mission of protecting and vindicating the rights of vulnerable individuals. These actions are also critical to the ability of law enforcement officials to bring traffickers to justice, provide victim access to the justice system, and redress the crime's harm through restitution, vacatur, and other remedies available to

survivors. Proving the elements of human trafficking crimes often depends on victim testimony, which requires that victims are able to safely come forward and confide in law enforcement agencies.

To enhance its overall capacity to protect human trafficking survivors, DOJ will take specific actions to increase capacity to provide victim-centered assistance to trafficking survivors, deliver training and conduct outreach to support financial restoration of victims, enhance victim access to comprehensive services, and protect victims from inappropriate arrest, detention, prosecution, or removal.

A. Increase DOJ Capacity to Provide Victim-Centered Assistance to Trafficking Survivors

Action Item II.1. Solicit Survivor Input to Inform DOJ Human Trafficking Victim Assistance Efforts. At least annually, the Department will meet with the U.S. Advisory Council on Human Trafficking. During the Council's regular annual meetings with DOJ, DOJ staff will provide updates on concrete actions taken under this Strategy to strengthen protection efforts and solicit their input and recommendations. OVC will

³⁰ See *Attorney General Guidelines for Victim and Witness Assistance* (May 2012), https://www.justice.gov/sites/default/files/olp/docs/ag_guidelines2012.pdf.

continue to include subject-matter experts with experiences, including those from marginalized communities and underserved populations, in listening sessions or other efforts to receive feedback from the anti-trafficking field.

Action Item II.2. Convene a Working Group to Enhance Collaboration on Victim-Witness Assistance. Within 90 days of the release of this Strategy, HTPU will convene a working group of victim-witness program managers and subject-matter experts from each Department component to meet quarterly to strengthen cohesiveness and consistency of approach in assisting victims of human trafficking at each stage of the criminal justice process. The working group will have the shared goal of encouraging and enhancing collaboration among DOJ components that assist victims of human trafficking. The working group will identify gaps in services, identify emerging and untapped resources for trafficking victims interacting with the federal criminal justice system, and work to close gaps through other actions or recommendations. Finally, the working group will support dissemination of training and resources on the principles of trauma-informed care, services available to victims of human trafficking, and other best practices identified by the working group. Each Department component will circulate such training and resources to its victim-witness personnel.

Action Item II.3. Provide CVRA and VRRRA Training and Guidance for Prosecutors and Other Personnel. DOJ is committed to ensuring the rights enumerated in the CVRA and VRRRA for victims of human trafficking. EOUSA, CRT, CRM, the FBI, and other DOJ components will provide training consistent with the CVRA and VRRRA guidance set forth in the Attorney General Guidelines to the field, including updates to that guidance. The training will ensure that relevant DOJ personnel are aware of their responsibilities to victims of human trafficking, including treating them with fairness and dignity throughout the investigation and prosecution. As part of this training, federal prosecutors will receive information about OJP resources available to human trafficking victims, including from OVC and OJJDP, and about the Office of the Crime Victims' Rights Ombudsman.

Action Item II.4. Prepare Best Practices Guidance for Field Offices and Task Forces. In FY 2022, relevant DOJ components—including CRT, CRM, EOUSA, OJP, the FBI Victim Services Division, USMS field offices, and BOP, in consultation with OTJ—will prepare guidance for USAOs, FBI field offices, and DOJ-funded task forces outlining best practices for victim-centered, trauma-informed, culturally-responsive law enforcement operations, including charging options that do not require significant victim cooperation; the use of appropriate shelter

rather than jail or detention; and screening potential victims for human trafficking before arrest or detention during other operations.³¹

Action Item II.5. Update FBI Field Guidance on Victim Assistance. Within 180 days of the release of this Strategy, the FBI Victim Services Division, in coordination with the FBI Crimes Against Children and Human Trafficking Unit, will review and update current field guidance as it is related to the provision of victim assistance to human trafficking victims.

Action Item II.6. Conduct Training for BOP Personnel. In support of the *National Action Plan*,³² within two years of the release of this Strategy, BOP will add training for institution staff who may interact with inmate victims of human trafficking on applying a victim-centered, trauma-informed, and culturally-responsive approach.

B. Deliver Training and Conduct Outreach to Support Financial Restoration of Human Trafficking Victims

Financial remedies are a critical component of justice for victims of human trafficking. Many victims have been exploited for labor or commercial sex, often for months or

years, with most or all earnings diverted to the trafficker, leaving the victim with little or nothing. Victims rebuilding their lives often require medical, dental, and mental health care, housing, access to employment, job training or education, access to the banking system, and resources to care for children and family members, among other needs. DOJ should provide training and conduct outreach to facilitate the financial restoration of human trafficking victims. This section discusses important means of financial restoration, including restitution and forfeiture and imposition of a Special Assessment (a special form of financial penalty) on convicted defendants.

Federal law mandates that human trafficking victims receive restitution³³ and that courts order the forfeiture of assets³⁴ in human trafficking cases. Victim restitution is prioritized in the distribution of forfeited assets.³⁵ Identifying and, if possible, freezing traffickers' assets as soon as possible during an investigation maximizes the likelihood of recovering assets and making funds available later for victim restitution or other compensation. Accordingly, agents and prosecutors should not wait until indictment, plea negotiations, trial, or even sentencing phases to consider potential restitution and forfeiture for victims. Rather, restitution and forfeiture should be considered at the

³¹ This action item supports implementation of *National Action Plan* Priority Action 2.2.1.

³² *National Action Plan* Priority Action 2.1.3 provides: "BOP will add training on a trauma-informed approach."

³³ 18 U.S.C. § 1593 mandates restitution in sex trafficking and forced labor cases. Federal law also mandates restitution when traffickers are charged with violations of 18 U.S.C. §§ 2421 et seq. (interstate travel for purposes of engaging in commercial sex) pursuant to 18 U.S.C. § 2429.

³⁴ 18 U.S.C. § 1594 mandates forfeiture in sex trafficking and forced labor cases. 18 U.S.C. § 2428 provides for mandatory forfeiture when traffickers are charged with violations of 18 U.S.C. §§ 2421 et seq.

³⁵ 18 U.S.C. § 1594 mandates that forfeited assets be used to satisfy restitution orders in sex trafficking and forced labor cases.

See also *The Attorney General's Guidelines on the Asset Forfeiture Program* (July 2018), at § V.D. ("Whenever possible, prosecutors should use asset forfeiture to recover assets to return to victims of crime, as permitted by law"), <https://www.justice.gov/criminal-mlars/file/1123146/download>; *Asset Forfeiture Policy Manual* (2021), at Ch. 14, § II.E (identifying special considerations for victims of human trafficking crimes), <https://www.justice.gov/criminal-afmls/file/839521/download>.

earliest stages of an investigation, including by conducting financial investigations to identify the trafficker’s assets.³⁶ These principles are also supported by *National Action Plan* Priority Action 2.5.1, which calls for creating comprehensive training on restitution and other victim compensation.

Under the JVTA,³⁷ federal district courts are mandated to impose a \$5,000 Special Assessment on all “non-indigent” persons who are convicted of human trafficking, sex offenses against children, or alien smuggling offenses. Money collected from convicted offenders is placed into a Domestic Trafficking Victims’ Fund for grants issued to programs that assist victims of those crimes.³⁸

Action Item II.7. Provide Training to Federal Agents and Prosecutors on Restitution and Forfeiture. On an ongoing basis, in coordination with federal investigative agencies, MLARS and EOUSA will continue to train federal agents and prosecutors on financial aspects of investigations and prosecutions, including of human trafficking cases; the importance of considering restitution early in a case; how to calculate restitution in sex trafficking and forced labor cases; and the transfer of forfeited

funds to victims. MLARS and EOUSA also will continue to provide training through financial investigation seminars to Asset Forfeiture Coordinators (AFCs), Financial Litigation Coordinators (FLCs), and victim-witness coordinators in USAOs. MLARS’ and EOUSA’s trainings will stress the need for consistent communication among district-level personnel. The FBI’s training for human trafficking agents will emphasize the importance of financial investigations as a key part of the investigation from the earliest stages, and the need to involve FBI personnel specializing in forfeiture matters.

