



July 2017

HUMAN TRAFFICKING

Information on Cases in Indian Country or that Involved Native Americans

GAO Highlights

Highlights of [GAO-17-624](#), a report to congressional requesters

Why GAO Did This Study

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 and involves vulnerable populations. Native Americans are considered a vulnerable population because of high rates of poverty and abuse, and other factors. GAO was asked to research human trafficking taking place in Indian country and trafficking of Native American persons regardless of where they are located in the United States.

This report addresses (1) the extent to which tribal and major city LEAs have encountered human trafficking in Indian country or of Native Americans, (2) factors affecting the ability of LEAs to identify and investigate this specific human trafficking, and (3) availability of services to Native American victims of human trafficking. GAO conducted surveys of all known tribal LEAs (203) as identified by the Bureau of Indian Affairs; 86 major city LEAs; and 315 victim service provider organizations that received fiscal year 2015 Department of Justice or Department of Health and Human Services grants that could be used to assist human trafficking victims. Survey response rates for tribal LEAs, major city LEAs, and victim service providers were 65 percent, 71 percent, and 51 percent, respectively. The web-based surveys were deployed in September 2016 and asked about human trafficking investigations initiated or services provided from 2014 to 2016.

GAO is not making recommendations in this report.

View [GAO-17-624](#). To view the supplemental material online, click on [GAO-17-626SP](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwing@gao.gov.

July 2017

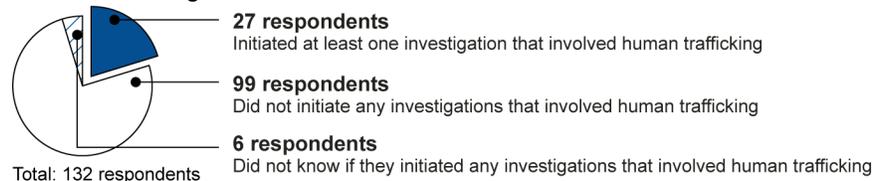
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Information on Cases in Indian Country or that Involved Native Americans

What GAO Found

In a survey GAO conducted, 27 of the 132 responding tribal law enforcement agencies (LEAs) reported initiating investigations that they considered to have involved human trafficking from 2014 to 2016.

Number of Tribal Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking from 2014 - 2016^a

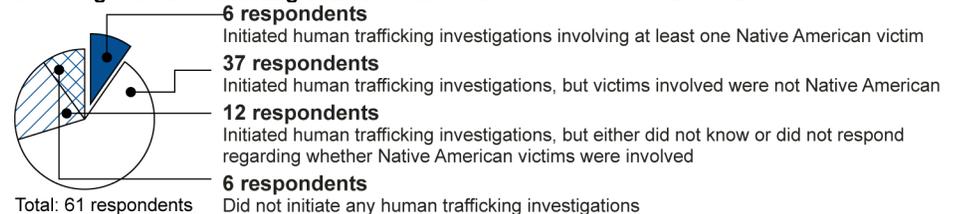


Source: GAO analysis of survey results. | GAO-17-624

^aSurveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Of the 61 major city LEAs that responded to the survey, 6 reported initiating human trafficking investigations that involved at least one Native American victim during the same period.

Number of Major City Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking of Native Americans or Others from 2014 - 2016^a



Source: GAO analysis of survey results. | GAO-17-624

^aSurveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Tribal and major city LEA respondents indicated that unreported incidents and victims' reluctance to participate in investigations are barriers to identifying and investigating human trafficking in Indian country or of Native Americans. Nearly half of tribal LEA respondents believe that more human trafficking is occurring in their jurisdictions than is reported. Federal agencies offer training resources to assist with identifying and addressing human trafficking, some of which are specific to tribal LEAs and Native American victims.

Tribal and major city LEAs and victim service providers reported services that are available to Native American victims of human trafficking, including shelter, substance abuse treatment, and medical and mental health services. However, they also reported that victims' feelings of shame and lack of service provider resources can make it difficult for victims to obtain those services. Federal agencies offer at least 50 grant programs for which addressing human trafficking or assisting Native American crime victims is an allowable use of the funding.

