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Understanding What Works in the Successful Identification, Investigation, and Prosecution of Labor Trafficking Cases in the United States

December 2023



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Final Report

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Section 1: Introduction and Problem Statement

1. Introduction and Problem Statement

Previous research has focused on the challenges to the successful identification, investigation, and prosecution of labor trafficking cases (Farrell, et al., 2012, Farrell & Pfeffer, 2014).

Research on labor trafficking, particularly around law enforcement response, is often appended to studies focused mainly on sex trafficking. Although there are counties throughout the United States demonstrating success in identifying and prosecuting labor trafficking cases, there has been little empirical focus on what works. Until now, we did not understand the frameworks in which labor trafficking cases are successfully identified and under which labor traffickers are brought to justice.

This objective of this study was to identify promising practices in labor trafficking identification and response in five U.S. counties that have demonstrated innovation and commitment to addressing the problem of labor trafficking. Innovative strategies included dedicated labor trafficking investigators, specialized units within county district attorneys' offices, and a statewide multidisciplinary team approach that incorporates efforts to identify and respond to labor trafficking. Through a review of closed case records and in-depth, semi-structured interviews with local criminal legal system agents and victim service providers who have worked on labor trafficking cases or with labor trafficking survivors, this study sought to investigate how labor trafficking came to be prioritized in these jurisdictions and how labor trafficking response is situated in the unique policy, legal, and cultural frameworks of each participating county. This project also explores the ways in which labor trafficking enforcement is understood and operationalized as distinct from sex trafficking enforcement and identifies the challenges addressing labor trafficking with which these five U.S. counties continue to struggle despite their prioritization and established frameworks.

1.1 The Nature of Labor Trafficking in the United States

In 2000, the Trafficking Victims Protection Act first defined labor trafficking as “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.” This definition encompasses individuals who are exploited for their labor and who experience a range of abuses, such as document fraud, withholding documents, extortion, sexual abuse and rape, discrimination, psychological abuse and coercion, forms of torture, and violence and threats against themselves and their loved ones, unsafe working conditions, unsanitary living spaces, and exposure to infectious diseases (Owens et al., 2014; Littenberg & Baldwin, 2017; Dank et al., 2021). Labor trafficking victimization takes many forms and has been documented in industries as varied as construction and childcare (Polaris, 2017; ILO, 2017; Theodore, 2017; Zhang, Spiller, Finch & Qin, 2014; Siskin & Wyler, 2012). In addition to occurring in a wide variety of formally recognized industry sectors, labor trafficking victimization can occur in illicit industries, including circumstances where traffickers force victims to engage in illegal activities such as shoplifting, pickpocketing, selling stolen goods, theft, robbery, or drug transportation and sales (UNODC, 2023). Barriers to identifying exploitation that occurs within formally recognized industry sectors are different from the challenges of

recognizing trafficking in illicit industries, yet both are complex and difficult for authorities and service providers to overcome (Kaufka Walts, 2017).

Victims of labor trafficking are as diverse as the trafficking circumstances themselves, ranging from minors to adults, from undocumented immigrants to guestworkers with temporary visas to U.S. citizens (Owens et al. 2014; Chisholm-Straker et al., 2019; Brennan, 2008; Kaufka Walts, 2017; Dank et al., 2021). Although specific risk factors for labor trafficking differ among various subpopulations, most victims of labor trafficking represent marginalized groups that commonly experience discrimination from labor and social service sectors, increasing their vulnerability to exploitation.

1.2 Challenges to Law Enforcement Identification and Investigation of Labor Trafficking

Despite the variety of people who may experience labor trafficking and the many ways in which labor trafficking can manifest, labor trafficking is an under-identified and under-investigated crime. To date, U.S. law enforcement agencies have been largely unable to integrate labor trafficking enforcement into their traditional policing routines and roles (Farrell et al., 2019). Although U.S. anti-trafficking laws are couched in an anti-forced labor framework (Uy, 2016) and labor trafficking is a criminal offense in all 50 states, the 2019 Uniform Crime Report (UCR) indicated that 21 states reported zero labor trafficking offenses (FBI, 2019). Although scholars have investigated the reasons for underreporting of human trafficking victimization in the UCR (Farrell et al., 2019), other law enforcement documentation demonstrates a lack of identification of labor trafficking cases. Even among specialized, federally funded human trafficking task forces, only 8% of documented human trafficking cases recorded between 2016 and 2018 involved labor trafficking (BJS, 2019).

Previous research on the U.S. law enforcement response to human trafficking has largely focused on barriers to successful identification and prosecution of cases (Barrick et al., 2014; Clawson, Dutch, & Cummings, 2006; Newton, Mulcahy, & Martin, 2008; Farrell et al., 2012). There are several recognized barriers to the identification of human trafficking cases that apply to both sex and labor trafficking incidents, such as lack of victim self-identification, victim fear of law enforcement, and inadequate law enforcement training (Farrell et al., 2012), but some barriers are especially critical for understanding the dearth of identified labor trafficking cases in the United States.

1.2.1 Challenge: Definitional Ambiguity and Confusion about Responsibility

Chief among the recognized barriers to labor trafficking enforcement is definitional ambiguity. Law enforcement personnel often have difficulty articulating the legal definition of labor trafficking and how it is distinct from labor exploitation, which impedes the successful identification and investigation of cases (Zhang & Cai, 2015). Moreover, because labor exploitation incidents, such as wage theft violations, are often investigated by other regulatory agencies, there is a tendency among law enforcement officials to designate labor-oriented cases as outside their purview, even when there are indicators of human trafficking (Farrell et al., 2019). Relatedly, a lack of police training on labor trafficking can cause law enforcement

personnel to confuse labor trafficking crimes with labor code violations, which leads to confusion around which entities are expected to address the issue, such as specialized federal, state, or local agencies (Farrell et al., 2020; Smith, 2020).

1.2.2 Challenge: Applying Sex Trafficking Practices to Labor Trafficking

Another recognized barrier to the identification and investigation of labor trafficking cases is that even when agencies have specialized human trafficking units or detectives, these units are often embedded within vice units (Farrell & Pfeffer, 2014). Although the operations and procedures used for prostitution enforcement activities within vice units may be helpful in identifying victims and cases of sex trafficking, they are much less likely to uncover labor trafficking exploitation happening outside of the commercial sex industry, which can give the appearance that labor trafficking is nonexistent in communities (Farrell & Pfeffer, 2014). Proactive investigatory strategies may be useful in the identification of sex trafficking cases, but these approaches do not easily translate to identifying cases of labor trafficking. Research examining labor trafficking cases in the United States found that police often identified these crimes reactively, meaning they uncovered labor exploitation in the course of investigating other crimes (Bracy & Roe-Sepowitz, 2021).

Police lack of knowledge on labor trafficking is also compounded by a broader focus that prioritizes sex trafficking investigations. This attention on sex trafficking is partly attributed to the federal government defining it as an especially severe form of trafficking (Peters, 2015). This overarching social and legal focus on sex trafficking cases presents another challenge to the identification of labor trafficking cases. There is often a perception that sex trafficking victims are “iconic,” the “perfect victims” in need of rescue by law enforcement and good Samaritans (Uy, 2016; Srikantiah, 2007). This image does not translate to perceptions of labor trafficking victims. This simplification of the image of sex trafficking victims is harmful to all trafficking victims, including sex trafficking survivors who do not immediately present as sympathetically and to labor trafficking victims who have suffered abuse and coercion in other industries in which there is rarely law enforcement intervention, such as hospitality, education, or in private homes. Further, the idea of the “iconic” victim can lead to a very narrow model of human trafficking enforcement, one that especially elevates the issue of domestic minor sex trafficking. A significant harm inherent in the view that sex trafficking should be prioritized over labor trafficking is the potential for the misallocation of resources and funding as well as confusion about the application of anti-trafficking laws (Uy, 2016).

1.2.3 Challenge: Survivors’ Barriers to Help-Seeking

Police organizations are historically reactive to crime via calls for services and crime reports (Black & Reiss, 1970), and survivors of labor trafficking do not typically report their victimization for various reasons, including fear of discrimination from police or fear of immigration-related legal consequences, which makes it more difficult for police to become aware of their victimization (Wilson & Dalton, 2008). Survivors may also fear physical harm to themselves or their families or have concerns about increased debt or loss of pay (Dank et al., 2021). Survivors of forced criminality may fear being held criminally liable for the illegal activities they

were forced to commit, resulting in their hesitancy to report victimization or seek help (Rodríguez-López, 2020).

1.3 The Current Study

Previous research has established the challenges to identifying and responding to labor trafficking. However, despite these challenges, several jurisdictions throughout the United States are demonstrating innovative approaches to identifying labor trafficking cases, connecting survivors with necessary community-based services, and attempting to hold labor traffickers accountable. Through semi-structured interviews with 73 labor trafficking stakeholders from 5 U.S. counties representing regions in the Northeast, Northwest, Southwest, West, and South, this study explores how labor trafficking came to be prioritized in these jurisdictions, how labor trafficking identification and enforcement occurs, and the ways in which labor trafficking enforcement is understood and operationalized as distinct from sex trafficking enforcement.

Section 2: Methodology

2. Methodology

Using a multi-method strategy, including stakeholder interviews and case file review, we sought to address three primary research questions. We explored the social, legal, and cultural contexts that give rise to the prioritization of labor trafficking cases in a sample of five communities that are diverse in population, industry, and geography. All five communities have demonstrated the prioritization of labor trafficking enforcement.

Research Questions

1. Are there patterns in the characteristics of labor trafficking cases identified by law enforcement at the state and local level?
2. How does the identification and investigation of labor trafficking cases differ from that of sex trafficking cases in terms of case characteristics, collaboration within and among agencies, case resolutions, and case outcomes?
3. What are the features of successful labor trafficking investigations?

2.1 Study Sites

We purposively selected five communities that had demonstrated a commitment to prioritizing labor trafficking and represented geographic and sociodemographic diversity. The approaches included specialized labor trafficking investigators (2 sites), units within district attorneys’ offices focusing on human trafficking or workplace abuses (2 sites), and a child trafficking-focused multidisciplinary team (1 site). As shown in **Table 2-1**, the sites were selected from five regions and included communities with populations ranging from about 400,000 to 3 million. The poverty rate ranged from 9% in the Northwest site to 25% in the South site, and the percentage of the population that is foreign born ranged from just 6% in the South site to 25% in the Northwest site.

Table 2-1. Characteristics of Participating Sites

	Southwest	Northwest	South	Northeast	West
Population	3 million	2 million	400k	1 million	700k
Median Age	37	37	38	40	35
Poverty Rate	11%	9%	25%	14%	12%
Foreign Born	22%	25%	6%	7%	14%
Language Other than English Spoken at Home	36%	30%	8%	11%	24%

Data Source: Census Quick Facts <https://www.census.gov/quickfacts/fact/table/US/PST045222>

Note: Numbers rounded to preserve site anonymity

2.2 Data Collection

In each of the five sites, we collected two primary forms of data: (1) agency human trafficking case files and (2) interviews with anti-trafficking professionals.

2.2.1 Agency Case Files

We requested access to a sample of both labor and sex trafficking case records from at least one agency in each site. Our request included any case that involved elements of labor trafficking, even if they were not ultimately charged under a human trafficking statute (e.g., defendants were charged with fraud, wage theft, or other similar crimes), and up to 20 sex trafficking cases from each site. In total, we received 180 cases (127 involved labor trafficking and 54 involved sex trafficking).¹ As shown in **Table 2-2**, cases came from various sources, including law enforcement agencies, prosecutor’s offices, and service providers, and were provided in various formats (e.g., electronic files, paper files, verbal narratives).