Action Item II.8. Conduct Outreach to the Judiciary on Restitution. To ensure that courts are well-informed about mandatory restitution for human trafficking victims under federal law, MLARS and EOUSA will offer to conduct training for probation officers at the United States Probation and Pretrial Services National Training Academy.³⁹ Because federal judges in some human trafficking cases do not award restitution, even though it is mandated under the TVPA, this training will focus on the mandatory nature of restitution in human trafficking cases regardless of traffickers’ assets or whether the victim engaged in illegal activity as a result of being trafficked,

³⁶ See Attorney General Guidelines, at § V.H (“Restitution should be considered early in the investigation and throughout the prosecution”); see also Justice Manual 9-143.205 (requiring each USAO to have policies and procedures in place to ensure that early, effective, and coordinated asset investigations and recovery are a routine part of every case involving victims), <https://www.justice.gov/jm/jm/9-143000-collection-criminal-monetary-impositions>.

³⁷ 18 U.S.C. § 3014.

³⁸ In an effort to continue to support the Domestic Trafficking Victims’ Fund and assist victims of human trafficking, on March 19, 2020, the Attorney General directed all DOJ attorneys handling cases in which a special assessment is appropriate to use their best efforts to collect the assessment imposed under 18 U.S.C. § 3014.

³⁹ This action item supports implementation of *National Action Plan* Priority Action 2.5.1.

how the calculation of restitution in human trafficking cases is unique, and the critical role of financial investigations in the identification of proceeds and assets for seizure and forfeiture.

Action Item II.9. Provide Training on JVTA Special Assessments. Within 180 days of the release of this Strategy, EOUSA will develop best practices for identifying and providing courts with sufficient facts to allow judges to determine a defendant’s ability to pay the JVTA Special Assessment in human trafficking cases. EOUSA will continue to provide training to highlight the importance of requesting and collecting the Special Assessment for deposit into the Domestic Trafficking Victims’ Fund as well as the remedies available to enforce such court orders.

C. Enhance Victim Access to Comprehensive Services

DOJ is committed to enhancing the quality of and access to services for survivors of human trafficking, developing capacity of non-governmental organizations (NGOs) to respond to the specific needs of diverse victims, and supporting law enforcement agencies to build important relationships with service providers and to make appropriate referrals to services for crime victims, including through participation in multi-disciplinary task forces.

DOJ will also publish research findings to help enhance victim access to comprehensive services.

Action Item II.10. Provide Technical Assistance to Build Capacity. Through its cadre of TTA providers, OVC will continue to provide practitioner-driven, evidence-based TTA that is responsive to the particular needs of victim service providers and system stakeholders, their communities, and the victims they serve. These providers strengthen the victim assistance responses to human trafficking, support multi-disciplinary task forces and cross-sector collaboration, and build stakeholder capacity and leadership in identifying human trafficking victims and connecting them to services.

Action Item II.11. Publish Research Findings. By FY 2023, NIJ expects to publish research findings from three NIJ-funded research projects that will include results from assessments of various service delivery models to connect trafficked persons, including victims of both labor trafficking and sex trafficking, with a full range of victim services. The first research project is using a robust sampling mechanism to capture the experiences of a large sample of minor sex trafficking survivors in the United States to enhance our understanding of the short- and long-term health consequences of sex trafficking. The second research project will produce an evaluability assessment and formative evaluation of a large victim service provider’s anti-trafficking services. The third research project will produce an evaluability assessment and formative evaluation of the survivor care programs developed by a victim service provider for domestic minor sex trafficking victims.⁴⁰

⁴⁰ For additional information on these NIJ projects, please see <https://nij.ojp.gov/funding/awards/2020-vt-bx-0111>, <https://nij.ojp.gov/funding/awards/2019-vt-bx-0039>, and <https://nij.ojp.gov/funding/awards/2020-v3-gx-0076>.

Action Item II.12. Validate Instrument for Outcome Measurement. By FY 2024, NIJ expects to complete a study to validate an instrument, developed under a previous grant,⁴¹ for measuring outcomes in services to domestic victims of human trafficking. Once this instrument has been validated, NIJ will partner with OVC to conduct a webinar for victim service providers on using the instrument to assess the outcomes for their clients.

D. Protect Human Trafficking Victims from Inappropriate Arrest, Detention, Prosecution, or Removal

Protecting victims of human trafficking from inappropriate arrest, detention, and prosecution, and providing foreign national victims with immigration options to avoid removal, are central tenets of the TVPA.⁴² Victims of human trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.⁴³ For this reason, the interests of justice must be weighed carefully before pursuing prosecutions of victims for criminal conduct, including consideration of whether the victim had the requisite *mens rea*. When weighing the interests of justice, prosecutors

should consider the trauma endured by the victim, the role and relative responsibility of other perpetrators, and the impact of the victim's conduct on other victims. Arrest or prosecution should not be used as a strategy to secure an identified victim's testimony against the trafficker, because that approach would likely further harm victims who have already been victimized by a very serious crime. Investigators and prosecutors should seek to rebuild victims' trust in order to secure their effective cooperation in investigating and prosecuting traffickers.

The TVPA created temporary immigration options and benefits to allow foreign national human trafficking victims to remain in the United States. These protections are important to the recovery of victims who have already suffered serious abuse and trauma, and are also important in encouraging victims to report crime without fear of adverse immigration consequences, thereby enabling their effective assistance to law enforcement. In almost all cases, detention or removal of human trafficking victims for violations such as illegal entry or visa overstays is inappropriate—especially when such violations were facilitated by human traffickers and their networks.⁴⁴

Despite the availability of human trafficking immigration protections such as Continued

⁴¹ Products resulting from the completed project are available at https://www.rti.org/sites/default/files/ohts_user_guide_version_1.pdf and https://www.rti.org/sites/default/files/ohts_development_brief_version_1.pdf.

⁴² See *National Action Plan* Priority Action 2.2.2.

⁴³ See 22 U.S.C. § 7101(b)(19).

⁴⁴ See *National Action Plan* Priority Action 2.2.4, which “encourage[s] state, local, territorial, and tribal governments to protect victims from inappropriate punishment for conduct committed as a direct result of being trafficked.”

Presence under the TVPA,⁴⁵ law enforcement officials have made an average of fewer than 200 requests annually for Continued Presence for foreign national human trafficking victims since 2000.⁴⁶ Continued Presence would allow human trafficking victims who may be helpful in an investigation or prosecution to remain in the United States with work authorization while their cases are pending. Similarly, an average of only 618 human trafficking victims annually have received T nonimmigrant status,⁴⁷ also known as a T visa, since 2008, although the program has an annual cap of 5,000 visas.⁴⁸ DOJ officials can support the T visa and U visa petitions of qualified victims by providing an official law enforcement agency declaration, and support other forms of relief for which victims may be eligible.

DOJ will also solicit research related to preventing inappropriate arrest and prosecution of human trafficking victims.

Action Item II.13. Form Working Group on Avoiding Immigration Detention and Removal of Human Trafficking Victims. Within 180 days of the release of this Strategy, the NHTC will form a working group with EOIR, CRT, the FBI, and EOUSA to focus on avoiding, when possible, immigration detention and removal of human trafficking victims, including through appropriate handling of victims in removal proceedings

and through strengthening use of Continued Presence and T visa law enforcement agency declarations. The working group will identify and propose enhancements to relevant trainings for DOJ employees, including FBI personnel, AUSAs, immigration judges, EOIR personnel and Immigration Judges, and attorneys from the Civil Division's Office of Immigration Litigation.