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July 24, 2017

The Honorable John Hoeven
Chairman
The Honorable Tom Udall
Vice Chairman
Committee on Indian Affairs
United States Senate

The Honorable John Barrasso
United States Senate

The Honorable Jon Tester
United States Senate

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.¹ According to the Attorney General’s fiscal year 2015 annual report to Congress on human trafficking, traffickers seek out persons perceived to be vulnerable.² 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

¹Federal 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)).

²Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015.

population.³ For example, according to U.S. Census Bureau statistics, in 2010, 28 percent of Native Americans were living in poverty, compared to 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.⁴ In addition, Indian children enter foster care at twice the rate of all American children.⁵

You asked us to research human trafficking in Indian country and of Native Americans, including the extent to which law enforcement agencies have encountered it and the services that are available to victims.⁶ This report focuses on the perspectives of law enforcement agencies and victim service providers that have encountered human trafficking in Indian country or of Native Americans regardless of location. We issued a companion report in March 2017 that focused on federal

³Throughout 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.

⁴Black, 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.

⁵GAO, *Foster Care: HHS Needs to Improve the Consistency and Timeliness of Assistance to Tribes*, [GAO-15-273](#) (Washington, D.C.: Feb. 25, 2015).

⁶Federal 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.

efforts to address human trafficking in the same population.⁷ This report addresses the following questions:

- (1) To what extent have tribal and major city law enforcement agencies encountered human trafficking in Indian country or of Native Americans?
- (2) What factors affect the ability of tribal and major city law enforcement agencies to identify and investigate human trafficking in Indian country or of Native Americans?
- (3) What are the perspectives of tribal and major city law enforcement agencies and selected victim service providers regarding the availability and accessibility of services for Native American human trafficking victims?

For the purposes of this review, 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 Native American (regardless of whether they were trafficked in Indian country or elsewhere).

To address each objective, we conducted surveys of three groups:

- All known tribal law enforcement agencies (LEA) – consisting of 203 agencies, based on information provided by the Bureau of Indian Affairs (BIA) within the Department of the Interior (DOI). The survey response rate was 65 percent (132 of 203);
- Major city LEAs – consisting of the 68 U.S. police departments that are members of the Major City Chiefs Association (MCCA) and 18 police departments that are not members of the MCCA, but are from the most populous cities in their states.⁸ The survey response rate was 71 percent (61 of 86); and

⁷GAO, *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).

⁸MCCA membership is comprised of police departments from: (a) the largest 50 cities in the United States based on population as determined by the latest annual census update; (b) the largest 7 cities in Canada based on population as determined by the latest annual census update; and (c) “major metropolitan areas,” meaning those metropolitan areas with a residential population of at least 1.5 million, and whose largest law enforcement agency is comprised of at least 1,000 sworn law enforcement officers. We did not include police departments from Canadian cities in our survey.

-
- Victim service providers – consisting of 315 organizations that received one or more fiscal year 2015 Department of Justice (DOJ) or Department of Health and Human Services (HHS) grants that could be used to address human trafficking.⁹ The survey response rate was 51 percent (162 of 315).

We selected these three groups to survey because academic literature suggested that trafficking of Native Americans tends to occur in Indian country or major cities. In our surveys, we asked about the extent to which respondents had encountered human trafficking in Indian country or of Native Americans, the factors that affect their ability to identify and investigate human trafficking crimes, and the services available to Native American human trafficking victims, among other things. The surveys and a comprehensive tabulation of the results can be viewed in the supplemental material for this report, [GAO-17-626SP](#).¹⁰

After the respondents completed the surveys, we identified two tribes where both the tribal LEA reported initiating human trafficking investigations and a tribally-affiliated service provider reported providing services to Native American victims of human trafficking. We held in-person meetings with law enforcement representatives and victim service providers from those tribes to gather additional information on their experiences in those cases. We also spoke with three county LEAs near the tribes we visited that were not part of our major city survey population to discuss their interactions with the nearby Native American population. Further, we spoke with officials from an additional tribal LEA that reported initiating human trafficking investigations. Finally, we met with officials from the major city LEA (Minneapolis) that reported conducting the majority of the investigations of human trafficking cases involving Native American victims. We shared aggregate survey results with officials from the Department of Homeland Security (DHS), DOJ, HHS, and DOI to obtain their perspectives on issues where survey respondents reported an interest in receiving additional assistance from the federal government.

