



Testimony  
Before the Committee on Indian Affairs,  
U.S. Senate

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# HUMAN TRAFFICKING

## Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served

Statement of Gretta L. Goodwin, Director,  
Homeland Security and Justice

Accessible Version

# GAO Highlights

Highlights of [GAO-17-762T](#), a testimony before the Committee on Indian Affairs, U.S. Senate

## Why GAO Did This Study

Human trafficking is the exploitation of a person typically through force, fraud or coercion for purposes such as forced labor or commercial sex, and it involves vulnerable populations including Native Americans. Several components within DOJ, DHS, and the Department of Interior investigate and prosecute human trafficking in Indian country, and federal agencies provide grant funding to support efforts to combat trafficking and assist victims.

This testimony focuses on trafficking occurring in Indian country or involving Native Americans and addresses the extent to which: (1) federal agencies collect and maintain data on investigations and prosecutions; (2) tribal and major city LEAs encounter trafficking and the factors that affect their ability to investigate and prosecute such activities; and, (3) federal grant programs are available to help address trafficking and how well the granting agencies are positioned to know the number of victims served.

This testimony is based on GAO reports issued in March and July 2017. To do this work GAO reviewed federal trafficking data and conducted three surveys. We surveyed the 203 known tribal LEAs, 86 major city LEAs, and 315 victim service provider organizations that received fiscal year 2015 DOJ or HHS grants that could be used to assist human trafficking victims.

View [GAO-17-762T](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov).

September 27, 2017

## HUMAN TRAFFICKING

### Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served

## What GAO Found

While federal agencies generally maintain data on human trafficking cases that occur in Indian country, they do not maintain data on whether the victims are Native American (Native American status). All four federal agencies that investigate or prosecute human trafficking in Indian country—the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), U.S. Immigration and Customs Enforcement (ICE), and the U.S. Attorneys' Offices—are required to record in their case management systems whether a human trafficking offense was involved in the case. With the exception of ICE, these agencies are also required to record whether the crime took place in Indian country. ICE officials explained that the agency does not record this information because, unlike BIA and the FBI, ICE is not generally involved in criminal investigations in Indian country. Also, officials from the four agencies said they do not maintain data on Native American status of victims for various reasons, including that such data has no impact on their investigations and prosecutions.

Some law enforcement agencies (LEA) reported encountering human trafficking in Indian country or of Native Americans and cited victim reluctance to participate in investigations and other factors as barriers to investigation and prosecution. Of the 132 tribal LEAs that responded to GAO's survey, 27 reported initiating investigations they considered to have involved human trafficking from 2014 to 2016. Few major city LEAs—6 of 61 survey respondents—reported that they encountered human trafficking involving Native American victims from 2014 to 2016. Further, among the 27 responding tribal LEAs, 18 indicated that they believe victims are reluctant to participate in investigations for reasons including drug addiction and distrust of law enforcement.

The departments of Justice (DOJ), Health and Human Services (HHS), and Homeland Security (DHS) administered 50 federal grant programs from fiscal years 2014 through 2016 that can be used to address human trafficking in Indian Country or of Native Americans, but DOJ could do more to identify the number of Native American victims served. For example, DOJ's Office on Violence Against Women requires grantees to report Native American status of victims served, but not by type of crime. DOJ's Office for Victims of Crime (OVC) and the Office of Juvenile Justice and Delinquency Prevention do not require grantees to collect and report Native American status of victims served. However, in fiscal year 2017, OVC began providing recipients of human trafficking-specific grant programs the option to report the race or Native American status of victims served. While Native American status may not generally be a factor for determining whether a victim can receive services, it may be a factor for determining how best to assist this demographic. GAO recommended that DOJ require its grantees to report the number of human trafficking victims served and, as appropriate, the Native American status of those victims. DOJ agreed to implement the first part of this recommendation, but did not agree to the second part, citing victim confidentiality and other reasons. In June 2017, DOJ reported ongoing and planned actions to better capture the number of victims served but reiterated its concerns about collecting Native American status. GAO maintains that collecting grantee information on both the number and Native American status of victims served is important and will continue to monitor implementation.