Table 2-2. Overview of Case File Data

Site	Case Source Agency	Case File Description
West	District attorney’s office	Electronic case files of wage theft tipline cases and a selection of other human trafficking cases
Northeast	Sheriff’s office	Paper case files for cases investigated for sex or labor trafficking
	Immigration advocacy organization	Paper case management files for clients receiving services
Northwest	City police department	Verbal narratives for cases that received an investigation for potential labor trafficking
South	Human trafficking service provider	Paper case management files of participants in the Trafficking Victims Assistance Program for foreign national victims
Southwest	District attorney’s office	Paper case files of workplace justice cases referred and other human trafficking cases

We adapted a case record review extraction spreadsheet from our prior related studies (e.g., Farrell et al., 2012; Pfeffer, 2016; Farrell et al., 2019) to record comprehensive information from each set of case records, including case characteristics, victim characteristics, suspect characteristics, movement, recruitment details, victimization experiences, extrication from the exploitative experience, involvement with the criminal legal system, services received, and information on trafficking networks involved in the case. In total, we reviewed 127 labor trafficking cases across the five sites. As shown in Table 2-3, the Northeast and Southwest sites provided about two-thirds of these cases. We extracted data on 163 victims and 153 perpetrators in these cases.

¹ Some cases included elements of both sex and labor trafficking; these were included in both categories.

Table 2-3. Number of Labor Trafficking Cases, by Site

Site	Number of labor trafficking cases	%
West	16	12.6
Northeast	48	37.8
Northwest	11	8.7
South	16	12.6
Southwest	36	28.4

We encountered several challenges in preparing and analyzing the case file data. First, the content of the case file information varied greatly across agencies, resulting in inconsistencies in the type of information documented and high levels of missingness for many characteristics of interest. As shown in Table 2-4, even basic demographic characteristics of individuals who experienced trafficking are frequently missing. For example, victim race is missing in 71% of cases, citizenship is missing in over half of cases, and both age and gender are missing in about one-third of cases. Characteristics of perpetrators were missing in most cases (data not shown).

Table 2.4. Characteristics of Labor Trafficking Victims

	N or range	% or mean
Total number of labor trafficking victims	163	100.0
Victim age when case was identified (N=38)	12–72	29.2
Victim was a minor during exploitation		
Yes	15	9.2
No	94	57.7
Unknown	54	33.1
Victim gender		
Male	46	28.2
Female	61	37.4
Unknown	56	34.4
Victim race		
White	34	20.9
Black	7	4.3
Asian	7	4.3
Unknown	115	70.6
Victim ethnicity		
Hispanic	39	23.9
Non-Hispanic	20	12.3

	N or range	% or mean
Unknown	104	63.8
Victim citizenship status		
Citizen/legal permanent resident	9	5.5
Non-citizen	68	41.7
Unknown	86	52.8

As with all administrative data, law enforcement agencies and service provider organizations collect and record information they need to achieve their objectives. The information critical to investigating or prosecuting a case is not the same information that service providers need to manage their cases. Missing information may also have been related to the extent of the investigation. For example, if law enforcement reviewed a wage theft tip and quickly determined that the case was not trafficking, the case file contained limited information about victims and suspects. However, if there was a substantial investigation, the case file may have included hundreds of pages of documents, including detailed information about victims, perpetrators, other characteristics of the exploitation, as well as details about the criminal legal response. Unfortunately, most of the labor trafficking cases we reviewed did not have detailed case files, likely because they did not progress through the criminal legal system—across all 127 cases, only 8 suspects were arrested.

We initially planned to use the case file data, in combination with the interview data, to explore patterns in labor trafficking cases (Research Question 1). However, in addition to the challenges described above, each agency/organization had different priorities or was targeting specific populations for services, which directly impacts the characteristics of the cases they work. The referral pathways varied and cases came to the attention of our data sources through different mechanisms, each of which may result in a certain type of case appearing more common. For example, cases referred to an immigration advocacy organization are limited to foreign nationals. For this reason, all the cases from our South site involved foreign nationals. Given the numerous limitations and challenges with the case file data, we relied solely on the stakeholder interviews to address all three research questions.

2.2.2 Interviews with Anti-Trafficking Professionals

Between November 2021 and November 2022, we conducted interviews with 73 anti-labor trafficking stakeholders, including law enforcement (n=19), prosecutors (n=11), victim service providers (n=41), and local labor regulatory agency representatives (n=2) across the five sites. Victim service providers represented a wide variety of organizations, ranging from immigration-focused legal service providers to shelters to workers' rights organizations.

Interviews were conducted individually or in small groups either in person or via Zoom. Interviews lasted between 30–60 minutes and covered topics such as professional history and training, perceptions of state labor trafficking laws, community context, labor trafficking case

experience, collaboration, challenges to addressing labor trafficking, and strategies used to overcome those challenges. Interviews were audio-recorded, with participant permission, and then transcribed. If a participant declined the audio recording, detailed notes were taken instead.

2.3 Interview Data Analysis

A team member reviewed the transcripts for accuracy, cleaned and edited any inaccuracies, and redacted any identifying information. The de-identified transcripts were then uploaded to QSR NVivo 12, a qualitative coding software for coding and analysis. The approach we used to qualitatively analyze the data applied well-established methods (MacQueen, McLellan, Kay, & Milstein, 1998; Miles & Huberman, 1994). We developed an initial

deductive coding strategy, with the interview guides serving as a template for the initial code list (e.g., community and leadership support and buy-in, stakeholder collaboration, case characteristics, facilitators and challenges to addressing labor trafficking, and goals for case resolution). The team initially coded a common set of transcripts to ensure consistent coding practices, and team meetings were used to resolve any coding questions or issues. We modified the code list and team coded the same common set of transcripts two additional times before determining consistent intercoder reliability. One all transcripts were coded, reports were generated with all coded text for each code. Then, the research team developed detailed coding summaries based on each code report to identify prominent themes and patterns among each code's text.

Site	Interviewees (n)
Northeast	16
Northwest	12
South	19
Southwest	12
West	14

2.4 Reflection Sessions with Stakeholders

After our team had concluded analysis and organized preliminary study findings, reflection sessions were held with eight study participants representing law enforcement, victim services, immigration legal services, and the resilience workforce. These sessions were intended to member check preliminary findings with study participants, and we discussed whether these findings resonated or differed from their experience in the field as well as the most important study findings to share with various community groups and the most effective ways of doing so.

Section 3: Findings

3. Findings

3.1 Research Question 1: Are there patterns in the characteristics of labor trafficking cases identified by law enforcement at the state and local level?

Guiding Sub-questions

- How did the cases come to the attention of law enforcement?
- What are the initial criminal charges?
- At what point was a labor trafficking element identified?
- What are the characteristics of labor trafficking victims?
- What are the characteristics of labor trafficking offenders?
- What are the characteristics of labor trafficking cases (e.g., number of victims, number of offenders, relationship of offenders to each other, industry of exploitation, length of exploitation)?
- How aligned are cases that come to the attention of law enforcement, in terms of industry of exploitation and victim characteristics?

This project sought to understand the types of labor trafficking cases identified in the study sites. Information about labor trafficking cases fell into four broad categories: (1) characteristics of individuals who experienced labor trafficking, (2) characteristics of the individuals who engage in labor trafficking, (3) industries in which the exploitation was identified, and (4) methods of exploitation. This section is organized around these categories.

3.1.1 Characteristics of Individuals Who Experienced Labor Trafficking

Interviewees described a range of individuals who experienced labor trafficking, varying in demographic characteristics, socioeconomic status and education, the presence of intellectual and developmental disabilities, and citizenship and immigration status. Regarding demographic characteristics, study participants described cases involving both children and adults; men, women, and transgender individuals; individuals of various racial and ethnic groups; and individuals of both higher and lower socioeconomic statuses and education levels. As one victim service provider summarized:

“Another thing that I want to tell you before I forget is how important it is to break stigmas and generalizations in trafficking. I have lawyers from Philippines, victims of trafficking, lawyers...Nurses from Philippines, engineers from India. And this is something that every time I am invited to talk, that’s the first thing I say. Please take off of your mind that we are talking about just poor people, illiterate and ignorance, no way. Trafficking victims can be anyone, any race, any gender, any age, any religion, any, any, any.” (Southwest 10, victim services)

Labor abuse of **adults** was described in various settings, including agriculture, restaurants, hotels, domestic servitude, meat processing, and massage parlors. Descriptions of cases

involving **minors** included marijuana growing facilities, restaurants, hospitality, and forced criminality. As one victim service provider described:

“With youth, we’re mostly seeing the industry for youth be restaurant and [domestic] servitude but mostly forced criminalization. So shoplifting, robbery, burglary rings, that directed behavior or running drugs, guns, money for such. So that’s really what we have been able to identify most frequently in terms of minor survivors right now.” (Northwest 8, victim services)

Perhaps unsurprisingly, cases involving women were more likely to mention commercial sex, massage parlors, and beauty services (e.g., nail salons), whereas cases involving men were more likely to mention industries like construction. Labor exploitation was also common among individuals from **various racial and ethnic groups**, with immigrants and those with limited English proficiency being particularly vulnerable. The stories shared by interviewees also highlighted the fact that individuals of both **higher and lower socioeconomic status and educational levels** are vulnerable to trafficking. One prosecutor described a case involving an educated engineer:

“I have one case that this came to me. We have an engineer over here, highly educated Mexican national, was told and recruited to come down to [City]. They applied for some job online. They said they were looking for high end people. They come down to [City] and they’re basically trapped in a house and they’re not being allowed to leave and they can’t really... They don’t know what their job is. They don’t know why they were brought in the first place.” (Southwest 2, prosecutor)

Although individuals from all walks of life are vulnerable to trafficking, one interviewee described poverty as a root cause of the problem: “We have a big problem with poverty, and when you calculate that a whole family is going to live on \$57,000 a year maximum, what do you expect? You’re trying to save victims, but you’re not ending the problem and you are not addressing it,” (Southwest 9, victim services).

Interviewees from four sites also described the exploitation of individuals with **developmental and intellectual disabilities**. These individuals were exploited in various industries, including house flipping, landscaping, drug sales, maintenance, and housework. As one victim service provider explained:

“In my experience, I’ve seen a lot of labor trafficking around individuals with intellectual [and] developmental disability.... And people targeting those groups to engage in maybe more of housework or putting them in debt bondage.... One case we had, it was work around a trailer park, just maintenance. And he had a pretty severe intellectual disability and just couldn’t get out of the debt bondage. And so things like that. There are the bigger cases around those more obvious industries. But in my experience, it’s some of the [more] discreet work.” (South 7, victim services)

Study participants also described cases that involved both **U.S. citizens and foreign nationals** (including those with permanent residency, those on various visas, and those without immigration documentation). One victim service provider noted that most of their sex trafficking cases involved U.S. citizens whereas most of their labor trafficking cases involved foreign nationals. Another explained that “U.S. citizen survivors who are using substances and are more likely to be already in sex trafficking situations are being forced to do other elements of labor trafficking. So they’re already being exploited and then being made to carry that. We’ve got a lot of drugs, gun, money stuff going on.” (Northwest 8, victim services).