⁹The service provider population included the three organizations that received Project Beacon grants in fiscal year 2016 awarded by DOJ's Office for Victims of Crime. Fiscal year 2016 was the first year in which the grants were awarded. Since these grants are specifically intended to increase the quantity and quality of services available to Native American victims of sex trafficking who live in urban areas, we included them in our scope.

¹⁰GAO, *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).

To develop our surveys, we designed draft questionnaires in close collaboration with a GAO social science survey specialist and conducted pretests with at least three potential respondents from each survey group to help further refine our questions, develop new questions, clarify any ambiguous portions of the survey, and identify any potentially biased questions. We launched our web-based surveys between September 6, 2016 and September 28, 2016 and received all responses by January 31, 2017. The survey results reflect information that the respondents had at the time they completed the survey. In particular, results for 2016 reflected the respondents' experiences to date, and may not include all of 2016. Login information for each web-based survey was e-mailed to all participants, and we sent two follow-up e-mail messages to all nonrespondents and subsequently attempted to contact the remaining nonrespondents by telephone or e-mail at least twice. Not all survey respondents provided answers to all survey questions.

With any survey, error can be introduced with respect to both data entry and analysis and we took steps to minimize these errors. For example, we used a web-based survey, which enabled respondents to enter their answers directly into the electronic questionnaire, eliminating the need to key data into a database and minimizing the potential for error. We also examined the survey results and performed computer analyses to identify inconsistencies and other indications of error. A second independent analyst checked the accuracy of all computer analyses.

Variability in the survey results can be introduced by differences among the respondents that completed the survey, as well as whether particular segments of the population responded to the survey at all. Variability could also occur if respondents differed in their interpretation of a particular question or in the sources of information available to them to answer the question. We included steps in both the data collection and data analysis stages to minimize such variability. For example, we conducted pretests with law enforcement agencies and victim service providers that were part of the survey population to help ensure the survey questions were clearly defined. We also followed-up with nonrespondents to encourage them to complete the survey, and we contacted some respondents to obtain clarity on their answers. In addition, we conducted a nonresponse bias analysis to determine whether certain segments of the population might have been more or less likely to respond to the surveys. In the tribal LEA survey, for example, we found that the BIA agencies that provide law enforcement services for tribes were less likely to respond than LEAs operated by tribal governments. In addition, we looked at the BIA region in which each tribal

LEA was located and found that the LEAs in the Eastern Oklahoma and Midwest regions, for example, were more likely to respond to the survey than those located within the Great Plains and Southwest regions.¹¹ For the major city LEA survey, respondents whose jurisdictions had larger Native American populations were more likely to respond to the survey than those with smaller Native American populations. Among victim service providers, organizations that received grants for which serving human trafficking victims was an allowable use were more likely to respond than those that received grants to serve Native American victims of any type of crime. Despite the possible limitations of the three surveys, the responses still provide insights into the perspectives of the tribal LEAs, major city LEAs, and victim service providers that did respond. Our results represent only respondents that participated in these surveys. Our survey results are not generalizable to the overall population of tribal LEAs, major city LEAs, or victim service providers.

Each survey included open-ended questions for respondents to share additional information not captured by the answer options that were included in the survey. We selected a subset of the open-ended questions for a content analysis, a process in which we determined categories that reflected the themes present in the open-ended responses and tabulated the number of responses that expressed each theme. After an analyst completed the initial categorizations for each open-ended response, a second independent analyst reviewed those categorizations. The reviewing analyst then either confirmed the appropriateness of each categorization or discussed the assignment with the first analyst and reached an agreement about the appropriate categorization.

We conducted this performance audit from June 2016 to July 2017 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 based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings based on our audit objectives.

¹¹The BIA regions are: Alaska, Eastern, Eastern Oklahoma, Great Plains, Midwest, Navajo, Northwest, Pacific, Rocky Mountain, Southern Plains, Southwest, and Western.