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee:

I am pleased to be here today to discuss our recently completed work on human trafficking in Indian country or of Native Americans.<sup>1</sup>

Human trafficking—the exploitation of a person typically through force, fraud, or coercion for such purposes as forced labor, involuntary servitude, or commercial sex—is occurring in the United States.<sup>2</sup> According to the Attorney General’s fiscal year 2015 annual report to Congress on human trafficking, traffickers seek out persons perceived to be vulnerable.<sup>3</sup> Vulnerability comes in many forms, including age (minors), poverty, homelessness, chemical dependency, prior experiences of abuse, involvement in foster care programs, and lack of resources or support systems. Native Americans are a vulnerable population.<sup>4</sup> For example, according to U.S. Census Bureau statistics, in 2010, 28 percent of Native Americans were living in poverty, compared to

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<sup>1</sup>Federal law defines the term “Indian country” as all land within the limits of any Indian reservation under the jurisdiction of the U.S. government, all dependent Indian communities within U.S. borders, and all existing Indian allotments, including any rights-of-way running through an allotment. See 18 U.S.C. § 1151.

<sup>2</sup>Federal law generally recognizes two forms of human trafficking—sex trafficking and labor trafficking. The Trafficking Victims Protection Act of 2000 (TVPA), as amended, defines human trafficking under the term “severe forms of trafficking in persons,” which means: (1) sex trafficking involving the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for a commercial sex act through force, fraud, or coercion, or where the victim has not attained 18 years of age; or (2) labor trafficking involving 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. See Pub. L. No. 106-386, div. A, § 103, 114 Stat. 1464, 1469-70 (classified, as amended, at 22 U.S.C. § 7102(4), (9), (10)).

<sup>3</sup>Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015.

<sup>4</sup>Throughout this report, we generally use the term “Native American” in reference to an American Indian or Alaska Native, including persons who have identified themselves as Native American or individuals whom federal agencies have identified as Native American based on relevant legal authorities and agency procedures. The terms “Indian” and “Alaska Native” are defined under federal law for various purposes. See, e.g., 16 U.S.C. § 3102(16); 20 U.S.C. § 1059c(b)(1); 25 U.S.C. §§ 1301(4), 1903(3), 2201(2), 4103(10), 5129; 42 U.S.C. § 13925(a)(13); 43 U.S.C. § 1602(b). The U.S. Census Bureau has noted that “American Indian or Alaska Native” refers to a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. The Census Bureau collects race data according to U.S. Office of Management and Budget guidelines, and these data are based on self-identification. People may choose to report more than one race group. People of any race may be of any ethnic origin.

15 percent of the general population. Also, according to the 2010 National Intimate Partner and Sexual Violence Survey, conducted by the Centers for Disease Control and Prevention, an estimated 27 percent of Native American women had been raped in their lifetime compared to 18 percent of American women, overall.<sup>5</sup> In addition, Indian children enter foster care at twice the rate of all American children.<sup>6</sup>

My testimony today summarizes our research on human trafficking in Indian country and of Native Americans, including federal efforts to address this issue and perspectives from tribal and local law enforcement agencies and victim service providers. Specifically, my statement addresses the extent to which:

- (1) federal agencies collect and maintain data on investigations and prosecutions of human trafficking in Indian country or of Native Americans regardless of location;
- (2) tribal and major city law enforcement agencies (LEA) have encountered human trafficking in Indian country or of Native Americans, as well as the factors that affect their ability to investigate and prosecute such activities; and
- (3) federal grant programs are available to help address human trafficking in Indian country or of Native Americans, and how well positioned agencies are to know the number of Native American trafficking victims served.

This statement is based on a report that we issued in March 2017 and another report that we issued in July 2017.<sup>7</sup> For the purposes of our reviews, our discussion of human trafficking relates to: (a) human trafficking that occurs in Indian country (regardless of whether the victim is Native American); and (b) human trafficking of individuals who are

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<sup>5</sup>Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., and Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>6</sup>GAO, *Foster Care: HHS Needs to Improve the Consistency and Timeliness of Assistance to Tribes*, [GAO-15-273](#) (Washington, D.C.: Feb. 25, 2015).

<sup>7</sup>GAO, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services*, [GAO-17-325](#) (Washington, D.C.: Mar. 30, 2017), and GAO, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans*, [GAO-17-624](#) (Washington, D.C.: July 24, 2017).

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Native American (regardless of whether they were trafficked in Indian country or elsewhere).