However, **foreign nationals** may be particularly vulnerable to labor trafficking because employers can exploit their legal status in the United States, even if they arrived on a visa. For example, interviewees described seeing a lot of abusive situations involving individuals who come to the United States with temporary **guestworker visas** to work in either agriculture (H-2A visa) or other industries (H-2B visa). A concern we heard with these visas, as well as the J-1 **cultural exchange visa**, is that an individual’s immigration status is tied to their employment with a single employer—if they quit their job for any reason, they also lose their visa and work authorization. A victim service provider also described having an influx of domestic servitude cases with individuals on **spouse- or family-dependent visas**:

“I’ve had multiple domestic servitude cases that are related to tech workers bringing their spouses, because the H-4 visa that the spouse is on, you can’t legally work on it. So, it creates the situation where the spouse is not able to get their own job and they’re connected to the H-1B spouse that’s working at the tech company. So, it creates an abusive situation from the get go. But then if you throw in forced labor and inability to leave and usually the spouse takes their identity documents, it creates a trafficking situation. So, I’ve seen a lot of those cases.” (Northwest 8, victim services)

Other cases involving foreign nationals have included individuals who were falsely told they could come to the United States on a **tourist visa** and change the status later and one individual whose trafficker created **fake immigration documentation** that falsified their age.

3.1.2 Characteristics of Individuals Who Engage in Labor Trafficking

Interviewees described a range of individuals who perpetrate labor trafficking, including individuals affiliated with a business or who were informally hiring or recruiting workers, such as business owners; subcontractors, promoters, or labor brokers; and private employers without a formal business. Businesses involved in labor trafficking included both **large and small businesses**, such as restaurants and small gas stations. As one study participant described:

“One was a minor who came from an affluent family, had come to the U.S. for a 2-week travel as a 15-year-old, and then was doing it again as a 17-year-old, and upon arrival, was immediately put to work in small businesses... And they're like, “You are going to make your own food and you're going to work at our small little gas station, and then you're going to work at this other place, because we now know you're decent in English, so we're going to have you at this other spot.” (Northwest 1, law enforcement)

Offender Types

- Owners of small businesses to large corporations
- Subcontractor, promoter, or other third party
- Private employer without a business
- Family members
- Sponsor of unaccompanied minors
- Members of the same ethnic group or country of origin as the individual they exploited
- Church leaders
- Organized crime groups

At other times, **subcontractors or labor brokers** who recruit and hire workers for larger corporations were described as engaging in labor abuses and exploitation. This appeared to be particularly common in construction. As one investigator explained:

“There's built in this system and what is described to me as ultimately you have corporations who will secure multimillion dollar projects to build let's say a downtown building. What they do is that multi-billion dollar corporation will then subcontract out the different parts of the construction to the different... Again, those middle management companies that come in. This company's only going to do framing. This company's going to do the masonry work. This company does the drywall.” (Northeast 1, law enforcement)

Using subcontractors like this can also make it more difficult to determine who is responsible for labor abuses. For example:

“And even to put the case together, because especially with, I think construction kind of jobs, you have the big company who then makes the... “We're going to do this for you.” And then they have the contractor, then they have all the subcontractors. And so even trying to figure out who is actually the bad guy in the situation could take a really long time.” (West 12, law enforcement)

Exploitation that was described as occurring at the hands of a **private employer** primarily involved cases of domestic servitude. As one victim service provider described, “We've seen a real increase in domestic servitude lately, where, for example, there was a Saudi student at one of our local colleges who brought her Filipino maid and was hideously abusing her,” (Northeast 6, victim services).

Often, the perpetrators are much more closely connected to the individuals they exploit than simply being their employers. Perpetrators sometimes include family members, immigration sponsors, members of the same ethnic group or country of origin, and church leaders. Perpetrators of **familial trafficking** include spouses and parents. One case came to the attention of law enforcement as domestic violence, but it was later uncovered that the husband was forcing his wife to have sex with other people as a means of control. Interviewees also

described situations in which unaccompanied minors were trafficked by their **Office of Refugee Resettlement post-release sponsor**, which may include both close and distant family members as well as unrelated third parties. One victim service provider described how this type of trafficking typically works:

“We’re seeing more often where they are released to a sponsor who then is saying, ‘You need to pay me back. You need you owe me now because I’m helping you out.’ And so then they’re in, the kid that I just spoke with, he got released to a sponsor that he barely knew, like a distant relative or released to this individual who then didn’t allow him to contact anybody, didn’t allow him to contact his family, made him start working with that individual doing sidings, like construction. And so that type of thing we’re seeing more often where the sponsor is then, sometimes they’re purporting to have spent money to get them here, which is usually a lie. They’re saying it costs me \$2,000 to get you for transportation here and I spent this and I spent that and so now you need to pay me back by doing this work.” (West 8, victim services)

Exploitative Industries Identified

- Commercial sex*
- Illicit massage, health, and beauty
- Domestic work
- Traveling sales crews
- Restaurants and food service
- Peddling and begging
- Agriculture and animal husbandry
- Personal sexual servitude
- Health and beauty services
- Illicit activities
- Construction
- Hotels and hospitality
- Factories and manufacturing
- Carnivals
- Health care
- Gas stations[^]
- Other small businesses[^]

*The Polaris typology separates these into 3 distinct categories (escort services, outdoor solicitation, and residential sex trafficking).

[^]These did not cleanly fit in the Polaris typology.

Study participants from two sites also described situations in which individuals were exploited by **members of their church**. One case involved organized forced begging and the other involved a young person without family being put to work by the church, which was described as a cult, without receiving payment.

Finally, only a couple interviewees mentioned cases that appeared to be linked to larger **organized crime networks**. For example, one case “involves Eastern European people in hotel housekeeping work and...the trafficking organization appears to be organized crime from the former Soviet Union, primarily based in New York City and Ohio and running people everywhere in between” (Northeast 6, victim services). The other case was related to organized crime originating in Asia.

3.1.3 Industries in Which Exploitation Was Identified

Interviewees described labor abuse cases that occurred in a wide range of industries that aligned with 15 of the 25 categories included in Polaris’s typology of modern slavery (Polaris, 2017) and 2 additional industries that did not cleanly fit into the existing types. Sometimes study participants described these cases in detail, and in others the industry was merely noted in passing. In this section, we highlight a few of the industries that were described in greater detail.

A couple of sites described **illicit massage parlors** that law enforcement investigated and shut down quickly. As one prosecutor explained:

“Massage parlors follow a consistent pattern. They open, law enforcement investigates, and they shut down. Those are more labor trafficking than sex trafficking because they are reliant on a business model and bookkeeping and require forensic auditing. That would be the labor trafficking cases we have had. They all have a sexual element.” (South 16, prosecutor)

A few sites also described incidents of **domestic work**, which typically involved wealthy foreign nationals exploiting non-citizens to work in their homes and businesses.

Two respondents in the same site described a recent case of labor trafficking in a **restaurant**. As a law enforcement respondent described,

“The restaurant had recruited people without status to work. These people were subjected to harassment, threats, and they were kept in an apartment. Their employers were the ones that maintained, they rented the apartment out, they would use things, they would accuse the employees of not working hard enough of just being lazy.” (Northeast 2, law enforcement)

A service provider in the same site indicated that they had had two cases in the restaurant industry, including one involving a chain restaurant, which made them very suspicious that exploitation was still occurring.

Interviewees in three sites described cases of labor trafficking in **agriculture and animal husbandry**, which included individuals working with various kinds of livestock, picking fruit, and tending fields. A victim service provider in the southern site tied this exploitation to the history of slavery in the United States:

“There's just very much still this old culture that idealizes some sort of old agricultural farming as this idyllic thing that existed in southern culture, which obviously that was slavery. And the agricultural industry, I would almost say more than other industries, just feels very entitled to having access to a really low wage workforce. They just feel very entitled to getting to have workers that are going to work for almost nothing. It's quite common that the employers that we sue in our cases will refer to our clients and their employees as their boys. 'Oh, my boys. My boys this, my boy's that.' And we had opposing counsel in a case where we were doing depositions, say something to us along the lines of, 'What are you trying to do? Are you trying to change the whole way that they do tobacco? We've been doing tobacco like this for centuries in [State].” (South 14, victim services)

Interviewees in two sites described **forced criminality**, particularly involving drugs. Exploited work in the drug market included growing marijuana, carrying drugs across the U.S. border, and cleaning crystal meth. For example, as one victim service provider described, “I definitely still see forced drug mules on the border and other smuggling turned trafficking type of situations

where they're forcing women into sex acts or they're forcing men into cooking and cleaning or things along the border" (West 8, victim services).

Cases in **factories and manufacturing** involved both meat and seafood processing and shipbuilding. Labor abuses in **hotels and hospitality** were described as occurring in both larger chains and small family-run businesses. Exploitation in the **construction** industry was described by participants in three sites. A service provider explained how perpetrators are able to repeatedly get away with this abuse:

"So what you see repeatedly in those contexts is like they'll work for the orga-doing a construction job and they just picked up the day laborers, maybe the first month they pay them fine. Second month they pay them fine. Now the job is ending this month and so they just don't pay them that month because there's no consequence for them not to. They know that nobody's going to come after them. And so they just don't pay the last month's pay." (West 8, victim services)

3.1.4 Methods of Exploitation

The incidents of labor abuse described by study participants involved various methods and tactics of abuse, ranging from physical and sexual abuse to wage theft. Incidents of **physical abuse** at the hands of an employer were described by respondents in two sites. Both of these cases involved a domestic worker. One was locked out of the house for the night in frigid temperatures, and the other was forced to sleep in the laundry room or basement bathroom. Other respondents described **sexual abuse and forced sex acts**. One case involved the exploitation of both farmworkers and girls who were taken to have sex with them:

"She was transporting workers from farm to farm in [County, Nearby County]. They were being paid sub-living wages, undocumented workers. She also, concurrently, was moving girls and taking girls out to these farms and letting these laborers have sex with these girls as a way to pacify and keep them happy. You know what I mean?" (Northeast 4, law enforcement)

All of the sites described incidents that involved various forms of **control**. One service provider summarized trends they have seen in their labor trafficking cases around threats and control over both housing and work authorization:

"The main indicators were either the employer-provided housing or the employer sponsored a work visa for these folks or assisted them in coming here without valid authorization and used threat of contacting ICE or immigration enforcement to keep them from asserting their rights, whether to get out of that situation or their labor rights in essence. So I think those are the things that have been consistent across all of these, is just the employer knows that, either they control housing and work authorization or they know the person doesn't have work authorization and they use that as part of the coercion piece to prevent the person from coming forward." (Northwest 9, labor regulatory agency)

Methods of Exploitation

- Physical abuse and violence
- Sexual abuse and forced sex acts
- Control
- Threats
- Underpayment and wage theft
- Dangerous working conditions
- Broken promises

Control over movement and living situations included living with the employer or in employer-provided housing that is overpriced and/or overcrowded. As a law enforcement respondent described, “He supplies the housing, he supplies the transportation, phones, transportation for food, whatever you can think of. But it's just overpriced. You're staying in a three-bedroom apartment and there's four families living in there, multiple kids” (Northeast 3, law enforcement). A victim service provider in a different site described how an employer controlled all aspects of the lives of their employees:

“This is another problem with the guestworker program is that you live with your employer. You are captive. No matter you used to... Because you are staying there, they treat you as a father, as your parent. They say, ‘Oh, you don't have to drink. You have to sleep this hour. You have to wake up this hour.’ You are followed. They have to manage your life like this. This is one of the things that happened with this lady, [Name]. She was very courageous. She confronted them. The first question that she had with me was that, because she didn't know the laws in the United States, she said, ‘I was working 16 hours a day. They forced me to work all day. They closed the shop with pallets so I don't escape. We could not escape.’ They closed it. That's inhumane. They closed the shop with pallets. What happens if there is a fire? They will die. They didn't know that it was illegal.” (South 12, victim services)

Respondents in four sites described the use of **threats or control over immigration status**. This included a case where a worker was induced to commit visa or immigration fraud. In this case, the company told potential ranch hands to come to the United States on a tourist visa and that they would file for a change of status once they were in the country; however, work authorization is included in a tourist visa. Another case involved threatening the revocation of a guestworker visa:

“That's why there are threats of if you don't do X, if you don't stay, I can replace you in a heartbeat and I'm going to call ICE on you or whatever. It's a very effective threat because they do that. If you complain, you are not going to be hired again for that job. And they definitely convincingly tell you that you're not going to be able to get a visa with anyone else either. So yeah, I do think that there are things that the government could do within the H-2A and H-2B visa programs to bar employers.” (South 14, victim services)

Stories involving **wage theft and underpayment** were also common. This involved promising people higher wages than they ultimately paid and simply failing to pay the last check owed. Finally, multiple respondents in the southern site described **dangerous working conditions** in a seafood processing plant that involved both working while sick with COVID and working 18 hours per day and falling asleep on the tables because they were working too much.