Background

Indian Country and the Native American Population

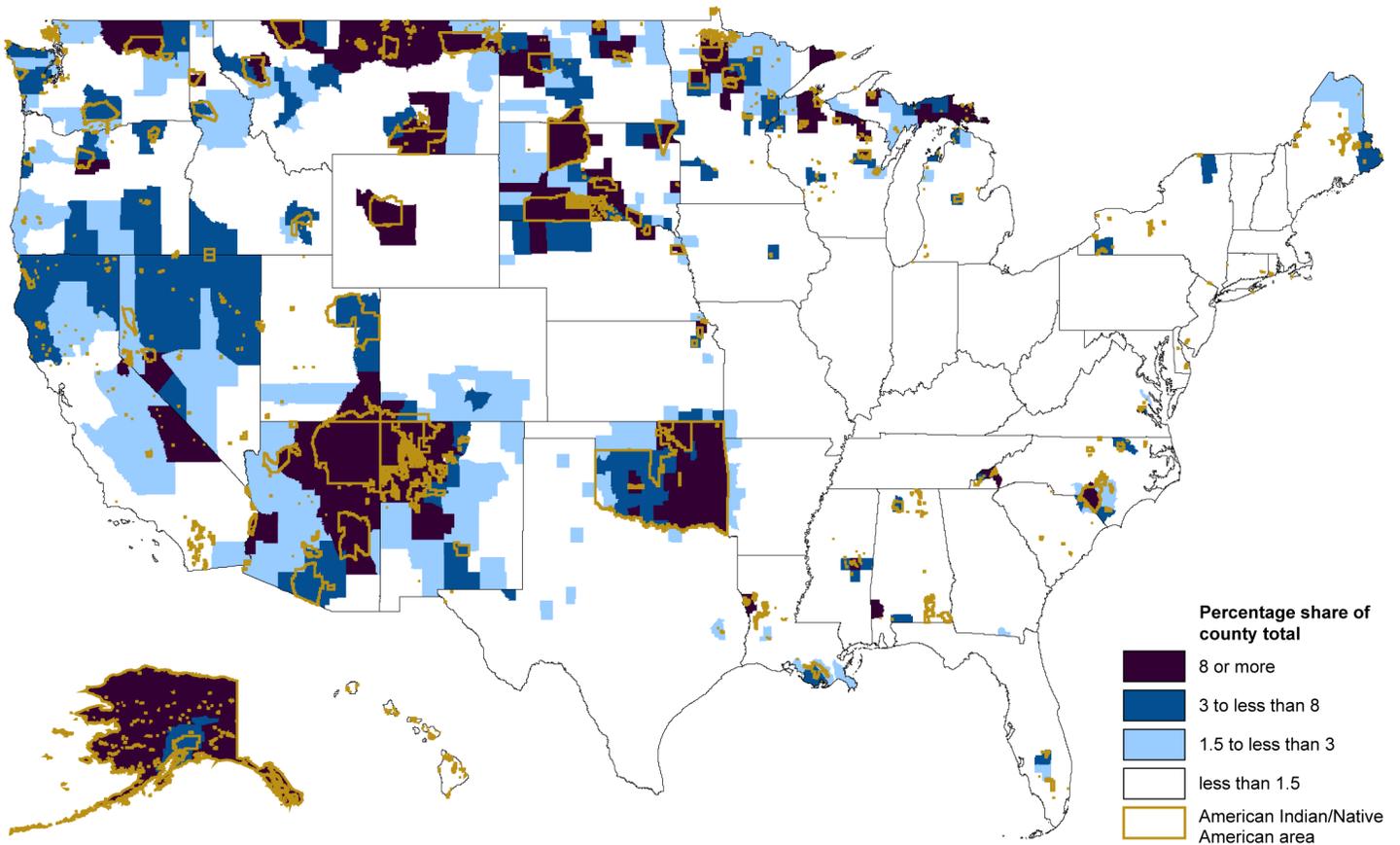
As of January 2017, there were 567 federally recognized American Indian and Alaska Native tribes and villages. According to BIA, there are approximately 326 Indian land areas in the United States that are administered as federal Indian reservations or other tribal lands (e.g., reservations, pueblos, rancherias, missions, villages, or communities). These land areas can generally be referred to as Indian country, which spans more than 56 million acres and 36 states, and varies in size, demographics, and location.¹² Indian country is often in remote, rural locations, but may also be located near urban areas. Indian country may have a mixture of Native American and non-Native American residents.

According to the 2010 Census, 5.2 million people in the United States self-identified as Native 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.¹³ Figure 1 shows where Native Americans resided in the United States at the time of the 2010 Census.