For our March 2017 work on federal agencies' data collection, we obtained and reviewed data from federal investigative and prosecutorial agencies on the number of human trafficking investigations and prosecutions they conducted for which the crime occurred in Indian country or at least one of the victims was Native American. We obtained data for fiscal years 2013 through 2016, the most recently available data. We determined that the data, when available, were sufficiently reliable for the purposes of our reporting objectives. For our July 2017 work on tribal and major city LEAs' experiences, we conducted surveys of three groups: all known tribal LEAs (132 of 203 responded); major city LEAs (61 of 86 responded); and victim service providers (162 of 315 responded). For our work on federal grant programs, we reviewed fiscal year 2014 and 2015 human trafficking grant programs identified through our prior human trafficking work<sup>8</sup> and interviewed federal officials responsible for administering human trafficking-related grant programs to learn whether the granting agencies required grantees to report whether the victims they served were Native American (Native American status). Further details on the scope and methodology for our previously issued reports are available within each published product. We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

As of January 2017, there were 567 federally recognized American Indian and Alaska Native tribes and villages. According to the Department of the Interior's (DOI) Bureau of Indian Affairs (BIA), there are approximately 326 Indian land areas in the United States that are administered as federal Indian reservations or other tribal lands. According to the 2010 Census, 5.2 million people in the United States identified as Native

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<sup>8</sup>GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication*, [GAO-16-555](#) (Washington, D.C.: June 28, 2016).

American, either alone or in combination with one or more other races. Out of this total, 2.9 million people—0.9 percent of the U.S. population at the time—identified as Native American alone. At the time of the 2010 Census, more than 1.1 million Native Americans resided on tribal lands.<sup>9</sup>

Several components within the Department of Justice (DOJ), Department of Homeland Security (DHS), and DOI have responsibility for investigating and prosecuting human trafficking crimes in Indian country. The Federal Bureau of Investigation (FBI), within DOJ, has investigative responsibilities in Indian country where the federal government has criminal jurisdiction. The FBI has assigned more than 100 agents and 40 victim assistance staff, located in 19 of its 56 field offices, to work Indian country cases full time.

BIA is statutorily responsible for enforcing federal law and, with the consent of the tribe, tribal law in Indian country.<sup>10</sup> BIA supports tribes in their efforts to ensure public safety and administer justice within Indian country, as well as to provide related services directly or to enter into contracts or compacts with federally recognized tribes to administer the law enforcement program.<sup>11</sup> To that end, BIA's Office of Justice Services (OJS) provides direct law enforcement services for 40 tribes. Unlike FBI and BIA, U.S. Immigration and Customs Enforcement (ICE)—a DHS component—is not generally involved in criminal investigations in Indian country but may assist with criminal investigations at the request of the tribe, according to DHS officials.

Forty-nine of DOJ's 94 U.S. Attorneys' Offices (USAO) include Indian country within their jurisdiction.<sup>12</sup> Each of these USAOs has at least one

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<sup>9</sup>United States Census Bureau, [www.census.gov/prod/cen2010/briefs/c2010br-10.pdf](http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf).

<sup>10</sup>25 U.S.C. § 2802(c)(1). The statute notes that the responsibilities of the BIA's Office of Justice Services are subject to the provisions contained therein and other applicable Federal or tribal laws. See *id.* § 2802(c).

<sup>11</sup>Under the Indian Self-Determination and Education Assistance Act of 1975, as amended, federally recognized tribes can enter into self-determination contracts and self-governance compacts with the federal government to take over administration of certain federal programs previously administered on their behalf. Pub. L. No. 93-638, 88 Stat. 2203 (classified as amended at 25 U.S.C. §§ 5301-10). Self-determination contracts allow tribes to assume responsibility for managing the program's day-to-day operations, with BIA providing technical oversight to ensure that the tribe meets contract terms, as opposed to BIA administering the program on their behalf. Self-governance compacts transfer to tribes the administration of the program and provide the tribes with some flexibility in program administration.

<sup>12</sup>One additional USAO—the Eastern District of Virginia—has a federally recognized tribe in its jurisdiction, but no Indian country at this time.

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Assistant U.S. Attorney appointed as Tribal Liaison. Each Tribal Liaison is responsible for most dealings with tribes in their district. According to Executive Office for United States Attorneys officials, some districts with large amounts of Indian country have more than one Assistant U.S. Attorney assigned to the position of Tribal Liaison.