RQ1: Summary of Key Takeaways

- Many groups of people are susceptible to labor trafficking. Despite common stereotypes, labor exploitation is not limited to semi-skilled foreign nationals. For example, interviewees described cases involving engineers, attorneys, and nurses.
- However, interviewees identified a few specific susceptibilities, including immigration status (e.g., workers on guestworker visas or without work authorization), limited English proficiency, and developmental and intellectual disabilities.
- Perpetrators of trafficking are similarly varied and include small and large business owners, subcontractors/labor brokers, and family members and others close to the victims.
- Interviewees described exploitation occurring in numerous industries, which aligns with Polaris's modern slavery typology.
- Traffickers use a variety of exploitation tactics, ranging from physical and sexual abuse to broken promises.

3.2 Research Question 2: How does the identification and investigation of labor trafficking cases differ from that of sex trafficking cases in terms of case characteristics, collaboration within and among agencies, case resolutions, and case outcomes?

Guiding Sub-questions

- What agencies are involved in the identification and investigation of labor trafficking cases, and what are the working relationships between these agencies and law enforcement?
- Are there different formal policies in place for investigating sex and labor trafficking cases? How do these policies differ?
- How does the identification of trafficking victimization differ between sex and labor trafficking cases?
- How does the use of human trafficking statutes differ between sex and labor trafficking cases within the same jurisdiction? How often are non-trafficking charges pursued against traffickers, and what is the scope of these charges for both sex and labor trafficking?
- How frequently are civil remedies pursued for victims of sex and labor trafficking?

Many of the sub-questions guiding this section are interrelated and overlapping. To explore how these differences occur at different stages of the criminal legal process and the implications this can have, we have organized this section around the differences between approaches to addressing sex and labor trafficking during three key stages: identification, investigation, and prosecution of human trafficking cases.

3.2.1 Identification: Differences Between Sex and Labor Trafficking Cases

Labor trafficking was almost universally described by study respondents as more difficult to detect and identify than sex trafficking. Consistent with what has been found in prior research, some study participants discussed that the legal definition of labor trafficking is less straightforward than the definition of sex trafficking. Several stakeholders commented on the complexity of distinguishing between things like wage theft, labor exploitation, and labor trafficking. Labor trafficking's lack of visibility was also noted as a barrier to identification:

"I think in the labor trafficking cases, I think the challenges are simply the signs aren't apparent. Again, when you walk into, I keep using restaurants as an example because other than that, how would you know what's going on? You drive through rural roads in the county, you can't see who's picking. It's just something you don't think about. The challenges are that it's not obvious...It's very difficult to be proactive when it comes to labor trafficking unless you are walking into various businesses...Most cases come to us through identifying a victim. And it's hard to identify victims in labor trafficking. It's not hard in sex trafficking. It's real simple in sex trafficking." (Northeast 4, law enforcement)

Stakeholders described the differences in labor and sex trafficking indicators, which impact what identification techniques will be most effective. With sex trafficking, the offender is often an

intimate partner or “pimp,” but with labor trafficking, “you're confronting a local industry...powerful entities...or maybe hotel owners” (West 9, victim services). As a result, the variety of industries in which labor trafficking occurs necessitates different approaches to identification. For example, in one site there were several differences even between the farming and fishing industries in their region, which not only involve different regulatory agencies, but also different demographics of workers, with varying cultural and/or language-related needs. Unlike sex trafficking, **identification of labor trafficking requires industry-specific strategies, partnerships, and approaches.**

Whereas sex trafficking cases are often first identified by law enforcement, labor trafficking victimization is often first identified by service providers. This is a significant difference with implications for labor trafficking statistics that rely on law enforcement data, as service providers do not bring every potential case of labor trafficking to law enforcement. Most participants from victim service agencies described following trauma-informed best practices and giving survivors the choice to engage with the criminal legal system, noting that there were several reasons why they might not. Some respondents described that labor trafficking victims may be reluctant to identify their experience as trafficking. Other respondents described victims' hesitation to come forward to law enforcement for fear it might disrupt the little money they are able to regularly provide for their families. As one prosecutor reflected, labor trafficking survivors are “very unlikely to report anything because it is what is feeding their family and they don't want to rock the boat” (Southwest 3, prosecutor).

Several respondents felt that labor trafficking victims who have come from outside of the United States may be “scared of the laws, scared of law enforcement at times because when they come from these different countries, law enforcement isn't necessarily looked on in a positive light” (Northeast 3, law enforcement). One prosecutor described the impact this had on the number of cases referred to their office:

“What I'm seeing is that the labor trafficking victims aren't necessarily wanting law enforcement interaction or participation as part of their process, so we're not getting as many referrals for those cases, or we're getting referrals but we're not able to build a case.” (West 10, prosecutor)

Respondents also described a **lack of formalized identification tools and tactics for labor trafficking.** Many law enforcement respondents recognized the need for more proactive efforts to identify labor trafficking and acknowledged that they were typically responding to tips or referrals. In the South site, respondents reported that they formally screen for sex trafficking but do not have a screening tool for labor trafficking. Although a labor trafficking-specific screening tool has been developed in this jurisdiction, it had not been approved for use at the time of our interviews—almost a year after the tool was completed. One person described the development process as “really hard,” and another further explained that it is easier to make decisions about criteria for using a sex trafficking screening tool than the one developed for labor trafficking and provided the example of a teenager working construction. “Where do you get to the, ‘Okay, well let's see. Let's dig a little bit deeper into your employment and what that looks like, if you

actually have a paycheck,’ and going through this [labor] screening tool” (South 13, victim services).

Identification of labor trafficking cases is also influenced by the degree of prioritization in individual regions. Respondents overwhelmingly reported that sex trafficking, particularly involving youth, remains a higher priority in their jurisdictions than labor trafficking. Respondents specifically described this dynamic of prioritization as occurring within law enforcement, local governments, anti-trafficking organizations, and the public. However, many respondents also described a growing interest in addressing labor trafficking, particularly among stakeholders who are involved in responding to human trafficking (e.g., members of the local human trafficking task force). Several respondents noted that although sex trafficking is prioritized locally, they believe that labor trafficking is a larger issue affecting their communities. A detective described how the change in prioritizing the issue of labor trafficking within one county in the Northeast resulted in an increased number of cases identified:

“Sex trafficking is prioritized, I believe...sex trafficking, there is just so much more education and awareness. I think that labor trafficking doesn’t necessarily get attention because of that. I think it’s also...we haven’t brought the attention forward. We haven’t paid attention to it on the law enforcement front, I will say. I’ll speak specifically for law enforcement. We just haven’t prioritized it. Now that we are, we’re seeing the level, the amount of exploitation that is actually happening.”
(Northeast 1, law enforcement)

Many respondents described labor trafficking as a “hidden” issue, one that is less visible than sex trafficking. Referring to sex trafficking, one respondent noted, “We see it, and neighbors see it, communities see it,” (Southwest 2, prosecutor). Several participants described the way that the lack of visibility of labor trafficking creates an out-of-sight, out-of-mind mentality that allows stakeholders and the community “to turn a head to it,” (West 3, victim services). As one victim service provider stated, “I feel like sex trafficking is easier to identify and so that’s given priority because people can see it. It’s more upfront,” (West 6, victim services).

The characterization of sex trafficking compared to labor trafficking influences public perception that, in turn, affects identification. Many respondents reported that **the public feels more deeply for people who have experienced sex trafficking more than for those who have experienced labor trafficking**. Respondents described a lack of understanding among the general public about force, fraud, and coercion as it relates to labor trafficking as well as a general confusion about the distinction between labor trafficking and poor or exploitive working conditions. As one victim service provider described:

“We’ll see attitudes often that are like, ‘Well, earning five dollars an hour, that’s obviously below our minimum wage, but that’s more money than they could earn in Mexico. So they’re fine. They should be happy and grateful to be able to work here for five dollars an hour, because that’s better than they could do in Mexico.’ Stuff like that are attitudes in terms of labor trafficking.” (South 14, victim services)

Additionally, respondents noted that there are economic factors that impact the identification of labor trafficking cases. Some respondents observed that grants and other funding opportunities are often geared toward sex trafficking. As one victim service provider put it:

“I think a lot of it has to do with funding. There's more grant money up there for sex trafficking than it is for labor trafficking. If you don't have the funding, it's hard to get people excited about it. If you [were] to put a big grant out there for a million dollars, there would be people interested in it.” (South 5, victim services)

Additionally, many respondents said that labor trafficking supports an “underground economy” that communities rely on and therefore are reluctant to acknowledge or address as an issue. One service provider stated:

“We have our huge service industry here. We rely a lot on an underground economy. So, I think people are resistant, and I certainly know from my work in rural regions, people are extremely resistant to recognizing that individuals are being trafficked because their economies depend on it.” (West 3, victim services)

3.2.2 Investigation: Differences Between Labor and Sex Trafficking Cases

Until recently, federal, state, and local resources (e.g., funding, law enforcement personnel) have been largely allocated to the investigation of sex trafficking. This has allowed law enforcement to focus and build their expertise in useful and effective methods to investigate this crime. Participants noted how this allocation of resources has not been replicated for labor trafficking cases:

“What we were seeing is that labor trafficking cases are very time-intensive, just like sex trafficking cases in certain circumstances. There's a lot of different components in terms of the investigatory capacity of knowing how to conduct financial investigations, understanding the labor markets, which gets super involved with the different cases that you have, and even being educated and understanding the different types of trafficking within the labor environment. Somebody who is having multiple different cases, and specifically between sex trafficking and labor trafficking, doesn't get the ability to build up that expertise to be able to really do a good job of being able to investigate them... We realized that several years ago and just felt it would be better if we were able to prioritize one person's investigatory capacity to be able to handle these cases ideally.” (Northeast 1, law enforcement)

Each of the five in-depth respondent sites, spread geographically across the country, had a human trafficking task force (i.e., any interagency collaborative group, including working groups) formally established under previous federal funding: the Bureau of Justice Administration Enhanced Collaborative Model (BJA ECM). Although each of the sites have an established task force, the length of time that each task force had been focused on labor trafficking varied. Two of the five sites had long-established labor trafficking–specific leaders within the core task force. These individuals were mentioned frequently by name during the interviews of other task force members and were consistently regarded as the go-to individuals if anyone had any questions

related to labor trafficking. A victim service specialist in the Northeast site said of one such expert: “She is so experienced in the area...she explains and breaks down the nuances,” (Northwest 11, victim services). The other three sites had more recently started their labor trafficking efforts at the time of data collection for this study and had no such reliable local “experts.” Instead, each full team was trying to figure out how to address labor trafficking at the same time, with one law enforcement interviewee stating, “The thing about this task force is that we’re drinking from a firehose” (Southwest 6, law enforcement). Interviewees from several sites said that almost any representative on their task force would be able to respond to any questions or issues related to a potential sex trafficking case as opposed to just having one or two individuals who are labor trafficking experts.

Without identification, investigation cannot happen, but even agencies finding instances of labor trafficking are struggling to prioritize these cases because **labor trafficking investigations are time and resource intensive**. One respondent stated that it “isn’t necessarily a prioritization of what’s more important, but it’s...can I do four of those [sex trafficking] investigations in one year or can I do one of labor?” (Northeast 7, victim services).