Action Item II.14. Revise Training and Policies to Avoid Inappropriate Punishment of Victims for Criminal Activity Resulting from Trafficking. Within 180 days of the release of this Strategy, DOJ training and policies will be revised as necessary within respective components to clarify that a human trafficking victim should not be inappropriately penalized for having engaged in unlawful activity as a direct result of being a victim of human trafficking. Such unlawful activity includes, but is not limited to, entering the country without documentation, or working without documentation or with false documents.

Action Item II.15. Develop Technical Assistance on Avoiding Inappropriate Arrest and Prosecution of Human Trafficking Victims for State, Local, Tribal, and Territorial Stakeholders. Where possible, through existing TTA programs, OVC and the COPS Office will engage with law enforcement agencies, prosecutorial agencies, court

⁴⁵ See 22 U.S.C. § 7105(c)(3). For more information on Continued Presence, see <https://www.ice.gov/doclib/human-trafficking/pdf/continued-presence.pdf>.

⁴⁶ See *National Action Plan*, at 33.

⁴⁷ The annual average is derived from U.S. Citizenship and Immigration Services annual T visa statistics from 2008 through 2021. See https://www.uscis.gov/sites/default/files/document/data/I914t_visastatistics_fy2021_qtr4.pdf.

⁴⁸ See *National Action Plan* Priority Actions 2.2.2 and 2.3.2.

stakeholders, and victim advocates at all levels to develop technical assistance resources on avoiding inappropriate arrest and prosecution of human trafficking victims. Within a year, OVC and the COPS Office will begin to release and widely disseminate these resources to law enforcement partners throughout the United States.

Action Item II.16. Solicit Research Related to Preventing Inappropriate Arrest and Prosecution of Victims. In FY 2022,

NIJ will continue to solicit research studies related to preventing inappropriate arrest and prosecution of victims. Lack of knowledge that someone is a victim is one issue contributing to the arrest and prosecution of victims. Research studies currently underway on this topic focus on identification and early intervention for victims of trafficking, examining the law enforcement response to sex trafficking of minors, and assessments of innovative legal approaches to address the needs of trafficking victims.

Chapter III

Prosecution: Enhance Capacity to Investigate and Prosecute Trafficking

This chapter outlines measures to enhance DOJ's efforts to investigate and prosecute trafficking cases. The Department's success in bringing traffickers to justice requires dissemination of training, guidance, and expertise to federal investigators and prosecutors and state, local, Tribal, and territorial law enforcement partners to improve the efficiency and effectiveness of their efforts in combating human trafficking, and encourage more collaborative efforts in investigating and prosecuting this complex crime. Human trafficking conduct often involves multiple related criminal violations, and there are severe barriers to earning trust from victims and getting them to testify reliably. As a result of this complexity, successful human trafficking investigations and prosecutions require training, guidance, and various forms of expert assistance. They also demand working closely with experts from other enforcement areas and ongoing collaboration among investigators, prosecutors, and victim-witness specialists. Adoption of a victim-centered, trauma-informed, and culturally-sensitive approach is critical to DOJ's enforcement efforts and will be a key component of all such training and guidance.

After steadily increasing for well over a decade after enactment of the TVPA, the number of U.S. federal human trafficking cases has declined slightly in more recent years. The Department is committed to

reversing recent declines through a multi-faceted approach. Specifically, DOJ will take actions to increase engagement by U.S. Attorneys and USAOs in human trafficking efforts; strengthen federal anti-trafficking enforcement initiatives with proven track records; increase targeted labor trafficking investigations and prosecutions; develop initiatives to address child sex trafficking; establish federally-funded, sustainable state, Tribal, territorial, or locally-led human trafficking task forces; and expand dissemination of federal human trafficking training, guidance, and expertise.

A. Increase Engagement by U.S. Attorneys and U.S. Attorneys' Offices in Human Trafficking Efforts

Securing the active support and engagement of U.S. Attorneys, Criminal Chiefs, and other DOJ senior leadership officials is critical to increasing the impact of DOJ's human trafficking enforcement efforts, including through the AGAC. Partnership between prosecutors in DOJ headquarters litigating components, including HTPU and CEOS, and USAOs is also important to leveraging the subject-matter expertise of headquarters components and USAO personnel's trial experience and knowledge of local courts and communities to further DOJ's strategic objectives.

Action Item III.1. AGAC Engagement and Leadership. Within 180 days of the first convening of the AGAC, the NHTC, CRT, CEOS, MLARS, and EOUSA, through the Human Trafficking Committee established under Action Item V.1, will engage with relevant AGAC working groups and subcommittees covering child exploitation and human trafficking issues, to consider how the AGAC can further support prosecutions of human trafficking. Such support could include (1) encouraging all U.S. Attorneys to review and update their district’s human trafficking strategies in consultation with federal, state, local, Tribal, and territorial law enforcement agencies, local NGOs, and Department subject-matter experts and (2) regularly engaging the Criminal Chiefs Working Group to identify and address challenges to bringing forced labor cases and cases of sex trafficking by force, fraud, or coercion.

Action Item III.2. Assess Human Trafficking Performance. EOUSA will require all U.S. Attorneys to review their human trafficking prosecution data and statistics from the previous five fiscal years, and to complete a self-assessment of their district’s human trafficking strategies. Within 120 days of the release of this Strategy, EOUSA, HTPU, and CEOS will produce a toolkit to assist each USAO in completing this self-assessment. If factors impacting a USAO’s ability to bring human trafficking cases are identified, EOUSA, in consultation with HTPU and CEOS and with the support of other subject-matter experts, as necessary, will recommend strategies for enhancing the USAO’s efforts as appropriate.

Action Item III.3. Designate an HTPU Program Coordinator to Enhance Support for USAOs. Within 90 days of the release of this Strategy, HTPU will designate a Human Trafficking USAO Program Coordinator to proactively support HTPU’s dissemination of expertise and technical assistance to USAOs and strengthening of USAO engagement with DOJ’s human trafficking subject-matter experts. The HTPU USAO Program Coordinator will work in collaboration with EOUSA.

Action Item III.4. Engage with the Field. On an ongoing basis, the NHTC will work with relevant components on field engagement initiatives, such as quarterly calls with USAOs and regular webinars open to all AUSAs and FBI Field Offices.

B. Strengthen Federal Anti-Trafficking Enforcement Initiatives with Proven Impact

DOJ will enhance its efforts related to anti-trafficking initiatives that have proven effective in strengthening federal, state, local, Tribal, and territorial criminal investigations and prosecutions. These initiatives include the Anti-Trafficking Coordination Team Initiative, U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative, and Enhanced Collaborative Model to Combat Human Trafficking Task Forces.

Anti-Trafficking Coordination Team Initiative

The Anti-Trafficking Coordination Team (ACTeam) Initiative, an interagency enforcement collaboration between DOJ,

DHS, and the U.S. Department of Labor (DOL), convenes specialized teams of federal agents and federal prosecutors in competitively selected districts to develop high-impact human trafficking investigations and prosecutions in collaboration with national anti-trafficking subject-matter experts. The Attorney General, Secretary of Homeland Security, and Secretary of Labor launched the ACTeam Initiative in 2011. The Phase I pilot operated in six Districts from FY 2012 through FY 2013; Phase II operated in six newly-selected Districts from FY 2018 to FY 2019. During the pilot phase, ACTeam Districts more than doubled the number of cases filed and defendants prosecuted, and some Phase II ACTeam Districts also saw notable increases. Importantly, ACTeam Districts investigated and prosecuted a higher proportion of labor trafficking cases than non-ACTeam Districts, due in part to partnership with federal agencies with labor expertise.

The *National Action Plan* provides: “Interagency enforcement partners should consider the structures, resources, policies, and personnel necessary to continue the ACTeam Initiative.”