In addition to investigating and prosecuting human trafficking crimes, federal agencies, primarily DOJ and the Department of Health and Human Services (HHS), support efforts to combat human trafficking and assist victims.<sup>13</sup> Several components within DOJ, including the Office on Violence Against Women (OVW) and the Office of Justice Programs, which includes the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), the Bureau of Justice Assistance, and the National Institute of Justice, provide grants to help state, local, and tribal law enforcement agencies combat human trafficking and to support nongovernmental organizations and others in assisting trafficking victims or conducting research on human trafficking in the United States. HHS provides grant funding to entities to provide services and support for trafficking victims, primarily through the Administration for Children and Families, which includes the Office on Trafficking in Persons, the Children's Bureau, the Family and Youth Services Bureau, and the Administration for Native Americans.

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## While Federal Agencies Generally Maintain Data on Human Trafficking Cases in Indian Country, They Do Not Maintain Data on Native American Status of Victims

In March 2017, we reported that all four federal agencies that investigate or prosecute human trafficking in Indian country—the FBI, BIA, ICE, and the USAO—are required to record in their case management systems whether a human trafficking offense was involved in the case. With the exception of ICE, these agencies are also required to record in their case management systems whether the crime took place in Indian country. ICE officials explained that the agency does not record this information because, unlike BIA and the FBI, ICE is not generally involved in criminal investigations in Indian country.

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<sup>13</sup>See, e.g., 18 U.S.C. § 3014(a)-(h); 22 U.S.C. § 7105(b)(1), (f)(1), (2), (3); 42 U.S.C. § 5714-41; Pub. L. No. 114-22, tit. VII, 129 Stat. at 261-63.

According to information provided to us by federal agencies that investigate or prosecute human trafficking in Indian country, there were 14 federal investigations and 2 federal prosecutions of human trafficking offenses in Indian country from fiscal years 2013 through 2016.<sup>14</sup> From fiscal years 2013 through 2015, there were over 6,100 federal human trafficking investigations and approximately 1,000 federal human trafficking prosecutions, overall.<sup>15</sup> In certain circumstances, state or tribal law enforcement may have jurisdiction to investigate crimes in Indian country; therefore, these figures likely do not represent the total number of human trafficking-related cases in Indian country. Also, considering that human trafficking is known to be an underreported crime, it is unlikely that these figures, or any other investigative or prosecutorial data, represent the full extent to which human trafficking is occurring in Indian country.

Three of the four federal agencies that investigate or prosecute human trafficking-related crimes do not require their agents or attorneys to consistently collect or record the race or ethnicity, including Native American status, of victims in their cases. Therefore, the total number of federal human trafficking investigations and prosecutions that involved Native American victims is unknown. Agents and attorneys may voluntarily collect this information and record it in their case management systems when there is a designated data field.<sup>16</sup> The FBI and USAOs that have Indian country in their jurisdiction are statutorily required to collect and report information on victims' Native American status when they decline to refer or prosecute an Indian country case, but not otherwise.<sup>17</sup> According to the limited data that were available, federal agencies initiated at least 6 human trafficking investigations that involved Native American victims from fiscal years 2013 to 2016—the FBI Civil Rights Unit initiated 5 investigations and BIA initiated 1.

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<sup>14</sup>Prosecutions are cases where a charging document has been filed in district court. [GAO-16-555](#). According to USAO officials, one of the two prosecutions resulted in a conviction.

<sup>15</sup>We obtained data on fiscal year 2013 through 2015 human trafficking investigations and prosecutions as part of our prior work; fiscal year 2016 data were not available at the time. See [GAO-16-555](#). "Cases prosecuted" is when all appeals for all defendants in a case have been exhausted or when an office has relinquished its responsibility for the remaining appeal.

<sup>16</sup>For Indian country cases only, the case management systems for FBI and BIA have data fields to collect victim race or Native American status.

<sup>17</sup>Indian Law Enforcement Reform Act, Pub. L. No. 101-379, § 10, 104 Stat. 473, 477-78 (1990), as amended by Tribal Law and Order Act of 2010 (TLOA), Pub. L. No. 111-211, tit. II, subtit. A, § 212, 124 Stat. 2258, 2267-68 (classified, as amended, at 25 U.S.C. § 2809).