¹²Federal 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. With certain exceptions, there is generally not Indian country in Alaska. In a 1998 decision, the Supreme Court stated that the Alaska Native Claims Settlement Act (Pub. L. No. 92-203, 85 Stat. 688 (1971) (classified, as amended, at 43 U.S.C. §§ 1601-1629h)) “revoked ‘the various reserves set aside...for Native use’ by legislative or executive action, except for the Annette Island Reserve inhabited by the Metlakatla Indians, and completely extinguished all aboriginal claims to Alaska land.” *Alaska v. Native Village of Venetie Tribal Gov’t*, 522 U.S. 520, 523-24 (1998) (citing 43 U.S.C. §§ 1603, 1618(a)). The court held that the “approximately 1.8 million acres of land in northern Alaska, owned in fee simple by the Native Village of Venetie Tribal Government pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 et seq., is [not] ‘Indian country.’” *Id.* at 523. In December 2014, the Department of the Interior amended its land-into-trust regulations to allow applications for land to be taken into trust in Alaska outside of the Metlakatla Indian Community of the Annette Island Reserve. Land Acquisitions in the State of Alaska, 79 Fed. Reg. 76,888 (Dec. 23, 2014) (to be codified at 25 C.F.R. pt. 151). Department of the Interior treats land held in trust by the United States on behalf of a federally recognized Indian tribe as Indian country. 79 Fed. Reg. at 76,893.

¹³United States Census Bureau, www.census.gov/prod/cen2010/briefs/c2010br-10.pdf.

Figure 1: Map of Native American Population in the United States, according to the 2010 Census



Source: United States Census Bureau; MapInfo (map). | GAO-17-624

Federal, State, and Tribal Law on Human Trafficking

Federal law generally recognizes two forms of human trafficking—sex trafficking and labor trafficking.¹⁴ The Trafficking Victims Protection Act of 2000 (TVPA), as amended, defines human trafficking under the term “severe forms of trafficking in persons.”¹⁵ Pursuant to the TVPA, as

¹⁴See GAO, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services*, [GAO-17-325](#) (Washington, D.C.: March 2017); GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication*, [GAO-16-555](#) (Washington, D.C.: June 2016).

¹⁵Pub. L. No. 106-386, div. A, § 103, 114 Stat. at 1470 (classified, as amended, at 22 U.S.C. § 7102(9)).

amended, sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.¹⁶ Sex trafficking is a “severe” form of trafficking when it involves force, fraud, or coercion, or where the victim has not attained 18 years of age, in which case force, fraud or coercion are not necessary elements.¹⁷ The TVPA, as amended, defines labor related trafficking generally 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.¹⁸

In addition to federal law, state and tribal-level statutes on human trafficking also exist. All 50 states plus the District of Columbia have criminal statutes targeting human trafficking.¹⁹ State laws differ and may include various features that criminalize sex or labor trafficking, or both, or lower the burden of proof for sex trafficking of minors by not requiring force, fraud, or coercion as elements of the offense, among other things. Some tribal governments have also enacted tribal laws that can be used to address human trafficking or related criminal acts that could form the basis of a human trafficking offense. For example, the criminal code of the Snoqualmie Indian Tribe states that “[a] person is guilty of sex trafficking when they are knowingly involved in the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force,

¹⁶22 U.S.C. § 7102(10). Under section 7102(4), the term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

¹⁷See *id.* § 7102(9)(A). The TVPA, as amended, criminalizes the knowing or reckless use of force, fraud, or coercion to recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit any person to engage in a commercial sex act. See 18 U.S.C. § 1591(a). It is also illegal to take such actions, causing a person less than 18 years of age to engage in a commercial sex act, with or without the use of force, fraud, or coercion. *Id.*

¹⁸22 U.S.C. § 7102(9)(B). The TVPA makes it a crime to knowingly provide or obtain persons for any labor or services through various means, including force, threats of force, physical restraint, or serious harm or threats of such harm. 18 U.S.C. § 1589(a). Further, it is a criminal act to knowingly recruit, harbor, transport, provide, or obtain by any means, any person for labor or services in violation of chapter 77 of title 18, U.S. Code. *Id.* at § 1590(a).