Action Item III.5. Begin Preparations for ACTeam Phase III. In support of the *National Action Plan*, in FY 2022, HTPU, the FBI, and EOUSA will develop a timeline and seek to secure necessary resources for launching the third phase of the ACTeam Initiative, including through their budget proposals to the Office of Management and Budget. These components will update

the application materials and the training and resource materials, including elevating forced labor enforcement, proactive detection, and early incorporation of financial investigations.⁴⁹ DOJ will coordinate, as appropriate, with other federal enforcement partners whose collaboration contributed to the impact of earlier phases of the ACTeam Initiative, including the U.S. Department of State’s (DOS) Diplomatic Security Service (DSS).

U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative

Under the leadership of HTPU and DHS’ Center for Countering Human Trafficking, the U.S.-Mexico Human Trafficking Enforcement Initiative leverages multiple federal agencies’ expertise to establish direct operational coordination between U.S. and Mexican law enforcement counterparts. The initiative facilitates expedited sharing of leads, evidence, information, and expertise on dismantling human trafficking networks that operate on both sides of the border. The initiative uses advanced analytics to conduct intelligence-driven targeting and incorporates financial investigations and prosecutions. The initiative also incorporates case-mentoring exchanges with Mexican law enforcement counterparts in partnership with the Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) and other U.S. law enforcement based in Mexico.

The *National Action Plan* provides: “DOJ and DHS will consider ways to expand the

⁴⁹ *National Action Plan* Priority Action 3.1.1.

impact of the United States-Mexico Bilateral Human Trafficking Enforcement Initiative, including by leveraging DOJ, DHS, and partners' intelligence analysis assets to expedite simultaneous investigations and prosecutions in multiple United States and Mexican jurisdictions.”⁵⁰

Action Item III.6. Support the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative – Intelligence Operations. In support of the *National Action Plan*, within 90 days of the release of this Strategy, the FBI will designate an analyst to support ongoing intelligence-driven targeting and case-support analysis in connection with human trafficking enterprises operating across the U.S.-Mexico border. On an ongoing basis, HTPU, MLARS, and the FBI will seek to identify additional analysts with relevant expertise through collaboration with other DOJ and FBI components with responsibility for addressing related threats involving transnational organized crime, financial crimes, and human smuggling, as well as task forces, fusion centers, and interagency working groups, including JTFA. HTPU, MLARS, and the FBI will use the analyst assets they identify to coordinate with DHS to expedite ongoing intelligence-driven targeting and case-support analytics aimed at countering bilateral human trafficking threats.

Enhanced Collaborative Model to Combat Human Trafficking Task Forces

The Department's Enhanced Collaborative Model (ECM) to Combat Human Trafficking

Task Forces are multi-disciplinary human trafficking task forces bringing together professionals from a variety of disciplines to identify victims of all forms of human trafficking; engage in victim-centered investigations; prosecute or refer sex and labor trafficking cases to federal, state, local, Tribal, and territorial agencies for prosecution; and address the needs of trafficking victims through a comprehensive array of services. Each task force may receive two separate grant awards—one to a law enforcement entity and one to a service provider. In FY 2020 and FY 2021, OVC funded significant TTA awards. OVC anticipates making additional ECM task force awards for FY 2022.

The *National Action Plan* provides that “DOJ will continue to consider enhancements to the [ECM] program including increased collaboration between law enforcement, victim services, and community stakeholders. Any program modification will continue to be informed by survivor experts.”⁵¹ Action Items III.7 and III.8 implement this provision.

Action Item III.7. Improve Field-Generated Law Enforcement Human Trafficking TTA. In FY 2022, OVC will work with its new TTA providers to build organizational capacity and infrastructure in law enforcement agencies to increase human trafficking investigative expertise; increase identification of human trafficking victims with disabilities; strengthen victim-centered and trauma-informed prosecution strategies, including improved coordination between local prosecutors and state attorneys

⁵⁰ *National Action Plan* Priority Action 3.1.2.

⁵¹ *National Action Plan* Priority Action 3.1.3.

general and building cases that do not rely solely on victim testimony; and improve data collection and analysis specific to human trafficking cases.

Action Item III.8. Evaluate and Strengthen the Enhanced Collaborative Model Task Force Program. In FY 2022, NIJ intends to solicit proposals for a more rigorous evaluation of ECM task forces. (NIJ completed an initial evaluation of the ECM Task Force Program in FY 2021.) The results of the evaluations will inform the improvement of the task force model. OJP, EOUSA, CRT, and CRM will also consider recommending enhancements to the program in response to evaluation results, such as increased collaboration between task forces and USAOs, particularly in districts with few human trafficking prosecutions, and with specialized federal counterparts, such as DOS’ DSS and the U.S. Department of the Treasury (Treasury) components. Program modifications will continue to be informed by survivor experts.

Operation Independence Day

Proactive investigations involve in-depth advance planning and active collaboration among investigators, prosecutors, victim service providers, and other multi-disciplinary partners. Operational protocols should be victim-centered, trauma-informed, and culturally-sensitive. The FBI’s Operation Independence Day is an intelligence-driven law enforcement operation (known previously as Operation Cross Country)

carried out on a national basis in close coordination with state, local, Tribal, and territorial law enforcement partners to identify and arrest sex traffickers and recover child victims.

Action Item III.9. Develop Victim-Centered, Trauma-Informed, and Culturally-Sensitive Operational Protocols. The FBI will continue to develop Operation Independence Day with a focus on identifying and recovering victims of sex trafficking. While the operation is focused on the identification of child victims, the FBI will also work to identify and provide services to adult victims as appropriate. Within 270 days of the release of this Strategy, the FBI will develop victim-centered, trauma-informed, and culturally-sensitive operational protocols with partners that discourage the arrest of adults providing commercial sex acts for prostitution-related crimes, to minimize or eliminate such arrests by state and local partners during future iterations of Operation Independence Day.

Enforcement Referrals

While DOJ has developed numerous enforcement initiatives described above, some human trafficking cases cannot be federally prosecuted because there is insufficient evidence to prove the elements of a federal offense, or for other reasons. The *National Action Plan* provides that in such cases, “federal criminal investigative agencies should adopt a protocol to consistently refer appropriate case information to state, local, tribal, and territorial law enforcement

agencies for criminal investigation and prosecution.”⁵²

Action Item III.10. Adopt Protocol for Enforcement Referrals. Within one year of the release of this Strategy, the FBI, USAOs, CRT, and CRM will adopt a protocol to consistently refer appropriate case information in such situations to state, local, Tribal, and territorial law enforcement agencies for criminal investigation and prosecution. The protocol should require, when appropriate, referrals to other federal agencies, such as DOL, the U.S. Equal Employment Opportunity Commission, and Treasury, which may be able to pursue civil or other administrative means of accountability.

C. Increase Targeted Labor Trafficking Investigations and Prosecutions

As stated in the *National Action Plan*, the Department has consistently prosecuted a few dozen labor trafficking defendants per year in recent years, while service providers funded with federal grants have reported serving significantly more identified victims of labor trafficking.⁵³

Investigating and prosecuting labor trafficking cases can be very resource intensive, and many districts face challenges identifying sufficient investigative,

prosecutorial, and victim assistance resources to develop complex labor trafficking cases. Investigations of labor trafficking can use a range of investigative approaches, including leveraging existing data sources and criminal intelligence gathering and analysis to target potential subjects, e.g., assessing industry data on prior safety violations, wage and hour violations, or misuse of worker visa programs; conducting concurrent financial investigations; and conducting community-oriented awareness and outreach to vulnerable populations. Action Item III.11 implements Priority Action 3.4.1 of the *National Action Plan*, which calls for an “[i]ncrease [in] coordination and strategic engagement in investigating and prosecuting forced labor.”