Federal investigative and prosecutorial agencies provided two primary reasons why they generally do not collect information on the Native American status of victims. First, according to officials from DOJ's Executive Office for United States Attorneys, Native American status has no impact on whether the federal government can investigate or prosecute cases outside of Indian country. Officials told us that Native American status of victims is only relevant for Indian country cases because it is necessary for establishing which law enforcement agency has jurisdiction over the case. Similarly, FBI officials reported that they only collect information that is necessary for the investigation, which does not include the victim's race or Native American status. Further, officials from all of the investigative and prosecutorial agencies raised concerns related to either the sensitivity of asking victims about their race or Native American status or collecting additional personal information about the victim that could make them identifiable to the defendant or others during the discovery phase of a criminal trial.<sup>18</sup>

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## Some Law Enforcement Agencies Reported Encountering Human Trafficking in Indian Country or of Native Americans, and Cited Victim Reluctance to Participate in Investigations and Other Factors as Barriers to Investigation and Prosecution

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### Tribal and Major City Law Enforcement Agencies Reported Encountering Human Trafficking in Indian Country or of Native Americans

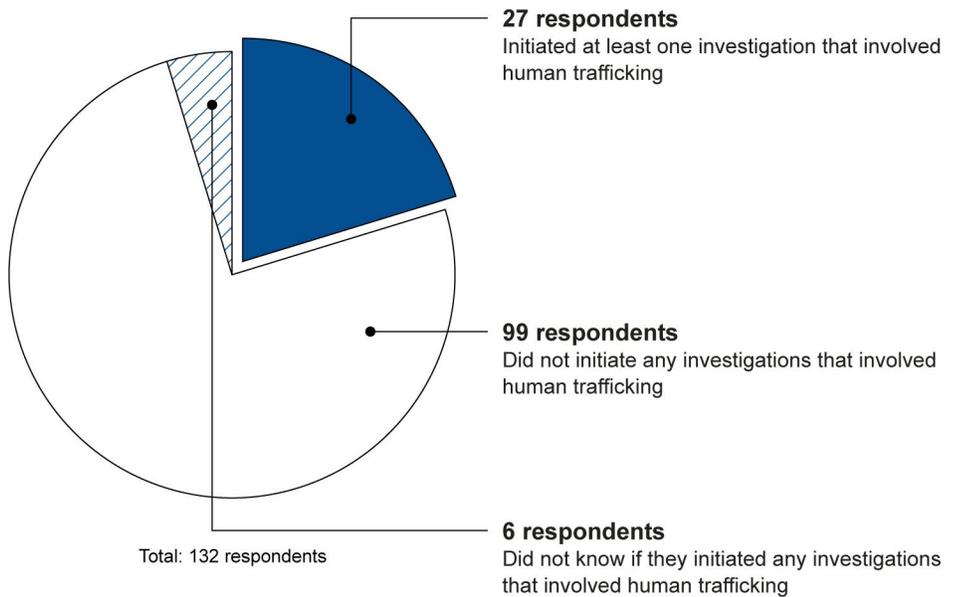
In our report released in July 2017, we found that of the 132 tribal LEAs that responded to our survey, 27 reported that they initiated investigations

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<sup>18</sup>The discovery phase is the pretrial evidence gathering process in which the federal prosecutor is to, among other things, determine what information is legally subject to disclosure to the defendant.

they considered to have involved human trafficking from 2014 to 2016, as shown in figure 1.<sup>19</sup>

**Figure 1: Number of Tribal Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking from 2014 – 2016**



Source: GAO analysis of survey results. | GAO-17-762T

**Data for Figure 1: Number of Tribal Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking from 2014 – 2016**

	Number of respondents
Initiated at least one investigation that involved human trafficking	27
Did not initiate any investigations that involved human trafficking	99

<sup>19</sup>We did not ask tribal and major city LEAs to use a specific definition of human trafficking when responding to our survey; rather, we asked that they respond based on what they considered to be human trafficking. We found variation in how LEAs define “human trafficking.” Because of that variation, a crime reported as human trafficking by one respondent, may not have been reported as such by another. For example, 13 of the 27 tribal LEA respondents that reported initiating investigations they consider to have involved human trafficking included prostitution as a criminal activity they consider to be human trafficking while other respondents did not report including prostitution. In addition, 4 of the 27 tribal LEA respondents included kidnapping as a criminal activity they consider to be human trafficking.