The amount of time and effort required for labor trafficking investigations has proved to be a challenge for jurisdictions still working on buy-in toward labor trafficking. “Last couple years I think numbers are down, morale’s down. There’s a need for a lot of stats from management. And these [labor trafficking] cases are not the ones you’re going to get those on because they’re very time intensive, take a lot of work” (Northwest 5, prosecutor). Stakeholders describe sex trafficking investigations as “easier” (e.g., less time intensive, more avenues to collect evidence), whereas labor trafficking investigations are described as “time intensive” or a federal issue. This may influence their decision to focus investigations on sex trafficking over labor trafficking (Northeast 7, victim services). Some stakeholders said that they do not have the capacity (personnel, time, funding, training) to investigate labor trafficking:

“You guys know the labor trafficking cases are incredibly time intensive. I don’t have a caseload like my fellow brothers and sisters in blue that are working burglary cases. They have probably 100 rotating at one time. [Labor trafficking] is very involved, emotional survivor interviews that are really lengthy and take a while for someone to feel comfortable even sharing anything. Or days where I have to call an interview, because I can tell that the person’s just too emotional. And even though I’ve hired an interpreter and we’ve all come together, it’s just that this is not the day. And then maybe it takes four times for them to be able to really share with me what I need for the case. Or maybe I have a bunch of stuff, but it doesn’t rise to the level for a prosecutor.” (Northwest 1, law enforcement)

Respondents often discussed that to be able to develop labor trafficking cases, **there is often a need for corroborating evidence that is difficult to find**. Primary evidence in labor trafficking cases is often victim testimony, and there is often a lack of a data trail that would help support their testimony. Some respondents noted that with sex trafficking cases, investigators are more likely to find documentation to support the case:

“One of the things that's our model of sex trafficking cases and how we're building them is we're just getting volumes of data. We're getting so much information to support the allegations beyond just relying on what a victim says happened to them. That's how we build a really good case. That's not necessarily happening on the labor side. All I have is somebody coming forward and telling me about their experience, but I have no digital footprint to support it. That makes it really hard to build and charge a case. That's just relying on someone's testimony.” (West 10, prosecutor)

Several respondents described investigators as “so overwhelmed” or “inundated with more common crimes” like burglary or assault. **Insufficient resources were described as a barrier to instigating more proactive investigations, which would likely lead to the identification of more labor trafficking cases.** One law enforcement officer noted that, once identified, “in sex trafficking, you could do undercover operations...and be able to extract and recover victims, and you could follow social media and look at who found the hotel room. There were more tools available to us in sex trafficking...Labor trafficking remained elusive,” (Southwest 5, prosecutor).

Most sites have passed laws or instituted policies that seek to address the unique difficulties of investigating labor trafficking cases. For example, in the southern site, participants noted that they have recently passed several helpful state-level and municipal policies. Stakeholders in the South site also described a local human trafficking task force that collaborates with law enforcement, victim service providers, prosecutors, and other stakeholders. Furthermore, the governor of the South site has prioritized efforts to combat human trafficking by forming a human trafficking prevention coalition (South 4, victim services). These formalized initiatives aim to help guide law enforcement and prosecutors in human trafficking investigations. Although these initiatives aid stakeholders in their approach, participants across this site noted pitfalls with these policies and claimed that they may not perfectly address the issues associated with handling labor trafficking investigations:

“Sex trafficking has very clear indicators and statutes that lay out the crime simply. Labor trafficking is not as black and white; there are different layers and components, and advocacy organizations are still actively working on teaching prosecutors and law enforcement what constitutes labor trafficking. The industries are also interrupting the process, when folks hear that [industry] farming is big in trafficking, they won't touch it, because that would mess up the [industry] season. There are a lot of preconceived biases and sensationalism.” (South 2, victim services)

In the Northwest site, participants indicated that state law is helpful but imperfect. The law recognizes the variety of tactics traffickers use to try to recruit or apprehend individuals (e.g., threats, legal process, climate of fear). Although, participants noted that the law more specifically targets sex trafficking:

“And then we had a statute that passed in 2015 that called out [name of agency] to coordinate statewide trainings for law enforcement and prosecutors. I was really excited when I started reading that, the statute, and then I was a little bit,

well, bummed because it started off broad, but then when it gets down to the details, it is focused on sex trafficking.” (Northwest 11, victim services)

In the West site, in 2014 the state legislature improved their human trafficking law to mandate that law enforcement agencies collect data on labor trafficking prevalence and create a human trafficking working group and task force (West 2, victim services). Although these initiatives aid in promoting collaboration, knowledge dissemination, and transparency, confusion around guidance for conducting labor trafficking investigations remains. For example, labor trafficking laws are relatively new in this site and have been passed more recently than sex trafficking laws. However, little can be done until the law is enforced and additional guidance is provided:

“Again, our child welfare law passed or our labor trafficking law for youth passed in 2019 and wasn’t implemented into our role and guidance until 2021. So counties were accepting these cases because they needed to but they didn’t have any guidance. So we’re really building up a foundation of how to investigate these cases, at least in the child welfare sphere, because it’s just so recent.” (West 3, victim services)

Although some sites had formal policies and state laws to combat labor trafficking, in the Southwest site participants indicated that there were no formal policies specifically targeting labor trafficking (Southwest 6, law enforcement). As a result, there were very few labor trafficking cases. Although there is a labor trafficking law, it is not well understood across agencies:

“The way it is written, it is similar to sex trafficking, but the elements are different. Don’t have to show sex, just force, fraud, or coercion. It is under-reported because people don’t understand it or it gets messy because you have someone living at a house and providing services, not getting paid but living for free.” (Southwest 7, law enforcement)

Participants in other sites similarly expressed that sex trafficking laws tended to be more straightforward and clearly delineate guidance for investigations:

“There’s virtually no systematic framework for responding to cases of labor trafficking in the way that there are for sex trafficking. We don’t have an internal screening tool with DCFS, FINS, OJJ for labor trafficking. We don’t have a required process for referrals for labor trafficking, even though the child abuse statute clearly states, the way that it’s written is for both sex and labor trafficking, a lot of the DCFS leaders interpret that as only being applicable to sex trafficking, because the example they give is sex trafficking. So they have the words... but it’s been a battle to try to help them recognize that the child abuse statute clearly includes sex and labor, and that there’s a reason that it needs to be integrated into it.” (South 3, victim services)

Furthermore, **existing sex trafficking laws complicate how law enforcement approach labor trafficking cases:**

“So we have a specific child sex trafficking statute that you don't have to prove force, fraud or coercion up to the age of 21 in [State], which is really interesting. That makes us a little different than other folks. And as a result, sometimes folks get really confused about what that means for labor. So there's some misconceptions at the state level that it's like, oh, you don't have to prove force, fraud or coercion in any cases, which would be problematic because that would mean kids that are legally allowed to work would be trafficked.” (South 3, victim services)

Although the sites for the current study are considered to be at the forefront in innovation for investigating labor trafficking cases, our data illustrate that **there remain significant challenges in ensuring that law enforcement agencies and other stakeholders have proper guidance in investigating these crimes**. Participant responses indicate that there are holes in both formalized and informal investigative standards for labor trafficking. Respondents detailed the need for more specific legislative guidance in relation to labor trafficking cases, clearer definitions of labor trafficking and exploitation, and higher prioritization of and resource distribution to labor trafficking cases. These findings have implications for resource allocation, case clearing rates, and restitution to victims.

3.2.3 Prosecution: Differences between Labor and Sex Trafficking Cases

Stakeholders found it challenging to build a prosecutable case under labor trafficking statutes, so they used charges specific to the elements presenting in a labor trafficking case. Especially for jurisdictions that are newer to understanding labor trafficking, the most frequent instances of labor trafficking to be recognized and addressed are still those closely tied in with sex trafficking. For example, massage parlors already identified as possible sex trafficking operations also represented the first labor trafficking cases in multiple sites, as in the West site:

“To me, they're very representative of labor trafficking, but I couldn't charge it legally. That's hard. We're charging those cases as money laundering and financial crimes, and even the state racketeering statute, because there are people who are certainly conspiring together as part of an enterprise to make money illegally off the prostitution of other people, and then launder said money, but I can't necessarily charge trafficking.” (West 10, prosecutor)

Multiple participants expressed the importance of holding traffickers accountable even if they are unable to charge them with labor trafficking. Documentation and electronic evidence and survivor testimony is often essential for successful prosecution of trafficking; however, as noted earlier, this type of evidence is frequently unavailable in labor trafficking cases, making it necessary to explore other charges to ensure trafficker accountability. One stakeholder explained:

“Sometimes we have to get pretty creative and I'm sure [Prosecutor 1] probably mentioned that too. And so to hold the trafficker accountable, it might turn into a money laundering or a tax evasion or some other obscure charges. But at least we can try to get the victim out of the situation and hold accountability to the trafficker in some regard, without having to depend on the survivor or the victim

to testify or be re-traumatized by participating in it, if that's not what they want.”
(West 12, law enforcement)

Even if there is evidence to pursue a labor trafficking charge, there may not be agency backing to include it in a case that has solid evidence supporting other charges that could be easily prosecuted. **Some agency supervisors may mandate the exclusion of labor trafficking charges to maintain simplicity of a case and ease of successful prosecution.** One immigration attorney shared:

“And the AUSA [Assistant U.S. Attorney], I understand, was told not to charge it as labor trafficking by her immediate supervisor. And he told her you have a rock-solid alien harboring case, why would you mess it up by adding this extra... extraneous thing, and she was showing him photos of the man who got hit with a fire extinguisher and saying, ‘that's why.’ And he still told her no. She had to appeal it to her grand boss, to get permission to even charge it is labor trafficking. Because like, why wouldn't you just do this easy thing, get a plea, count it as a stat and be done?” (Northeast 6, victim services)

Labor trafficking may also be more difficult for juries to understand than sex trafficking.

Even when sites are willing to build wage theft offenses into a trafficking case, one law enforcement respondent pointed out that sympathy is often low for cases assumed to be nothing more than a relatable bad work experience: “How do we show a jury that this wasn't just a bad employer who is ignorant, but somebody who is intentionally going after people and exploiting [them]?” (West 11, law enforcement). As a prosecutor from a different site explained during a sex trafficking trial:

“It is not a challenge [for a prosecutor] when you bring [a victim] on the stand. You see the trauma...even if the victim is trying to protect their abuser when they're on the stand... [it] can be more powerful than having a victim yelling and upset about the abuse they experienced. Jurors feel it in their gut. [In a labor trafficking case,] it wouldn't play the same” (South 16, prosecutor).

A law enforcement officer likewise states that grand juries often look at someone seemingly traveling of their own volition and fail to understand how they are being trafficked (West 6, law enforcement). Part of this is a long-standing national empathetic response toward individuals forced to perform sexual acts, and such cases often involve a cooperative and fearful witness, further endearing juries to a testifying victim. Even when a case progresses such that a victim of forced labor may take the stand, the relational dynamics between trafficker and trafficked individual are not as intimate nor intimidating, and these witnesses tend to be much bolder and inspire less sympathy in jurors. In addition to the challenge of jury perception, labor trafficking-related charges are complicated and difficult to explain. Some prosecutors decide to pursue charges that juries are more likely to understand:

“I look at the various charges that may be applied. At the end of the day, I have to make it as simple as possible to prove to the jury. For example, computer fraud charges are really complicated to prove, but I can also just charge theft.