Action Item III.11. Establish District-Level Labor Trafficking Teams. HTPU and the FBI, in coordination with other federal enforcement partners, will work to increase labor trafficking investigations and prosecutions in select districts that commit to designating at least one federal investigator and one federal prosecutor to coordinate efforts. The district selection process will be launched within 90 days of the release of this Strategy. The headquarters offices will provide guidance on intelligence-driven targeting and proactive methods of investigation, including designation by the FBI of a forced labor intelligence analyst, and will facilitate coordination with other DOJ components and interagency partners

⁵² *National Action Plan* Priority Action 3.1.5.

⁵³ See *National Action Plan* Priority Action 3.4.1 (citing the *Attorney General’s Annual Report on U.S. Government Activities to Combat Trafficking in Persons* for FY 2018 and preceding years, <https://www.justice.gov/humantrafficking/attorney-generals-trafficking-persons-report>).

that can offer specialized expertise in support of labor trafficking investigations and prosecutions, including DOL, DHS, Treasury, DOS, and others. The initiative will strengthen engagement with worksite enforcement agencies that may encounter labor trafficking and promote the use of victim-centered, trauma-informed, and culturally-responsive approaches by all federal enforcement partners. This Action Item draws on the ACTeam Initiative's lesson of strengthening coordination through strengthened partnerships between investigators and prosecutors.

D. Develop Initiatives to Address Child Sex Trafficking

The *National Action Plan* provides that DOJ “will consider bringing together investigative and prosecutorial stakeholders from the federal, state, local, tribal, and territorial levels and survivors and survivor organizations to describe the child sex trafficking threat landscape, developing strategies for strengthening investigations and prosecutions, and identifying subject-matter experts available to provide training and outreach.”⁵⁴ DOJ will implement this priority action by convening an operational experts group.

Action Item III.12. Convene Operational Experts Group to Address Child Sex Trafficking. Within 90 days of the release of this Strategy, the NHTC will convene

subject-matter experts from CEOS, EOUSA, USAOs, the FBI, USMS, and interagency, state, local, Tribal, and territorial enforcement partners to develop, implement, and support high-impact operational efforts addressing child sex trafficking. The experts group will seek input from an array of governmental and non-governmental sources, including survivor advocates.

E. Establish Federally-Funded, Sustainable State, Tribal, Territorial, or Locally-Led Human Trafficking Task Forces

The *National Action Plan* provides that the Department will continue to consider enhancements that can be made to DOJ's Enhanced Collaborative Model Task Forces to Combat Human Trafficking.⁵⁵ It also makes clear that “DOJ will enhance efforts to establish state, tribal, territorial, or locally-led human trafficking task forces that fulfill the principles of sustained state law enforcement leadership and comprehensive victim assistance.”⁵⁶ DOJ will implement these priority actions by developing both best practices and recommendations for establishing such task forces.

Action Item III.13. Best Practices and Recommendations for Establishing Sustainable and Locally-Led Task Forces. Within one year of the release of this Strategy, OJP, the COPS Office, EOUSA, CRT, and CEOS will develop both best practices

⁵⁴ *National Action Plan* Priority Action 3.2.1.

⁵⁵ See *National Action Plan* Priority Action 3.1.3.

⁵⁶ *National Action Plan* Priority Action 3.1.4.

and recommendations for establishing human trafficking task forces that fulfill the principles of sustained state, local, Tribal, or territorial law enforcement leadership and comprehensive victim assistance. Best practices will draw on lessons from evaluations of other collaborative multi-disciplinary efforts; discussions with criminal justice professionals, victim services practitioners, and survivor experts; and consultations with Congress, as appropriate.⁵⁷

F. Expand Dissemination of Federal Human Trafficking Training, Guidance, and Expertise

The Department currently lacks a central repository to house comprehensive federal human trafficking training, guidance, and expertise related to human trafficking. To address this gap, the Department will launch a human trafficking intranet and resource repository, add relevant materials to the distance learning training library, include an addendum on human trafficking in DOJ's Violent Crime Prosecution Manual, and increase the use of webinars for USAOs and FBI field office personnel.

The Department will also share more resources with our state, local, Tribal, and territorial law enforcement partners. OVC, the COPS Office, and EOUSA, including the NICTI, will coordinate efforts so that resources and messages for law enforcement

reach the widest audience. OVC will share law enforcement-specific human trafficking resources, training, and technical assistance across DOJ's grantmaking components for dissemination by components' law enforcement TTA assistance providers.

Action Item III.14. Create Centralized Repository of Human Trafficking Investigative Resources for FBI Personnel. Within 180 days of the release of this Strategy, the FBI will create a centralized electronic repository of human trafficking investigative resources for FBI personnel. This library will consist of training materials, webinars, policy guidance, and other information intended to support human trafficking investigators, and will be continuously updated pursuant to evolving threats, trends, and best practices.

Action Item III.15. Launch Human Trafficking Intranet. Within one year of the release of this Strategy, DOJ will launch a Human Trafficking Intranet for federal prosecutors to ensure that resources to support human trafficking prosecutions are readily available. CRT will coordinate this project with EOUSA, including the NICTI, CEOS, MLARS, and OJP, making reference as appropriate to existing materials from CEOS and MLARS intranet pages.

Action Item III.16. Expand Dissemination of Prosecution Resources. Within one year of the release of this Strategy, CRT will review its inventory of TTA materials and expand the dissemination of existing human trafficking resources for federal prosecutors,

⁵⁷ It is important to note for stakeholders, including in Congress, that DOJ will not propose to diminish resources provided from current DOJ funding sources for victim assistance grants. See id.

including through the Human Trafficking Intranet. CRT, in collaboration with EOUSA, CEOS, MLARS, and OJP, will regularly assess evolving challenges, threats, and training gaps to determine whether new resources are needed.

Action Item III.17. Update Distance Learning Training Library (USAflix). USAflix is a video on-demand content management platform for USAOs, delivering a variety of multimedia content (e.g., videos and podcasts) through a secure, searchable, yet simple user interface. On an annual basis, EOUSA, including the NICTI, and a representative of each component on the DOJ Human Trafficking Committee (see V.1 *infra*) will work with OLE to review existing human trafficking resources on USAflix and ensure that the materials are relevant and current. The materials will include webinars, prior memorialized National Advocacy Center courses, and relevant trainings from other DOJ components on the subject of human trafficking.

Action Item III.18. Draft Human Trafficking Prosecution Manual Addendum. Currently, DOJ's Violent Crime Prosecution Manual mentions human trafficking with a cross-

reference to the DOJBook topic page, but it does not contain a dedicated section. Within a year of the release of this Strategy, HTPU will draft a dedicated section on human trafficking in consultation with CEOS, EOUSA, MLARS, the FBI, and OJP.

Action Item III.19. Develop and Conduct Advanced Training on Money Laundering. MLARS will coordinate the development of and conduct an advanced training on strategies to identify third-party money launderers, such as lawyers, accountants, and bankers who facilitate and benefit from human trafficking. Movement and transfer of funds related to activities in support of human trafficking crimes may qualify as money laundering.⁵⁸ Financial investigations of human trafficking may be complicated by such money laundering and related criminal conduct.⁵⁹ The training will outline how to refer to or collaborate on such matters with money-laundering investigators and prosecutors. This cross-disciplinary training will be made available, through the National Advocacy Center, the FBI Virtual Academy e-learning platform, and other appropriate law enforcement platforms, to federal law enforcement officers and prosecutors with

⁵⁸ Money laundering in violation of 18 U.S.C. § 1956(a)(1) is the crime of knowingly conducting, or attempting to conduct, a "financial transaction" with proceeds from "specified unlawful activity" (SUA). Sex trafficking, forced labor, and other crimes related to trafficking in persons are considered SUAs. Other money-laundering statutes relevant to human trafficking investigations include international money laundering, 18 U.S.C. § 1956(a)(2); the "spending statute," 18 U.S.C. § 1957; structuring in violation of 31 U.S.C. § 5324; operating unlicensed money transmitting businesses in violation of 18 U.S.C. § 1960; and conspiracy to violate either Section 1956 or Section 1957 (or both) in violation of 18 U.S.C. § 1956(h).