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	<b>Number of respondents</b>
Did not know if they initiated any investigations that involved human trafficking	6
Total number of respondents	132

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Note: Surveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Of the 27 tribal LEAs that reported initiating investigations involving human trafficking from 2014 to 2016, 24 provided the number of investigations that they conducted during that period. Those 24 reported a total of 70 human trafficking investigations from 2014 to 2016, ranging from 0 to 8 investigations for each tribal LEA in each year. Additionally, 22 of the 24 tribal LEAs reported a total of 58 victims from 2014 to 2016.<sup>20</sup> The number of victims encountered by each LEA ranged from 0 to 7 victims in each investigation.<sup>21</sup>

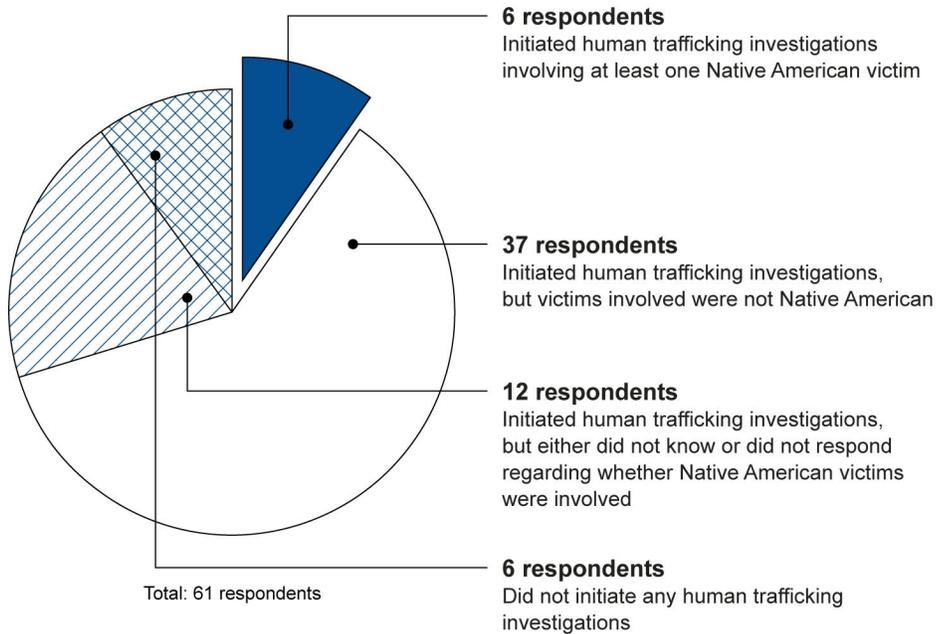
Few major city LEAs reported that they encountered human trafficking from 2014 to 2016 that involved Native American victims. Specifically, 6 of the 61 major city LEAs that responded to our survey reported initiating human trafficking investigations that involved at least one Native American victim during that period, as shown in figure 2.

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<sup>20</sup>Three of these 22 tribal LEAs reported 0 victims. The remaining 5 of the total 27 tribal LEAs did not report the number of victims from 2014 to 2016.

<sup>21</sup>Tribal LEAs may have reported an investigation with zero victims if, for example, they conducted a sting operation where law enforcement officials posed as traffickers to persons seeking to engage in a commercial sex act, but where victims did not actually exist.

**Figure 2: Number of Major City Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking of Native Americans or Others from 2014 – 2016**



Source: GAO analysis of survey results. | GAO-17-762T

**Data for Figure 2: Number of Major City Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking of Native Americans or Others from 2014 – 2016**

	Number of respondents
Initiated human trafficking investigations involving at least one Native American victim	6
Initiated human trafficking investigations, but victims involved were not Native American	37
Initiated human trafficking investigations, but either did not know or did not respond	12
Did not initiate any human trafficking investigations	6
<b>Total number of respondents</b>	<b>61</b>

Note: Surveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Of the 6 major city LEAs that reported initiating any human trafficking investigations involving Native American victims, 5 also identified the

number of investigations and victims involved. Those 5 LEAs reported a total of 60 investigations involving 81 Native American victims from 2014 to 2016. For each investigation, the number of Native American victims ranged from 0 to 31. Of those 5 LEAs, one respondent—the Minneapolis Police Department—reported the majority of investigations and victims. Specifically, the Minneapolis Police Department reported 49 of the 60 total investigations and 70 of the 81 total victims from 2014 to 2016. In meetings with officials from the Minneapolis Police Department, they stated that they made a concerted effort, starting in 2012, to meet with tribal elders and service providers who worked with the Native American population to demonstrate their willingness to investigate human trafficking crimes. The officials stated that, following those meetings, the number of human trafficking crimes involving Native American victims that were reported to the department increased.