That is simpler and easier for the jury to understand and more likely to result in a conviction.” (South 16, prosecutor)

Many stakeholders discussed that **civil remedies were useful for balancing survivor interests, accountability, and the complexity of labor trafficking cases.** Some stakeholders described efforts to support survivors even if their case does not rise to the level of labor trafficking. Pursuing civil remedy when a case is labor exploitation, not trafficking, was a means of ensuring some accountability from the employer and helping a survivor even if there are no criminal charges. One investigator shared an example of trying to secure payment for a survivor through more informal methods:

“I had one case and I knew it wasn't going to be trafficking and I knew we weren't going to open a case, but I'm like, ‘They're not getting paid. Let me just email the company.’ So my email was like, ‘Hey, we got this complaint and I'm trying to decide if we need to open a full investigation. Are you planning on paying them or not? We just need to know what your response is’ because most people see that, and most people... This one company is like, ‘Yeah, whatever,’ but it's like they don't want that, so it's like, ‘No, we're going to pay them’ kind of thing. So that's a win, right?” (West 11, law enforcement)

Another investigator describes how they facilitate a potential civil remedy for cases that will not be criminally prosecuted:

“I always say, if we're developing cases and we're receiving tips and let's just say it's labor exploitation, but it's not labor trafficking, one of the concerns that I have is that we go out and market ourselves. The investigatory team is like, ‘Hey, we're here to help you. Please feel free to come forward.’ Then I'm like, “Oh wait, this isn't labor trafficking.’ I walk out the door. You know what I mean? That's the wrong message to send whereas we can say, ‘Okay. Well, this is not rising to the level of a criminal investigation, but there's most certainly the civil investigation so let us help you facilitate that relationship with DOL.’ So the person that we're interviewing is just not left without any type of recourse so that there is some type of outcome for them or success for them with them coming forward to us.” (Northeast 1, law enforcement)

Other stakeholders **pursue civil accountability from employers outside of survivor complaints.** In cases where there is not enough evidence to pursue criminal charges, one site uses the evidence they obtained to penalize employers in an effort to hold them accountable and deter them from further violations:

“And especially on the insurance side of stuff. Like I said, there's not a civil remedy to labor trafficking. But there is, when you're looking at business practices where there're wage violations for not giving breaks, you have safety issues, you can refer over to OSHA and get them to come in and civilly penalize them in some way, administratively punish them. I work with [Agency], which is for us contractors take licensing board. So I share a lot of information with them about their bad contractors who we may not been able to prosecute them based on evidence, but they have a lot of administrative violations and they start pulling

licenses. So like I said, we may not get you in prison, but when we can take away all your other ability to conduct work and do the behavior that's negative, that to me is a win.” (Southwest 12, law enforcement)

RQ2: Summary of Key Takeaways

- Identifying labor trafficking is difficult and requires industry-specific strategies, partnerships, and approaches.
- Service providers have been more successful at identifying labor trafficking cases than law enforcement. Applying a victim-centered approach, service providers do not bring a case to law enforcement unless the victim seeks to bring their case forward to the police.
- Identification challenges may be due to a lack of screening tools or low prioritization in the jurisdiction or by the public, which feels more deeply for people who have experienced sex trafficking than those who have experienced labor trafficking.
- Labor trafficking investigations are resource intensive, which may influence their prioritization. Labor trafficking laws and policies are also not as clear as those for sex trafficking.
- Because labor trafficking charges are hard to prove and difficult for juries to understand, prosecutors rely more on statutes for related crimes to hold perpetrators accountable.
- In labor trafficking cases, civil rather than criminal remedies are often sought, including the pursuit of civil accountability from employers.

3.3 Research Question 3: What are the features of successful labor trafficking investigations?

This project sought to understand how labor trafficking became prioritized, whether any collaborations between groups or individuals supported that prioritization, whether the presence of specific policies or procedures were helpful in responding to labor trafficking, the specific needs of labor trafficking survivors and how those needs were addressed, and any expectations around survivor participation in the prosecutorial process. Several overarching components of success related to these topics emerged, which involved strategies related to prioritization, collaboration, policy, taking a survivor-centered approach, and rethinking case resolution objectives. This section is organized around these components of success with a discussion of individual strategies that participating sites embraced, as well as the challenges they faced. These strategies are summarized in Table 3-3 and described in greater detail throughout this section.

Table 3-3 Components and Strategies of Successful Labor Trafficking Investigations

Components of Success	Strategies
Prioritization	<ul style="list-style-type: none"> ▪ Have at least one law enforcement champion ▪ Use collaboration to demonstrate prioritization ▪ Establish buy-in and support from government officials ▪ Invest in the development and maintenance of specialized regional task forces that prioritize labor trafficking identification and response ▪ Establish the support of agency leadership ▪ Allocate resources for creative, wide-ranging education and outreach initiatives
Collaboration	<ul style="list-style-type: none"> ▪ Build and maintain trust with the community, other anti-trafficking professionals, and community-based organizations that have contact with populations that may experience labor trafficking ▪ Utilize local task forces to build and maintain relationships between partners and to establish processes for interagency collaboration
Policy	<ul style="list-style-type: none"> ▪ Build anti-trafficking approaches that fully utilize existing resources, laws, and policies ▪ Approach labor trafficking as part of a continuum of labor exploitation and abuse ▪ Enforce policies to ensure they are being implemented
Tasking a Survivor-Centered Approach	<ul style="list-style-type: none"> ▪ Prioritize meeting survivors' needs before the pursuit of a criminal case ▪ Implement and maintain a trauma-informed approach
Rethinking Case Resolution Objectives	<ul style="list-style-type: none"> ▪ Consider case resolution from the perspective of survivors ▪ Securing restitution of unpaid wages ▪ Secure resources for survivor stability ▪ Help survivors secure work authorization

3.3.1 Prioritization

Responding to labor trafficking requires a multi-faceted approach to ensure survivors are identified and provided the necessary support and access to justice remedies. Recognizing labor trafficking as an important issue across law enforcement agencies, legal and victim services, advocacy groups, and the community is the initial step in building a holistic response required to support survivors and obtain justice. This sentiment was reflected in our interviews with stakeholders who consistently reiterated that obtaining buy-in from community members and other important stakeholders and gaining support from agency and government leadership were paramount to prioritizing labor trafficking in their jurisdictions.

One of the most frequently cited strategies to encourage prioritization of labor trafficking is to **have at least one law enforcement champion**. Some victim service providers and labor rights organizations have been advocating for labor trafficking survivors for years; however, several respondents recognized the importance of having a law enforcement professional advocating for prioritization of labor trafficking because “law enforcement listens to law enforcement” (South, victim services 5). The presence of more than one champion in a region, particularly when champions represented different sectors, only strengthened the ability of anti-trafficking professionals to identify and respond to labor trafficking.

Some stakeholders spoke about the benefit of **collaboration to demonstrate and facilitate prioritization of labor trafficking**. Collaborating with other law enforcement agencies or providers can illustrate to others that there is buy-in across agencies, creating a greater impact with their advocacy. One detective who works with a county-level agency described how their collaboration with federal law enforcement helped highlight the importance of labor trafficking:

“HSI [Homeland Security Investigations], I will say, has been very, very helpful. They have been dedicating more resources to just the trafficking element and being able to be there and be available and again that resource for local law enforcement as well. Between our local law enforcement push and them seeing our collaboration and us delivering the trainings together and having that relationship really just brings forth the power of saying, this is real and we are dedicating the resources to it.” (Northeast 1, law enforcement)

Similarly, in jurisdictions where law enforcement has not traditionally prioritized labor trafficking, it can be challenging to collaborate with service providers.

Another strategy frequently discussed by interview participants was the importance of **establishing buy-in and support from government officials**. In one site, the state’s governor was invested in the topic because they visited a victim service provider who shared with them a human trafficking case from their own hometown in the state. Afterwards, the governor would speak about this case to raise awareness on the topic, and this advocacy “created a realness to it [human trafficking]” (South 4, victim services). The governor’s efforts to raise awareness of human trafficking generated new collaborations and large-scale efforts. In another site, the elected district attorney prioritized labor trafficking, which led to the creation of a workplace justice unit within the district attorney’s office that focused on a spectrum of workplace justice

issues, including labor trafficking. The specialized unit allowed the office to more adequately address cases that involved elements of labor trafficking or other egregious forms of workplace exploitation.

Government priority setting through funding initiatives and mandates also facilitated prioritization of labor trafficking. For example, four of the five sites had received funding from the ECM Task Force to Combat Human Trafficking program funded by the Office for Victims of Crime, which mandates that grant recipients focus efforts on labor trafficking in addition to sex trafficking.

Another frequently cited strategy that encourages the prioritization of labor trafficking is to invest in the development and maintenance of specialized regional task forces that prioritize labor trafficking identification and response. Although many task forces were working to address all forms of human trafficking, sex trafficking remained the predominate focus. However, advocacy efforts by members within the task forces helped increase the prioritization of labor trafficking. Task forces bring together professionals with diverse experiences, allowing other members to learn about labor trafficking. Labor trafficking also became more of a priority through establishing subcommittees or working groups focused on labor trafficking. As one detective shared about their task force, “Half the task force, they spend all their time doing labor trafficking. They don’t even really touch the sex trafficking anymore. So, I think that’s been a big evolution from when it first started” (Northeast 4, law enforcement).

An additional strategy to prioritize the issue of labor trafficking that was frequently discussed among study participants was to **establish the support of agency leadership**. Law enforcement champions require supervisors who allow them the time and support needed to conduct outreach, build partnerships, and build capacity to respond to cases. Labor trafficking investigations and prosecution can be time and resource intensive. Several study participants shared that having a supportive supervisor who allowed them the time to build cases regardless of the outcome was significant in the prioritization of labor trafficking. As one prosecutor stated:

“We started our unit and then we had zero cases. I came into a unit with zero cases and I had an elected who was like, I don’t care if you don’t have any cases for two years. We want you to connect with the community and be available for these victims. For a long time, we would run all over town just going to talk to people and give them safety advice or helping them, relocating them. But we wouldn’t necessarily get a case out of it. She was fine with that. Then of course, over time cases happened and now we have more cases than I know what to do with.” (West 10, prosecutor)

Agency leadership can also facilitate labor trafficking prioritization by publicly demonstrating that their office views addressing labor trafficking as a priority. In one study site, the district attorney was actively engaged in community outreach and education. Agency leadership had the ability to provide funding for full-time labor trafficking investigators or prosecutors, which allowed for greater capacity for agencies to prioritize labor trafficking. Securing dedicated funding for anti-labor trafficking efforts demonstrated internally and externally that the agency prioritized labor trafficking. District attorneys’ offices can have a significant impact in the effort to prioritize labor

trafficking because it shows law enforcement that labor trafficking exists and that they will prosecute cases.

The prioritization of labor trafficking can also be bolstered by a region **allocating resources for creative, wide-ranging education and outreach initiatives**. Because there is very little general understanding of labor trafficking, the majority of study sites shared that education, outreach, and relationship building were the initial steps in generating understanding of labor trafficking as a relevant issue facing communities. These education and outreach efforts were often wide-ranging with the goal of connecting with a broad array of community groups that may be directly vulnerable to labor trafficking victimization or otherwise potentially able to identify labor trafficking. In addition to formal law enforcement trainings, study participants described engaging schools, unions, faith-based groups, immigrant advocacy groups, healthcare workers, and worker justice groups among the types of communities with which they sought to connect.

3.3.2 Collaboration

Collaboration was a key component of success discussed by study respondents. In addition to the benefits of collaboration for prioritization, respondents described the importance of building relationships with other anti-trafficking professionals, community-based organizations, and the local community for identifying survivors, conducting investigations, and connecting survivors to appropriate services. Respondents shared trust-building efforts across agencies and disciplines and how these efforts supported thriving relationships between various anti-trafficking stakeholders. Lastly, respondents described the importance of participating in task forces and other anti-trafficking working groups to support collaboration.