¹⁹For more detail on states’ efforts to establish a legal framework for combating human trafficking, see Polaris Project, *A Look Back: Building a Human Trafficking Legal Framework*, accessed Mar. 27, 2017, <https://polarisproject.org/sites/default/files/2014-Look-Back.pdf>.

fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.”²⁰ Other tribes that do not have a statute specific to human trafficking could seek to address such offenses under other statutory provisions covering crimes that may be associated with human trafficking such as prostitution, child sex abuse, or sexual assault.²¹

Some Law Enforcement Agencies Reported Encountering Human Trafficking in Indian Country or of Native Americans, and Some Believe It Is Occurring More Often than Reported

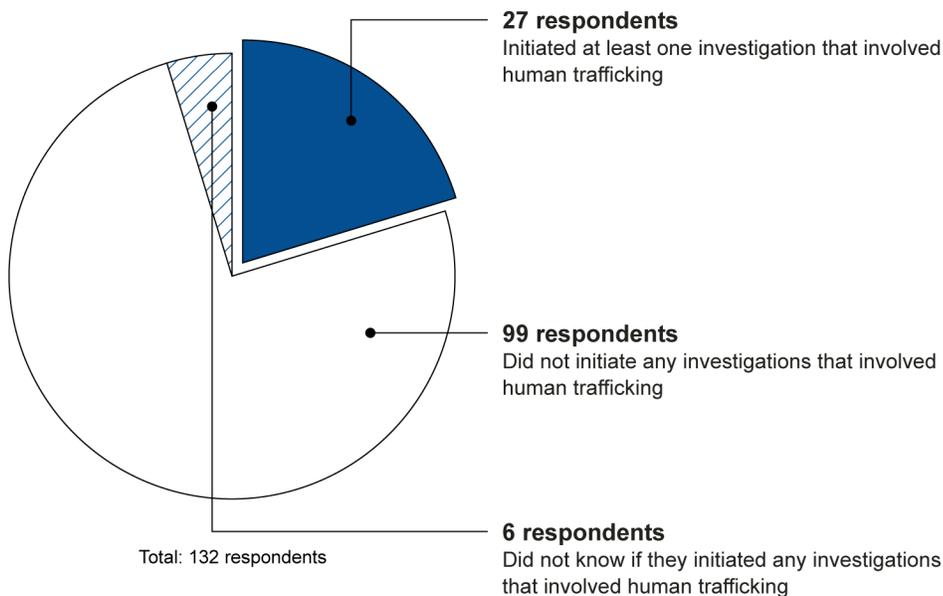
²⁰Snoqualmie Tribal Criminal Code § 7.21(a) (2012), *available at* http://www.snoqualmietribe.us/sites/default/files/criminal_code_7.1_compresses.pdf.

²¹In our survey, tribal LEA respondents were asked about crimes that they consider to be human trafficking, whether or not their tribe has a statute that specifically addresses human trafficking.

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

Of the 132 tribal LEAs that responded to our survey, 27 reported that they initiated investigations they considered to have involved human trafficking from 2014 to 2016, as shown in figure 2.²²

Figure 2: Number of Tribal Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking from 2014 – 2016



Source: GAO analysis of survey results. | GAO-17-624

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

²²We 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.

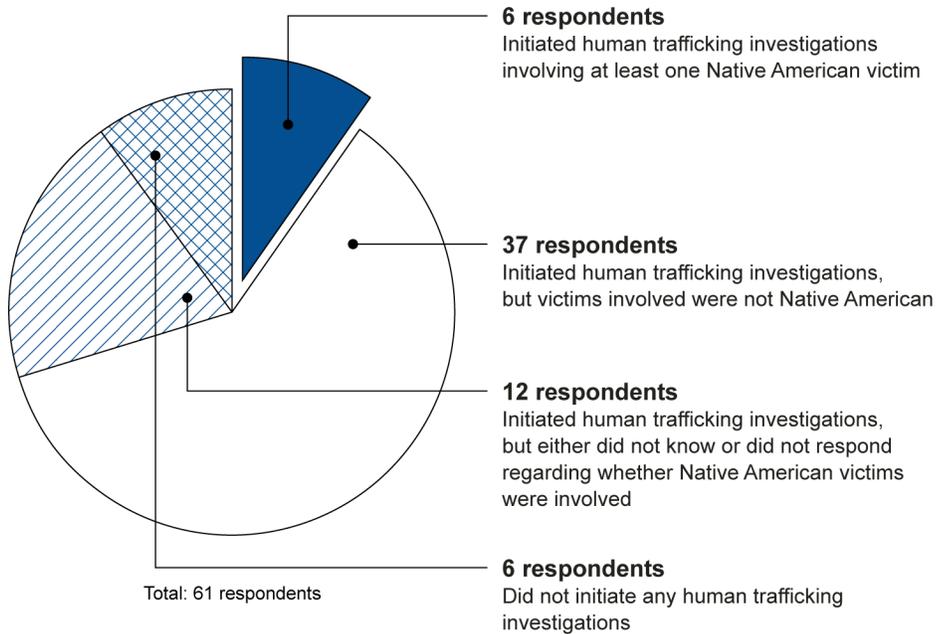
from 0 to 8 investigations for each tribal LEA in each year. Additionally, 22 of the 24 tribal LEAs reported a total of 58 victims from 2014 to 2016.²³ The number of victims encountered by each LEA ranged from 0 to 7 victims in each investigation.²⁴