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### Some Tribal LEA Survey Respondents Believe More Human Trafficking Is Occurring but Is Not Being Reported

Nearly half of tribal LEA respondents (60 of 132) reported that they believe human trafficking is occurring on tribal land in their jurisdictions beyond what had been brought to their attention.<sup>22</sup> Officials from two tribal LEAs told us during in-person meetings that in their experience some victims do not come forward to report their victimization because they are embarrassed or feel ashamed. Several survey respondents also indicated that they suspect there is more human trafficking than what has been reported to them because of the presence of casinos on their land (14 of 60). For example, officials from one tribal LEA explained that the tribal casino hotel may be used as a venue for sex trafficking. Some respondents (13 of 60) suspect that sex trafficking may be occurring as part of some of the drug crimes that they investigate. Officials from one county LEA we visited near a tribal community told us that officers may not recognize that human trafficking is taking place, particularly when it occurs alongside another crime like drug trafficking.

Most major city LEA respondents (51 of 61) indicated that they did not suspect or did not know whether more human trafficking of Native Americans is occurring in their jurisdiction, beyond what has been reported to them. Of those 51 that responded, 24 explained that this was

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<sup>22</sup>Of the remaining survey respondents, 43 of 132 reported that they did not suspect more human trafficking was occurring on tribal land in their jurisdictions and 29 of 132 reported that they did not know.

the consequence of having few, if any, Native Americans in their jurisdiction. Ten of the 61 major city LEAs reported that they believe more human trafficking of Native Americans is occurring and cited possible reasons for the lack of reporting. One major city LEA with a high concentration of Native American constituents reported that there is a social stigma associated with reporting crimes to the police among Native Americans. A third major city respondent cited the poor relationship between the Native American community and city police department as a reason for the lack of referrals of human trafficking crimes.

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### Law Enforcement Agencies Cited Victim Reluctance to Participate in Investigations and Other Factors as Barriers to Investigating and Prosecuting Human Trafficking

We asked survey respondents about barriers to investigating human trafficking cases. Of the 27 tribal LEAs that reported initiating investigations involving human trafficking, 18 indicated that they believe victims are reluctant to participate in the investigation or prosecution of their case. These respondents cited the following reasons for victims' reluctance to participate in investigations or prosecutions as "somewhat common" or "very common":<sup>23</sup>

- The victim fears retaliation from the trafficker (17 of 18 respondents),
- The victim is traumatized (16 of 18),
- The victim does not see herself or himself as a victim (16 of 18),
- The victim distrusts law enforcement (14 of 18),
- The victim is sentimentally attached to the trafficker (13 of 18),
- The victim is underage and does not want to return home (10 of 18), and

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<sup>23</sup>We asked respondents whether seven reasons that we provided were "very common," "somewhat common," "not at all common," or "don't know." We compiled the list of reasons that victims may be reluctant to participate in an investigation based on our previous work and interviews with potential survey respondents. (See, GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication*, [GAO-16-555](#) (Washington, D.C.: June 28, 2016).) We also provided an opportunity for survey respondents to add additional reasons.

- The victim is addicted to drugs (17 of 18).<sup>24</sup>

In addition, one of the tribal LEA respondents told us during an interview that, in his experience, drugs are always associated with crimes involving human trafficking. On our survey, when asked how frequently tribal LEA survey respondents identified other crimes when investigating possible human trafficking, 21 of 27 tribal LEAs that initiated human trafficking investigations also reported encountering drug distribution and drug trafficking “sometimes” or “frequently.”<sup>25</sup>

Over half of the tribal LEAs that responded to our survey (72 of 132) identified one or more types of assistance that they would like to receive to help identify and address human trafficking in their jurisdiction.<sup>26</sup> These were:

- *Additional training or technical assistance* (50 of 72 respondents). Officials from one tribal LEA we interviewed expressed interest in training that focuses on building trust between tribal and non-tribal representatives and helps make tribal law enforcement and community members aware of existing federal resources.
- *Additional funding* (28 of 72). Several tribal LEAs reported an interest in receiving additional federal funding to add staff support, including officers in some instances, to assist in investigations.

We also surveyed victim service providers about ways that the federal government could support their efforts to serve Native American human trafficking victims. The 42 service providers that reported providing services to Native American victims of human trafficking from 2014 to 2016 most frequently cited two areas in which the federal government could support them. Those areas were:

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<sup>24</sup>For additional responses, see the electronic supplement to this report: GAO, *SUPPLEMENTAL MATERIAL FOR GAO-17-624: Survey Results for Selected Tribal and Major City Law Enforcement Agencies and Victim Service Providers on Human Trafficking*, GAO-17-626SP (Washington, D.C.: July 24, 2017).