The majority of respondents agreed that multi-faceted relationship building is essential to effective collaboration to support identifying and responding to labor trafficking. Many respondents spoke to the importance of building trust with communities that may be vulnerable to labor trafficking and discussed the importance of continued outreach to these communities. This often means collaborating with advocacy groups, labor unions, workers' rights groups, and other organizations for which human trafficking identification or education is not a part of their day-to-day mission.

Building trust between these agencies can be difficult as their missions and approaches may differ significantly. Respondents reported having to acknowledge that these differences exist and committing to work through any tension that occurs. As one detective said:

"I would say that myself and some of the advocates I work with, and the immigration attorneys and the prosecutor, we may have tension at times or we may not understand why the other person does what they do, or things may come up, but we are always trying to better ourselves and better the work for survivors. And so we work through that. I would say most of my interactions are highly positive, but some things can be professionally frustrating. I think that's understandable." (Northwest 1, law enforcement)

This type of relationship building takes time, and establishing trust between collaborators with different professional mandates can be a delicate process. Respondents described easier

working relationships and higher levels of interagency trust when there was confidence that all parties were working toward the same goal, such as prioritizing survivor-centered practices and following the survivor's lead for case resolution. When partners are aligned about priorities, relationships thrive.

Establishing trust also requires setting expectations for what happens when agencies refer cases to one another. Agencies must understand and be able to articulate the ways that, within their normal course of work, they may identify labor trafficking cases or provide services to people that have experienced labor trafficking. These roles must be well understood by other community agencies and groups in order for effective referrals to occur. Respondents frequently described task force involvement as central to efforts around collaboration, particularly with regards to establishing norms and expectations around referral processes. Several respondents also spoke to the benefit of using task force-based relationships to establish whether to pursue state or federal charges if a case was moving forward to prosecution. The tension between state and federal stakeholders can be challenging, but coming together on a task force seemed to help respondents overcome this tension.

Some of the most frequently discussed challenges to collaboration were nonexistent or nonproductive relationships with federal and state labor regulation agencies and confusion about the role of these offices in responding to labor trafficking. Frequent turnover among anti-trafficking stakeholders was also common and described as having long-lasting effects on collaboration between individual partners and agencies.

3.3.3 Policy

Respondents reported that their knowledge of and ability to utilize various local, state, and federal policies was a component of their success in addressing labor trafficking. In considering policy, respondents described the importance of **building an anti-labor trafficking response around existing policies and laws.** The ability of each individual site to build a sensible and sustainable model for identifying and responding to labor trafficking was shaped by the existing state and local laws and policies that can impact labor trafficking enforcement. The key to planning a response to labor trafficking is, in the words of one study participant, “looking at existing resources and seeing if you can add this expertise to it,” (Southwest 5, prosecutor).

Existing resources looked different in each site. Some had criminal wage theft statutes that allowed for criminal investigations into select workplace offenses. One site had recently implemented a local ordinance to criminalize wage theft, which established a pathway for workers to report their employers for not paying them and to have them investigated and prosecuted through the city's attorney's office rather than only relying on a civil outcome. In another site, labor trafficking is a Class D felony, which has been a useful tool in prosecuting cases once they have been identified by investigators.

Other resources that respondents described involved municipal labor compliance offices that were able to respond to and investigate worker complaints about employers. Although not every site had local agencies with this responsibility, those that did had a role in identifying labor

trafficking cases and bringing them to the attention of law enforcement or connecting survivors with services.

In addition, many sites described **decision making around the use of federal or state laws for prosecuting cases to ensure the best outcome**. Participants recognized that state laws are often more specific and that cases can move through state court faster than federal court, but it is often true that federal cases have a higher chance of bringing some resolution because federal laws regarding trafficking are more established and often bring heftier sentences. Sometimes the quickest and clearest path to case resolution involved a municipal labor regulation investigation and response, which did not involve the criminal legal system at all.

Another approach embraced by several of the sites was to **approach labor trafficking as part of a continuum of labor exploitation and abuse** and consider a broader range of workplace violations, including labor trafficking. When a broad spectrum of workplace violations are taken seriously and considered by both regulatory and criminal justice agencies, situations involving elements of labor trafficking are more likely to become evident.

A challenge related to policy that was described across all sites was that, among community members with a role in identifying and responding to labor trafficking, there was unstandardized knowledge of and adherence to local labor trafficking policies. Policies that impact labor trafficking identification and enforcement differ across municipalities, counties, and states. Additionally, respondents in most sites reported variance in the level to which these policies are enforced due to factors such as local culture, prioritization, and the power of industries central to regional economies. This lack of standardization creates inequities in how these cases are handled within counties and across states. This can also cause confusion and impact the working relationships and level of trust among anti-trafficking professionals.

3.3.4 Taking a Survivor-Centered Approach

Overwhelmingly, respondents described the importance of taking a survivor-centered approach to successfully identify and respond to labor trafficking in their communities. The first way that study participants described taking a survivor-centered approach was by **prioritizing meeting a survivor's needs above the pursuit of a criminal case**. One detective described their approach:

“The survivor has a lot to do with where the case goes. Some people are like, ‘You know what? I want to move on with my life. I’m over it.’ Then I’m like, ‘Okay, we’ll close that case.’ I would say most of my cases and most of the work I do is very survivor-led, because we talk all the time about, what is justice to somebody?” (Northwest 1, law enforcement)

Across all sites, respondents agreed that whether or not survivor engagement in the criminal legal process was necessary, survivors should be connected with desired resources and services in the community. Many law enforcement officials who participated in this study described a willingness to support Continued Presence or T visa authorization requests even if they knew the case would not be prosecutable or if the survivor did not want to participate in the investigation or prosecution of their case. Prioritizing connecting survivors to services they want

to receive and supporting their efforts to stabilize increases survivors' capacity to make decisions around pursuing formal justice and their willingness to engage in investigations and prosecutions.

Respondents described the importance of implementing and maintaining a trauma-informed approach. Across sites, implementing a trauma-informed approach that centers a survivor's well-being was described as instrumental in supporting survivor engagement with services and maintaining successful collaboration between partners. Respondents highlighted prioritizing trauma-informed practices that included allowing a survivor autonomy in their decisions, providing supportive services, utilizing specialized and trained interviewers, not criminalizing survivors, understanding and addressing survivors' needs and barriers, and taking the time to build rapport with survivors.

3.3.5 Rethinking Case Resolution Objectives

A significant component of success in responding to labor trafficking was rethinking case resolution objectives. Prosecution of offenders is often understood as the main form of resolution in criminal events. However, among stakeholders interviewed for this study, prosecution was frequently not a primary objective of case resolution in cases involving labor trafficking. There was broad understanding and agreement among law enforcement, prosecutors, victim service providers, and other advocates who participated that the successful resolution of labor trafficking cases should be understood and measured in multiple ways beyond the arrest and prosecution of perpetrators. As one victim service provider explained:

“People are so traumatized and that process is so traumatizing that they don’t want to move forward with it. At least I see that with my clients, and I totally get it. For me, the prosecutions, it’s not as important to me. I’m very anti-trafficking focused, but I don’t think that prosecutions are representative of solving the problem.” (Northwest 8, victim services)

Instead, study participants often identified other methods of case resolution, including securing back pay or unpaid wages, connecting survivors with resources or services that they are interested in, and helping survivors obtain legal work authorization, including assisting with Continued Presence or T visa certification. Among some law enforcement and prosecutor respondents, the issue of holding traffickers accountable emerged as a case resolution outcome of interest, but this was still couched in the understanding that this should not be done in any way that traumatizes or otherwise negatively impacts the survivor.

Many respondents, including those from both law enforcement and victim services, **consider case resolution from the perspective of the survivor** and frame successful case resolution in terms of what the survivor wants. One victim service provider explained, “Normally, during the intake, we ask what justice means to you. What is your goal? And we just follow that” (Northwest 6, victim services). Almost universally, respondents agreed that various metrics were more important than prosecuting a perpetrator using a labor trafficking statute. Following the lead of individual survivors, study respondents described several other approaches to case resolution that brought satisfaction to survivors.

Overwhelmingly, the most frequently cited form of case resolution among all respondent types was **securing back wages** for survivors. This was often described as the most pressing issue for survivors. Some anti-trafficking stakeholders are in positions in which they can directly help survivors secure back wages, such as those who work in local labor standards investigations or advocates who offer wage and hour violation claim assistance. Even when study participants could not directly offer help, they often knew a local resource that they could refer a client to for these services.

State laws and the presence and organization of state- or county-level offices focused on labor standards impact the types of claims that workers can make for unpaid back wages and the absence or presence of formal procedures that inform the process of seeking back pay. State laws also define the types of labor—and workers—that are eligible for this form of formal resolution. Therefore, there are important contextual differences between study sites as to the best way to help survivors secure wages owed, and this is reflected in the wide variety of approaches that stakeholders described using.

The need for specific resources or support was often what brought labor trafficking survivors into contact with community-based service providers, so responding to those needs was paramount for victim service providers and other advocates who participated in this study. For victim service providers, providing these resources or services to labor trafficking survivors was a fundamental objective, whereas connecting survivors with law enforcement for potential case investigation was rarely an objective for victim service providers unless the survivor indicated that they were interested in criminal justice–related case resolution. Putting pressure on survivors to participate in the criminal legal process as a means to access services—including assistance with applying for immigration relief in the form of Continued Presence or a T visa—was almost universally understood by study participants, ranging from service providers to prosecutors, to be against the best interest of survivors.

Most criminal legal agents who had experience with labor trafficking victimization and investigations also believed that **connecting survivors with resources should be prioritized over a criminal justice case resolution**. The survivor-centered approach and the focus on the resolution that survivors were seeking led to a focus on connecting survivors with services as an important form of case resolution among both law enforcement and victim service provider respondents.

Another strategy overwhelmingly described by victim service providers and advocates, and frequently echoed by law enforcement participants, was to **help survivors secure work authorization**. Respondents frequently reported that a chief concern among labor trafficking survivors who they encountered was the ability to find stable and legal work upon leaving their exploitative situation.

There were challenges to taking a survivor-centered approach in identifying, investigating, and prosecuting labor trafficking cases. One challenge is that, although some respondents described using Continued Presence and T visa authorization as a tool to help survivors secure legal avenues to work, there is limited community understanding regarding the use of these

forms of immigration relief for people who have experienced human trafficking. For some survivors, they offer a welcome and helpful form of support. However, respondents acknowledged challenges related to pursuing these forms of immigration relief, which are tied to law enforcement participation. One victim service provider explained that a lot of their clients do not want to participate in the T visa process because they know or are loosely connected to trafficking perpetrators through their home communities. As one respondent described, “Going through that could just really damage their reputation and safety and their communities in the U.S., and then also their communities back home. Because very often it’s like a linked personal relationship,” (Northeast 10, victim services). On the other hand, a few law enforcement and prosecutor participants speculated that some people who apply for T visa authorization may not have actually experienced human trafficking victimization but make an outcry for the benefits of the visa.

Another challenge of taking non-prosecutorial approaches to resolving labor trafficking cases is that they may not hold traffickers accountable. Less frequently, respondents, particularly those representing law enforcement or prosecutor’s offices, discussed the desire to hold traffickers accountable. However, even this desire was rooted in the understanding that this should not be prioritized if it is against the will of survivors. One prosecutor described their desire to hold traffickers accountable, but expressed that it is important to “walk the line and uphold the laws, and balance that against what the victim wants and needs....The medium ground is the best of both worlds,” (South 16, prosecutor).