Whereas we asked tribal LEAs about the number of human trafficking investigations they conducted in Indian country, regardless of whether the victims were Native American, we asked major city LEAs specifically about human trafficking investigations that involved Native American victims. Few major city LEAs reported they encountered human trafficking from 2014 to 2016 that involved Native American victims. Specifically, 6 of the 61 major city LEAs that responded to the survey reported initiating human trafficking investigations that involved at least one Native American victim during that period, as shown in figure 3.

²³Three of these 22 reported 0 victims. The remaining 5 of the total 27 tribal LEAs did not report the number of victims from 2014 to 2016.

²⁴Tribal 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 3: 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-17-624

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. 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.

Some Tribal LEA 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.²⁵ 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 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. For example, one noted that human trafficking is underreported for all kinds of victims, regardless of ethnicity. Another 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 police department as a reason for the lack of referrals of human trafficking crimes.

²⁵Of 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.

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":²⁶

- The victim fears retaliation from the trafficker (17 of 18),
- 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
- The victim is addicted to drugs (17 of 18).²⁷

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."²⁸

²⁶We 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 GAO's 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.

²⁷For additional responses, see the supplemental material for 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).

²⁸Other 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)

Of the 6 major city LEAs that reported having human trafficking investigations that involved Native American victims, 5 provided reasons that Native American human trafficking victims were reluctant to participate in an investigation. These included the victim's fear of retaliation from the trafficker, the victim's traumatization, or that the victim may be discouraged by family from cooperating with an investigation or prosecution.

We asked tribal LEAs to identify factors other than the victims' reluctance to participate in an investigation or prosecution that make it difficult for them to investigate human trafficking. They provided the following narrative responses:

- A lack of resources, such as necessary training, equipment, and funding for sex crime investigations (8 of 27);
- Inter-agency cooperation is absent or deficient (6 of 27). For example, one respondent reported that there is a lack of cooperation between tribal law enforcement and state law enforcement;
- A lack of appropriate laws in place (2 of 27).²⁹

One major city LEA cited a general lack of trust of law enforcement, poor police response to reported incidents, and the lack of referrals to police as factors that have made it difficult to investigate human trafficking.

Federal Agencies Have Efforts Underway to Help Tribal and Major City Law Enforcement Agencies Identify and Address Human Trafficking in Indian Country or of Native Americans

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.³⁰ These were:

- *Additional training or technical assistance* (50 of 72 respondents). For example, 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. These

²⁹Some tribal LEAs reported that they have the authority to use a tribal statute that specifically addresses human trafficking. However, when we prompted these tribal LEAs to provide the tribal human trafficking statute, several provided state or federal codes.

³⁰Of 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.

officials also noted that they wanted training materials that included examples of cases that involved Native Americans so as to be more relatable to tribal community members and to help build awareness in the tribal community.

- *Additional funding* (28 of 72). For example, several tribal LEAs reported an interest in receiving additional federal funding to add staff support, including officers in some instances, to assist in investigations.

In our discussions with investigative, prosecutorial, and grant-making officials from DHS, DOJ, HHS, and DOI, they told us there are a number of training resources available that may help LEAs and other members of the community identify and address human trafficking of Native Americans. They did not, however, identify any sources of funding dedicated specifically to supporting additional law enforcement personnel to handle human trafficking cases involving Native Americans or victims in Indian country.³¹ We previously reported that federal agencies have training initiatives underway to help law enforcement agencies combat human trafficking.³² More recently, federal agency officials we interviewed told us about online and in-person training resources that are available to tribal LEAs and others. These include:

Online resources

- A web-based human trafficking training course offered by the Federal Law Enforcement Training Center (FLETC) that teaches law enforcement officers how to recognize human trafficking encountered during routine duties; how to protect victims; and how to initiate human trafficking investigations.³³
- A scenario-based video also available from FLETC that presents indicators of human trafficking and focuses on Native American

³¹Officials at the BIA noted that tribes that receive support through self-determination contracts or self-governance compacts may elect to designate some of that money specifically to combating human trafficking, but the money provided through the contract or compact is not limited to that use. For more information on self-determination contracts and self-governance compacts, see [GAO-17-325](#), 14.