⁵⁹ Targets may establish shell companies in an attempt to hide the true nature of a business, its illicit activities, and its beneficial owners and associates. In addition, complex supply chains may impede traceability and verification that goods and services are free of forced labor.

expertise in investigating and prosecuting white collar crimes, money laundering, transnational organized crime, human trafficking, and other violent crimes.

Action Item III.20. Disseminate OVC-Funded Law Enforcement Resources. OVC will convene a meeting with the TTA leads and coordinators across DOJ grantmaking components, including the COPS Office, to share and develop a dissemination plan for law enforcement-specific resources and anti-trafficking TTA assistance.

Action Item III.21. Provide TTA on Proactive Sex Trafficking Investigations. In FY 2022, OVC will offer TTA to ECM task forces on expanding approaches and conducting proactive investigations that do not depend on “traditional” vice investigations, which may target state or local level violations of prostitution laws, thus inadvertently resulting in arrests of potential sex trafficking victims.

This will occur through webinars, training modules, and mentoring from peer-to-peer liaisons with human trafficking investigative and prosecutorial expertise.

Action Item III.22. Participate in International Association of Directors of Law Enforcement Standards and Training Partnership. The COPS Office⁶⁰ is partnering with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to work with state Peace Officer Standards and Training (POST) organizations to determine the current state of law enforcement training curricula on human trafficking. At the end of the project, IADLEST and the COPS Office will produce human trafficking training standards and considerations with the goal of creating a uniform standard to benefit state and territorial POST agencies in the United States.

⁶⁰ The COPS Office provides tailored and direct technical assistance to state, local, Tribal, and campus law enforcement agencies in over 40 different topic areas, including human trafficking, via the Collaborative Reform Initiative Technical Assistance Center. The COPS Office coordinates with OVC and other TTA providers to provide TTA on human trafficking-related requests from law enforcement agencies.

Chapter IV

Prevention: Enhance Capacity to Prevent Human Trafficking

The Department continues to bolster its capacity to prevent human trafficking by focusing on existing work with marginalized communities, demand-reduction strategies, addressing trafficking in supply chains, and leveraging a range of litigation and technological tools. This section describes DOJ's efforts to prevent human trafficking. Specifically, DOJ will leverage existing prevention initiatives, examine innovative demand-reduction strategies, and use its civil and administrative authority to enhance detection and enforcement efforts.

A. Leverage Existing Prevention Initiatives

DOJ will enhance its efforts related to existing initiatives that have proven effective in preventing human trafficking. These include initiatives to reduce vulnerability of American Indians and Alaska Natives to violent crime, including human trafficking, and to locate missing children.

Initiatives for American Indians and Alaska Natives

DOJ and its interagency partners have developed initiatives and programs to reduce vulnerability of American Indians and Alaska Natives to violent crime, and DOJ will take actions under this Strategy to further support such efforts.

Action Item IV.1. Develop DOJ Webpage with Resources for Native Youth. Many resources exist to educate Native youth about the dangers of human trafficking, including DOJ and U.S. Department of Health and Human Services (HHS) webpages, videos, online trainings, and downloadable human trafficking posters for Native audiences. However, these resources are not readily accessible in one online location. In FY 2022, OVC, in collaboration with OVW, EOUSA's NICTI, and OTJ, will develop an online portal with links to existing federal resources and ensure it is widely disseminated and accessible to Native youth and organizations serving Native youth.

Action Item IV.2. Support Technical Assistance to Address Sex Trafficking of American Indians and Alaska Natives. In FY 2022, OVW will continue to support funding for comprehensive technical assistance to address sex trafficking of American Indians and Alaska Natives. OVW will include a priority area on sex trafficking in the FY 2022 Tribal Governments Program solicitation. Additionally, OVW will support the Strengthening Sovereign Responses to Sex Trafficking in Indian Country and Alaska, a conference currently scheduled to be held in January 2023. NIJ will support OVW's efforts by providing the latest research and evaluation to conference participants.

Enhance Capabilities to Locate Children who are Missing, including from Foster Care

Locating missing children, including youth who have run away from foster care and are highly vulnerable to human trafficking, is critical to preventing human trafficking of children and youth. As stated in the *National Action Plan*, “[e]nhanced efforts and abilities are needed to locate missing children, including youth who have run away from foster care and are highly vulnerable to human trafficking.”⁶¹ Accordingly, DOJ will expand its efforts to increase the number of missing children located in partnership with the public and with other law enforcement agencies.

Action Item IV.3. Engage with Industry and Other Stakeholders. Within one year of the release of this Strategy, the NHTC, in consultation with CEOS, DHS, and HHS, will: (1) convene with social media companies and Internet service providers to explore how to improve the identification and location of potential victims of human trafficking through more robust information sharing concerning such victims among the technology industry; state, local, Tribal, and territorial child welfare agencies; the

National Center for Missing & Exploited Children (NCMEC), and law enforcement at all levels; and consider whether any legislation is needed to support this initiative; (2) engage in a dialogue with the social media and technology industries to identify potential barriers to their voluntary reporting of suspected human trafficking on their platforms, as well as possible solutions; and (3) engage in a dialogue with the social media and technology industry, NGOs, and academia on the development of innovative technical tools to interdict human trafficking, including demand, and how to promote adoption of those tools by relevant stakeholders.⁶²

Action Item IV.4. Support Missing Child Operations. USMS will continue to assist state, local, Tribal, and territorial law enforcement agencies with missing child case support by participating in operations conducted throughout the United States.⁶³

B. Examine Innovative Demand-Reduction Strategies

This section sets forth DOJ efforts to reduce demand in order to prevent sex trafficking and labor trafficking. While there have

⁶¹ *National Action Plan* Priority Action 3.2.2. The priority action provides: “DOJ, DHS, and HHS will pursue facilitating the sharing of information on potential child trafficking victims between the technology industry, state, local, tribal and territorial child welfare agencies, the National Center for Missing and Exploited Children (NCMEC), and law enforcement at all levels. . . . DOJ and DHS, in consultation with HHS, will consider whether any legislation is needed to support this initiative.”

⁶² The National Advisory Committee on the Sex Trafficking of Children & Youth in the United States is a potential forum, among others, for engaging with industry partners on these issues.

⁶³ *National Action Plan* Priority Action 3.2.2 provides: “DOJ and HHS, in consultation with the USMS, will . . . collaborate to expand Operation HOPE nationally to identify children missing from foster care, screen recovered children for potential trafficking, connect victims to appropriate care, and prosecute offenders as appropriate.” Operation HOPE’s purposes include ensuring the safety and well-being of children in foster care.

been a number of studies on sex trafficking demand-reduction efforts domestically and globally, reliable measures of such efforts' effectiveness have been limited. Prevention measures and criminal justice responses represent complementary efforts to discourage demand related to sex trafficking. However, various sex trafficking survivors, advocacy groups, and governmental actors disagree on appropriate methods for reducing demand, and particularly on the impact of law enforcement disruption methods and on decriminalization of some or all participants in the commercial sex industry. Demand reduction related to labor trafficking is also challenging, because it is not a well-developed concept among anti-trafficking practitioners, in part because most demand-reduction efforts have not addressed labor. While there is broad agreement that efforts to reduce labor trafficking should not be sidelined, demand for forced labor, or demand for goods produced through forced labor, in legitimate business sectors in itself is not an apparent problem, so it requires more analysis to determine what aspects of demand should be reduced.