<sup>25</sup>Other types of crimes that tribal LEAs reported identifying at least sometimes when investigating human trafficking include rape or sexual assault (13 of 27), domestic violence (12 of 27), and gang activity (12 of 27).

<sup>26</sup>Of the remaining 60 survey respondents, 33 did not respond or responded that they did not know, and 25 responded that they were not interested in federal assistance or the question was not applicable to them.

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- *Additional funding for service provider programs* (19 of 42 respondents). Respondents cited a need for funding for additional staff and funding specifically targeted to tribal programs.
  - *Additional information to increase public awareness and training for service providers and LEAs* (12 of 42). Respondents cited a need for training focused on identifying victims for both service providers and tribal LEAs, how to develop tribal trafficking statutes, and training on how to work with Native American populations effectively.

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## Fifty Federal Grant Programs Can Be Used to Address Human Trafficking in Indian Country or of Native Americans, but DOJ Could do More to Identify the Number of Native American Victims Served

In March 2017, we reported that DOJ, HHS, and DHS administered 50 grant programs from fiscal years 2013 through 2016 that could help address Native American human trafficking. For example, 21 of these grant programs, which were administered by DOJ and HHS, could be used to provide services to Native American human trafficking victims. However, the total number of Native American victims who received services under these grant programs is unknown because the agencies do not track this information. HHS officials told us they are developing a data collection tool that grantees can use to report information on human trafficking victims served, including Native American status of victims. We reported that DOJ's OVW requires grantees to report Native American status of victims served, but not by type of crime. DOJ's OVC and the OJJDP do not require grantees to collect and report Native American status of victims served. However, in fiscal year 2017, OVC began providing recipients of human trafficking-specific grant programs the option to report the race or Native American status of victims served.

While Native American status may not generally be a factor for determining whether a victim can receive services, it may be a factor for determining how best to assist this particular demographic. According to the 2013-2017 Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, which DOJ, DHS, and HHS jointly developed, expanding human trafficking data collection and research efforts for Native Americans and other vulnerable populations is an area for improvement for the federal government. Additionally, *Standards for*

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*Internal Control in the Federal Government* states that quality information should be used to achieve objectives based on relevant data from reliable sources.<sup>27</sup> Thus we concluded that without collecting data on the Native American status of victims served, federal agencies would not know the extent to which they are achieving government-wide strategic goals to provide and improve services to vulnerable populations, including Native American human trafficking victims. Therefore, we recommended in March 2017 that DOJ require its grantees to report the number of human trafficking victims served and, as appropriate, the Native American status of those victims.

DOJ partially agreed with our recommendation. In its comments, DOJ indicated it would implement the first part of the recommendation, which is to require grantees to report the number of human trafficking victims served with grant funding. However, DOJ disagreed with the second part of the recommendation, which is to require grantees to report the Native American status of those victims. DOJ identified several reasons why grantees should not be required to report the Native American status of trafficking victims, including a potential chilling effect on service delivery, victim confidentiality, and overburdening of grantees. When we published our March 2017 report, we acknowledged DOJ's concerns, but maintained that collecting grantee information on the Native American status of victims served would be useful to better serve this demographic. Following our report's issuance, DOJ reported in June 2017, that OVW already collects consolidated data on the number of American Indian and Alaska Native victims served who are victims of all crimes and it is in the process of revising grantee forms to collect information on the number of people served who are victims of sex trafficking. DOJ also explained that OJJDP human trafficking grantees will be required to report the number of human trafficking victims served beginning with progress reports ending December 31, 2017 and that OJJDP will update applicable solicitations beginning in fiscal year 2018 to reflect this new measure. DOJ reported no new efforts from OVC, and maintained that it will not require grantees to report on the Native American status of their victims served using grant funding because of the concerns it cited initially. We continue to assert that collecting grantee information on both the number and Native American status of victims served is important and will continue to monitor implementation.

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<sup>27</sup> [GAO-14-704G](#).

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Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

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## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Gretta L. Goodwin, Director, Homeland Security and Justice at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Joy Booth, Assistant Director; Christoph Hoashi-Erhardt, Analyst-in Charge; Kisha Clark; Steven Rucker; Susan Hsu; Sasan J. "Jon" Najmi; Michele Fejfar; and David Blanding. Key contributors to the previous work on which this testimony is based are listed in each product.

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