When investigators and prosecutors did seek to hold perpetrators criminally liable, they often described taking an approach that did not require active or prolonged survivor participation in the prosecutorial process. To circumvent this need, prosecutors described purposefully moving away from trying to prosecute under the state’s labor trafficking statute and instead pursuing charges that were easier to prove or would not require survivor participation.

Although less frequent, some victim service providers also described the frustration of not holding traffickers accountable. However, victim service providers considered other, non-criminal legal, systems-level approaches for increasing trafficker accountability. One immigration attorney described how their firm had “probably submitted 50 T visa for people all coming from the same [company], yet they’re still bringing people over on H-2B visas” (West 8, victim services). This respondent suggested that better oversight of guestworker visa programs and halting the provision of H-2A and H-2B workers to employers who are found to continually exploit workers might be an obvious way to address some of the labor trafficking that they see occurring in their community.

RQ3: Summary of Key Takeaways

- Successful labor trafficking investigations require prioritization, collaboration, adequate policies, a survivor-centered response, and an open mindedness to alternative case resolutions. Prioritization requires having at least one law enforcement champion and buy-in from government officials as well as an investment in task forces that prioritize labor trafficking and the allocation of resources for broad education and outreach efforts.
- Collaboration involves building and maintaining trust with the community, organizations that interact with populations susceptible to labor trafficking, and local task forces.
- Labor trafficking policies should be approached as part of a continuum of labor abuses and fully utilize existing resources and laws.
- It is critical to prioritize meeting the needs of survivors even if that means not pursuing criminal charges.
- Case resolution objectives need to be reconsidered to include alternatives to traditional criminal legal outcomes, such as restitution of unpaid wages, work authorization, and other resources that prioritize survivors' needs.

4. Conclusions and Recommendations

4. Conclusions and Recommendations

4.1 Conclusions

Prior research has identified the myriad challenges to successfully identifying, investigating, and prosecuting labor trafficking cases (Owens et al., 2014; Farrell et al., 2012, Farrell & Pfeffer, 2014). Key challenges include definitional ambiguity and confusion about responsibility (Zhang & Cai, 2015; Farrell et al., 2019; Farrell et al., 2020; Smith, 2020), applying sex trafficking practices to labor trafficking cases (Farrell & Pfeffer, 2014; Bracy & Roe-Sepowitz, 2021), the general public's prioritization of sex trafficking over labor trafficking (Uy, 2016), and hesitance among survivors to report their experiences to law enforcement (Wilson & Dalton, 2008; Rodríguez-López, 2020). Despite widespread recognition of the challenges to responding to labor trafficking, there are some communities working to identify and respond to labor trafficking. The goal of this study was to identify promising practices in labor trafficking identification and response by conducting stakeholder interviews and reviewing human trafficking case files in five U.S. counties that have demonstrated innovation and commitment to addressing the problem of labor trafficking. More specifically, we sought to explore how labor trafficking came to be prioritized in these jurisdictions, how labor trafficking identification and enforcement occurs, and the ways in which labor trafficking enforcement is understood and operationalized as distinct from sex trafficking enforcement.

Among labor trafficking cases discussed by study participants, we found that individuals who experience labor abuse, individuals who perpetrate labor abuse, the relationships between these groups, and exploitation tactics are incredibly varied. Given this variation, it is not surprising that labor trafficking is difficult to identify. We found that identification requires industry-specific strategies, partnerships, and approaches and that investigations require substantial time and resources. Due to the resource-intensive nature of labor trafficking investigations, combined with low prioritization and the difficulty of proving charges to a jury, prosecutors often rely on statutes for related crimes (e.g., wage theft, money laundering) to hold offenders accountable. Civil remedies, including restitution for unpaid wages, are often sought instead of criminal charges. The study sites have demonstrated innovation and commitment to addressing the problem of labor trafficking by prioritizing the issue (e.g., with support of agency leadership and government officials); building and maintaining strong collaborations with the community, anti-trafficking professionals, and community-based organizations; approaching labor trafficking as part of a continuum of labor exploitation and abuse; using survivor-centered and trauma-informed approaches; and rethinking case resolution objectives that prioritize the perspective of the survivor.

4.2 Recommendations

Drawing on these study findings, we developed a set of recommendations focusing on improving various aspects of responding to labor trafficking, including identification; investigation; criminal prosecution; civil remedies; victim services; local, state, and federal policies; and future research.

4.2.1 Identification

- **Fund creative, wide-ranging education and outreach initiatives.** Increasing both the awareness of what labor trafficking is and the prioritization of response to it among government officials, law enforcement leadership, and the general public is critical. Gathering the resources necessary to identify labor trafficking cases requires the public and political will to do so. Outreach should address a range of workplace abuses and exploitative experiences and use language that is relatable and accessible to the intended recipients (i.e., the language around “human trafficking” or “labor trafficking” does not resonate with everyone). Outreach materials should also target different populations (e.g., migrant workers, runaway and homeless youth, individuals involved in the criminal legal system) and a wide range of industries.
- **Develop and validate screening tools for law enforcement, immigration attorneys, public defenders, and service providers to identify individuals who may have experienced labor trafficking.** For a variety of reasons, individuals rarely self-identify as having experienced labor trafficking. Thus, a proactive approach to identification is critical. Law enforcement, anti-trafficking professionals, and community-based organizations that have contact with populations susceptible to labor trafficking need training and effective tools to identify potential victims for further assessment.
- **Fund Departments of Labor to assist with identification.** It is the role of federal and state labor inspectors and investigators to identify and hold employers accountable for a continuum of labor abuses; however, they have not been actively involved with the cases investigated in the five study sites. Given their specialized knowledge about labor law and exploitation that does not rise to the level of a criminal offense, labor departments should be at the forefront of identifying potential labor trafficking cases. Funding is needed to expand the capacity of these agencies to work alongside law enforcement in identification and investigation of these cases.
- **Build on successful practices among vice units to identify sex trafficking to begin identifying forced criminality.** One reason law enforcement has been more successful in the identification of sex trafficking than labor trafficking is that they are already accustomed to policing prostitution. Through training, officers have learned that some individuals they may have previously arrested for prostitution are, in fact, victims of sex trafficking and therefore require a differentiated response. Taking a similar approach, officers that respond to other types of crimes (e.g., drug sales, shoplifting, fraud) should be trained to identify red flags for forced criminality.

4.2.2 Investigation

- **Mandate law enforcement leadership trainings on labor trafficking.** Without buy-in from leadership, law enforcement will not have the resources they need to fully investigate potential labor trafficking cases. Moreover, leadership needs to understand the resource-intensive nature of investigating these cases and the potential for survivor-centered, non-traditional outcomes (e.g., immigration relief or restitution). These trainings should include practical strategies for elevating the issue of labor trafficking and clearly outline necessary resources. Leadership training will help increase buy-in and improve overall institutional knowledge on the issue.

- **Investigate all forms of labor abuse.** Because labor exploitation exists on a continuum, investigating all types of exploitation may uncover cases of trafficking that initially appeared to be of a lesser form of abuse. Include staff from local district attorneys' offices early in the investigation to ensure buy-in.
- **Fund and train dedicated local and state investigators on labor trafficking.** Labor trafficking investigations require different skills, strategies, and specialists than those that have been successful for sex trafficking cases (e.g., forensic accounting). To ensure sustainability, these dedicated positions should be funded through general agency budgets rather than short-term grants.
- **Train all local and state investigators on how to identify and refer potential cases of labor trafficking to dedicated labor trafficking investigators.** Given the specialized training and skills needed to effectively investigate labor trafficking cases, it is unrealistic to expect all law enforcement officers to respond to these cases. However, they all need training to understand potential red flags for labor trafficking, when they should reach out to dedicated investigators, and how to do so.

4.2.3 Criminal Prosecution

- **Develop innovative prosecutorial strategies to build labor trafficking cases without victim testimony.** For a variety of reasons, individuals who have experienced labor trafficking may not want to testify about the experiences in a trial. Although there have been growing efforts to prosecute sex trafficking cases without victim testimony (e.g., digital forensic evidence), most labor trafficking cases still require victims to testify. Strategies are needed to demonstrate that the elements of labor trafficking have been met without requiring the victim to relive their abuse in court proceedings. This process should take into account whether the victim has identified concerns with prosecution, including potential threats to the safety of themselves or their loved ones.
- **Create prosecutorial units that focus broadly on workplace violations and worker justice.** Increasing the specialization of prosecutors as it relates to labor issues (e.g., wage and hour violations) will improve their understanding of the continuum of labor exploitation and increase their ability to identify labor trafficking cases.

4.2.4 Civil Remedies

- **Consider alternatives or supplements to traditional criminal legal outcomes.** It is critical to consider the needs of survivors when seeking case resolution. Individuals who have experienced labor trafficking may be more interested in a range of civil remedies or forms of immigration relief than they are in seeing the perpetrator prosecuted. Examples of civil remedies include restitution for unpaid wages, Continued Presence, and a T visa.
- **Develop a set of labor trafficking-specific metrics for law enforcement and prosecutors.** Traditional performance metrics, including arrests and convictions, do not adequately capture the level of effort associated with responding to labor trafficking or the outcomes that survivors seek.

4.2.5 Victim Services

- **Provide survivors with emergency, transitional, and long-term supportive housing options.** Supportive housing is a critical first step in stabilizing survivors. However, service providers face challenges in finding housing for survivors, especially cis-gender male victims.
- **Increase funding for labor trafficking-specific services and resources.** Although specialized services are available for sex trafficking survivors, the same is not true for individuals who have experienced labor trafficking. These types of services may include mental health counseling, immigration relief, medical services, family reunification, financial assistance and vocational and life skills training.

4.2.6 Policies, Funding, and Buy-in

- **Dedicate local and state funding for anti-labor trafficking efforts.** Although some federal funding has been dedicated to the issue (e.g., ECM Task Force grants that require a focus on labor trafficking), local and state governments have not made the same efforts.
- **Establish buy-in from government officials.** This may be accomplished through outreach, awareness raising, and training opportunities. These efforts should be individualized to a state or local area, demonstrating how labor trafficking can manifest in local industries and how that impacts broader societal well-being.
- **Improve collaboration between the Department of Labor and Department of Justice.** It is critical that investigators in both agencies work together to improve the response to labor trafficking. A first step may be to develop a federal-level contact list at the Department of Labor and the Department of Justice for questions related to labor trafficking to assist with state and local investigations and prosecutions.

4.2.7 Future Research

- **Develop sector-specific knowledge about the scope and nature of labor trafficking.** Given the complex nature of labor trafficking, it is critical to better understand whether and how it varies by industry (e.g., network structure, groups targeted, and recruitment and exploitation tactics) to explore opportunities for identification and intervention.
- **Explore alternate approaches to identifying labor trafficking that expand responsibility for primary identification beyond law enforcement.** This study suggests that loopholes or failures in other systems (e.g., temporary visa programs, regulation of LLCs and other small businesses) impact labor trafficking victimization. This research suggests there may be many other opportunities to systematically screen for labor trafficking focused more proactively on identifying exploitive employers than reactively identifying exploited employees.
- **Explore approaches that federal and state departments of labor take in the investigation of labor abuses.** This study identified obstacles in coordination and collaboration between local law enforcement and prosecutors and federal and state departments of labor. Additional research is needed to understand the various policies and procedures that labor departments have implemented to address workplace abuse, challenges to identifying and investigating these cases (e.g., limited capacity), and opportunities for improved coordination and collaboration.

- **Develop and pilot test interventions that include a multidisciplinary team of actors.** This may include individuals representing local, state, and federal law enforcement, prosecutors, victim service provider agencies, child welfare, public defenders, state and federal departments of labor, state and federal departments of agriculture, and state and federal departments of education, working in partnership to identify and investigate cases of labor trafficking in order to test promising and sustainable models for scaling and replicability.

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