To address these challenges, DOJ is participating in an Ad Hoc Working Group on Demand Reduction (Working Group) created by the interagency SPOG in 2020 in response to a sense of Congress declaration in the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018.⁶⁴ The working group, co-chaired by DOJ, HHS, and DOS, has reviewed current demand-reduction efforts

by the federal government, catalogued extant research literature on demand reduction, and hosted several listening sessions with survivors, advocates, and other experts to learn about the state of the field and hear recommendations for federal action. For example, the Working Group has met with and reviewed the report of the Special Representative and Coordinator for Combatting Trafficking in Human Beings of the Organization for Security and Cooperation in Europe on demand. In the coming year, DOJ will continue to examine demand-reduction strategies through the Working Group and evaluate options for further action.

To enhance its examination of demand-reduction strategies, DOJ will produce training on dismantling illicit massage industry enterprises and conduct research to support evidence-based demand-reduction initiatives.

Action Item IV.5. Produce Training to Dismantle Illicit Massage Industry Enterprises. Within two years of the release of this Strategy, HTPU, MLARS, and the FBI will coordinate to produce an array of law enforcement training products focusing on the identification and dismantling of transnational organized crime networks involved in the illicit massage industry. These networks are very widespread in the United States yet the dynamics of human trafficking within these networks are not well understood. As a result, raids of illicit massage parlors often result in arrests of

⁶⁴ See Pub. Law No. 115-425, Section 115.

victims and potential victims, with little impact on the networks. Illicit massage organized crime networks utilize subtle means of coercion, which makes human trafficking difficult to detect. Training will cover strategies to use intelligence gleaned from sex buyers and online information-sharing platforms. Training will also cover new methods to investigate and analyze evidence about buyers in order to deter and dismantle sex trafficking networks.

Action Item IV.6. Conduct Research to Support Evidence-Based Demand-Reduction Initiatives. NIJ will conduct a literature review of published studies on demand reduction both domestically and internationally. This literature review will synthesize knowledge on studies, including, but not limited to, studies of public education programs; so-called reverse stings targeting buyers; initiatives to deter buyers through some form of public exposure, sometimes known as “shaming campaigns”; vehicle seizures; driver’s license suspension; “John schools,” in which buyers are educated about the potential harms of the commercial sex industry in an effort to reduce recidivism; community service; programs using surveillance cameras; and geographic restraining orders. In FY 2023, NIJ expects to publish the literature review to guide policy-making and practice. Additionally, in FY 2022, NIJ will again solicit proposals for evaluation research of demand-reduction initiatives in the United States.

Continue Efforts to Dismantle Online Commercial Sex Marketplaces that Facilitate Sex Trafficking

DOJ’s efforts to dismantle the online marketplace for sex trafficking have proven to be an effective method to combat sex trafficking. In April 2018, for example, the Department announced the seizure of Backpage.com, the Internet’s then-leading forum for prostitution advertisements, including advertisements depicting the prostitution of children.⁶⁵ At least one independent analysis conducted shortly after the Backpage.com takedown found that online demand for commercial sex temporarily declined 67 percent from pre-takedown levels. More recently, the Department seized CityXGuide and related websites, and obtained guilty pleas from the owner and operator of CityXGuide.⁶⁶ However, many such websites remain, and their owners and operators increasingly attempt to use sophisticated methods to evade law enforcement detection, including moving the website’s servers abroad, accepting payment for advertisements with cryptocurrency, and establishing shell companies and off-shore bank accounts to hide the illicit profits. As such, the owners and operators of these websites continue to promote, facilitate, and profit from commercial sex and sex trafficking. In the Backpage.com case, DOJ secured guilty pleas of several Backpage.com-related corporate entities, and seizure and forfeiture

⁶⁵ See DOJ, Office of Public Affairs, “Backpage’s Co-founder and CEO, As Well As Several Backpage-Related Corporate Entities, Enter Guilty Pleas” (Apr. 12, 2018), <https://www.justice.gov/opa/pr/backpage-s-co-founder-and-ceo-well-several-backpage-related-corporate-entities-enter-guilty>.

⁶⁶ See <https://www.justice.gov/usao-ndtx/united-states-v-wilhan-martono-cityxguide>.

of Backpage.com domains and millions of dollars in Backpage’s illicit profits, which may be available for victim compensation. Prosecuting financial crimes such as money laundering can deprive website owners and operators of their ill-gotten gains.

Action Item IV.7. Prioritize Online Marketplace Investigations and Prosecutions. Within one year of the release of this Strategy, CEOS, in consultation with MLARS and the FBI, will evaluate efforts to prosecute and seize websites that facilitate online advertising of commercial sex associated with sex trafficking, and will support law enforcement and federal prosecutors on the investigation and prosecution of the owners, operators, and managers of these online platforms, and the pursuit of forfeiture and restitution as appropriate. Furthermore, DOJ will strengthen efforts to work collaboratively with its state, local, Tribal, and territorial partners on such investigations and prosecutions, including funding and training to law enforcement partners on how to respond to the evolving nature of online advertising for commercial sex associated with sex trafficking.

Use DOJ Procurement to Reduce Demand for Goods Produced Using Forced Labor

Removing forced labor from global supply chains, including government procurement supply chains connected to imported goods and to goods and services provided to the

U.S. government overseas, is an important means of preventing human trafficking connected to the United States. Under federal law, federal agencies and their contractors and subcontractors must take steps to ensure they do not participate in or support human trafficking, including forced labor.⁶⁷ Under this Strategy, DOJ will use its own purchasing power to reduce demand for goods produced using forced labor. This effort is related to *National Action Plan* Principle 1.3’s aim to “[s]trengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures.”

Action Item IV.8. Release Policy Instruction. DOJ’s Justice Management Division, Office of Acquisition Management, in consultation with HTPU, MLARS, and CRM’s Human Rights and Special Prosecutions Section (HRSP), will release a Policy Instruction by the end of the third quarter of FY 2022 providing guidance on implementation of human trafficking-related prohibitions for federal contractors and subcontractors, as required by statute and regulation. The Policy Instruction will outline the OMB Policy,⁶⁸ which explains the purpose of the prohibitions; define terms and the process of assessing compliance; identify roles and responsibilities of DOJ employees tasked with implementing the policy; and ensure effective coordination. The Policy Instruction will provide suggested training on combating human trafficking for personnel responsible for securing goods and services for the federal government.⁶⁹

⁶⁷ See National Defense Authorization Act for Fiscal Year 2013, “Title XVII Ending Trafficking in Government Contracting” and the ensuing Federal Acquisition Regulation rule entitled “Ending Trafficking in Persons.”

⁶⁸ See OMB’s Anti-Trafficking Risk Management Best Practices & Mitigation Considerations Memorandum (Oct. 21, 2019), <https://www.whitehouse.gov/wp-content/uploads/2019/10/M-20-01.pdf>.

⁶⁹ See id. U.S. government-wide training and coordination requirements are outlined in OMB’s Memorandum.

C. Utilize Civil and Administrative Authority

Section 1595A of Title 18, enacted in December 2018, authorizes the Attorney General to bring civil actions to enjoin future acts in violation of Chapters 77, 110, or 117 and conspiracies to violate those provisions. This is potentially a very useful new tool to prevent human trafficking violations that cuts across the equities of DOJ components with criminal and civil equities. Designation of a national subject-matter expert is necessary to ensure dissemination of consistent information about the effective use of this tool.

Action Item IV.9. Designate a Departmental Point of Contact to Coordinate the Use of Civil Injunctions in Human Trafficking Matters.

Within one year of the release of this Strategy, DOJ will designate a Point of Contact to guide USAOs and other DOJ components on appropriate procedures for initiating and advancing civil injunctive actions under 18 U.S.C. § 1595A to enhance DOJ's anti-trafficking detection and enforcement efforts. The NHTC will designate the Point of Contact, in coordination with the Office of the Deputy Attorney General (ODAG), and in consultation with HTPU, CEOS, and EOUSA, and will be announced to all USAOs.

Chapter V

Enhance Impact of DOJ-Wide Anti-Trafficking Efforts

This chapter sets forth cross-cutting actions that are necessary to support effective implementation of this Strategy’s identification, protection, prosecution, and prevention activities. These actions include strengthening infrastructure to support Department-wide coordination and external communication and improving DOJ’s data gathering and reporting.

A. Strengthen DOJ Infrastructure to Support Coordination and Communication

Combating human trafficking involves a wide range of Departmental stakeholders, interagency partners, and external stakeholders. As a result, internal coordination and consistent external communication are especially important. DOJ will establish an internal human trafficking committee to coordinate its efforts and enhance its strategic communication with the public and external stakeholders by updating its human trafficking webpage.

Action Item V.1. Establish a DOJ Human Trafficking Committee. Within 90 days of the release of this Strategy, the NHTC will establish a Department-wide Human

Trafficking Committee. The NHTC will lead the committee with participation from Deputy Assistant Attorneys General, as appropriate, and subject-matter experts from key components. The Committee will provide an ongoing mechanism to coordinate: (1) implementation of cross-component action items, including with the Federal Enforcement Working Group, and annual briefing of the U.S. Advisory Council on Human Trafficking, and (2) cross-component problem-solving, coordination, and implementation of this Strategy. The Committee will meet no less than once per quarter and will be the primary oversight body for the implementation of this Strategy.

Action Item V.2. Update DOJ Human Trafficking Webpage. In FY 2022, the NHTC and OPA, in consultation with OJP, will scope the resource requirements to redesign and regularly update DOJ’s public-facing human trafficking webpage, <https://www.justice.gov/humantrafficking>, and outline the resources and steps needed to update the webpage. One goal would be to maintain a portal to all of DOJ’s human trafficking activities and resources.⁷⁰ This would enhance the public’s understanding and access to DOJ resources.

⁷⁰ The Department’s Elder Justice webpage provides an example. See <https://www.justice.gov/elderjustice>.

B. Improve Data Gathering and Reporting

Improving the quality of information about human trafficking is critical to developing sound anti-trafficking policy. Federal, state, local, Tribal, and territorial law enforcement agencies may struggle to identify human trafficking and distinguish it from other crimes and social problems. Human trafficking investigations may not be accurately classified in official data sources. Finally, human trafficking, which typically occurs over an extended period of months or years, presents unique challenges to summary and incident-based crime reporting methods.

The TVPA requires the Attorney General's annual human trafficking report to Congress to include segmented information on federal human trafficking investigations and prosecutions: (1) the number, age, gender, country of origin, and citizenship status of victims and of offenders identified for each offense; (2) the number of individuals charged, and the number of individuals convicted, under each offense; (3) the number

of individuals referred for prosecution for state offenses; and (4) the number of convictions, aggregated separately by the form of offense committed with respect to the victim.⁷¹

Collecting all such data will require upgrading and aligning information systems and adding necessary fields to databases, in order to capture missing data; these fields can be updated during the course of an investigation or prosecution as new information becomes available.

Action Item V.3. Conduct Needs Assessment. Within a year of the release of this Strategy, the NHTC, working with CRM, CRT, EOUSA, and the FBI, will identify the procedures and resources required to comply with the TVPA's full reporting requirements.⁷² These resources will include any additional funding necessary for EOUSA to make the necessary changes to its Victim Notification System and to CaseView, USAOs' case management system.⁷³ Such changes should also be reflected in case tracking systems maintained by DOJ litigating components.

⁷¹ See 22 U.S.C. § 7103(d)(7).

⁷² See *id.*

⁷³ EOUSA is currently in the advanced stages of a major architectural enhancement for the Victim Notification System, and if funding were available, these changes could be implemented after that project is complete, which is expected to be in Summer 2022. EOUSA has estimated that the CaseView changes would take approximately 10 weeks to deploy. No changes would need to be made to the Department's Consolidated Debt Collection System.

Conclusion

The Department of Justice places the highest priority on its efforts to combat human trafficking. We have made significant progress since the enactment of the TVPA of 2000, but vulnerable people and members of marginalized communities continue to be at risk of human trafficking. Complex human trafficking threats continue to evolve, impacting individuals both within the United States and abroad and undermining U.S. interests in individual rights, public safety, national security, economic opportunity, and the rule of law. The Department has calibrated the strategies in this document to make its anti-trafficking efforts more effective than ever before. Success is only possible through coordination of efforts throughout the Department, as called for in this Strategy, as well as collaboration with a wide range of external partners, including other federal, state, local, Tribal, and territorial law enforcement agencies, NGOs, and survivors. The Department looks forward to implementing this Strategy to prevent victimization, protect those who have been harmed, and vindicate their rights through criminal prosecution.

Acronyms and Abbreviations

ACTeam	Anti-Trafficking Coordination Team
AFCs	Asset Forfeiture Coordinators
AGAC	Attorney General’s Advisory Committee
ATF	DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives
Attorney General Guidelines	<i>Attorney General Guidelines for Victim and Witness Assistance</i>
AUSAs	Assistant United States Attorneys
BOP	DOJ Federal Bureau of Prisons
CEOS	DOJ Criminal Division’s Child Exploitation and Obscenity Section
COPS Office	DOJ Office of Community Oriented Policing Services
CRM	DOJ Criminal Division
CRT	DOJ Civil Rights Division
CVRA	Crime Victims’ Rights Act
DEA	DOJ Drug Enforcement Administration
Department	U.S. Department of Justice
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOS	U.S. Department of State
DSS	DOS Diplomatic Security Service
ECM	DOJ Enhanced Collaborative Model to Combat Human Trafficking
EOIR	DOJ Executive Office for Immigration Review
EOUSA	DOJ Executive Office for United States Attorneys
FBI	Federal Bureau of Investigation
FLCs	Financial Litigation Coordinators
FY	Fiscal Year
HHS	U.S. Department of Health and Human Services
HRSP	DOJ Criminal Division’s Human Rights and Special Prosecutions Section
HTPU	DOJ Civil Rights Division, Criminal Section’s Human Trafficking Prosecution Unit
IADLEST	International Association of Directors of Law Enforcement Standards and Training
JTFA	Joint Task Force Alpha DOJ/DHS Human Smuggling and Trafficking Task Force

JVTA	Justice for Victims of Trafficking Act of 2015
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex
MLARS	DOJ Criminal Division’s Money Laundering and Asset Recovery Section
<i>National Action Plan</i>	<i>National Action Plan to Combat Human Trafficking</i>
NCMEC	National Center for Missing & Exploited Children
NDDS	DOJ Criminal Division’s Narcotic and Dangerous Drug Section
NGOs	Non-Governmental Organizations
NHTC	National Human Trafficking Coordinator
NICTI	EOUSA’s National Indian Country Training Institute
NIJ	OJP National Institute of Justice
OCGS	DOJ Criminal Division’s Organized Crime and Gang Section
ODAG	DOJ Office of the Deputy Attorney General
OJJDP	OJP Office of Juvenile Justice and Delinquency Prevention
OJP	DOJ Office of Justice Programs
OLE	EOUSA’s Office of Legal Education
OPDAT	DOJ Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training
OTJ	DOJ Office of Tribal Justice
OVC	OJP Office for Victims of Crime
OVW	DOJ Office on Violence Against Women
PCORs	FBI Field-Based Human Trafficking Program Coordinators
PITF	President’s Interagency Task Force to Monitor and Combat Trafficking in Persons
POST	Peace Officer Standards and Training
SPOG	Senior Policy Operating Group
Strategy	DOJ’s National Strategy to Combat Human Trafficking
SUA	Specified Unlawful Activity
T Visa	T Nonimmigrant Status
Treasury	U.S. Department of the Treasury
TTA	Training and Technical Assistance
TVPA	Trafficking Victims Protection Act of 2000
USAOs	United States Attorneys’ Offices
USMS	DOJ U.S. Marshals Service
VRRRA	Victims’ Rights and Restitution Act