³²GAO, *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), 24-26.

³³This web-based human trafficking training course is law enforcement sensitive and available on the FLETC Electronic Learning Portal for law enforcement officials, see *Human Trafficking Training Program*, accessed June 8, 2017, <https://www.fletc.gov/human-trafficking-training-program>.

In-person training resources

victims.³⁴ This video is included in the U.S. Indian Police Academy's basic police officer training program.³⁵

- A video produced by Office for Victims of Crime (OVC), Office on Violence Against Women, and the Executive Office for United States Attorneys and available online that introduces the issue of human trafficking of Alaska Natives.³⁶
- An online manual for hospitality industry employees to provide information on how to recognize and report suspected incidents of human trafficking.³⁷
- The U.S. Indian Police Academy offers a two-hour advanced training on human trafficking as part of its annual in-service training program for current law enforcement officers. The training addresses indicators of human trafficking, specific Indian country examples of human trafficking, and information on victims' rights. It is announced on the Academy's e-mail distribution list and is intended for BIA or tribal law enforcement officers and victim specialists.
- Human Trafficking in Indian Country course for law enforcement, prosecutors, and tribal leaders developed by the Upper Midwest Community Policing Institute, with input from a panel of subject matter experts that included tribal law enforcement officers, and members of tribal victim support organizations, with grant funding from DOJ. DOJ officials told us that the course focuses on increasing awareness of human trafficking among tribal law enforcement personnel.³⁸ The

³⁴Federal Law Enforcement Training Center, *FLETC Human Trafficking Video – Native American*, accessed Mar. 27, 2017, https://www.youtube.com/watch?v=wf2L_OgOybg.

³⁵The U.S. Indian Police Academy designs and delivers training specific to Indian Country Justice Services needs for police officers, criminal investigators, correctional officers, and tribal court staff. See also, *The U.S. Indian Police Academy*, accessed June 7, 2017, <https://bia.gov/WhoWeAre/BIA/OJS/ojs-training/index.htm>.

³⁶Office for Victims of Crime Tribal Multimedia Resources, *A Healing Journey for Alaska Natives, Video 5: Federal Responses to Sex Trafficking in Alaska*, accessed June 8, 2017, <https://www.ovc.gov/library/healing-journey.html>.

³⁷DHS Blue Campaign, *Hospitality Toolkit*, accessed June 8, 2017, <https://www.dhs.gov/sites/default/files/publications/blue-campaign/toolkits/hospitality-toolkit.pdf>.

³⁸Upper Midwest Community Policing Institute (UMCPI), *Human Trafficking in Indian Country*, accessed June 8, 2017, <http://umcpi.org/services/anti-human-traffic/human-trafficking-in-native-american-communities/>. See also, *Anti Human Trafficking Courses*, accessed June 8, 2017, <http://umcpi.org/services/anti-human-traffic/>.

Institute offers both grant-funded and fee-for-service training on human trafficking, and LEAs may contact them directly to host a course.

- Human Trafficking in Indian Country Seminar offered by DOJ's National Advocacy Center in Columbia, South Carolina. The training was offered in 2015 and 2017 and, according to DOJ officials, may be offered again in the future.³⁹ The training included both law enforcement personnel and service providers and addressed identifying victims, investigating trafficking cases, and effectively working with Native American victims. To advertise the course, DOJ officials sent invitations and applications to colleagues with tribal contacts.

Respondents Reported an Array of Services Available to Native American Human Trafficking Victims, but Cited Victims' Feelings of Shame and Lack of Resources as Barriers to Obtaining Them

³⁹DOJ's National Indian Country Training Initiative together with the FBI held this seminar in February and March 2017.

Service Providers and Tribal and Major City LEAs Reported that Shelter, Substance Abuse Treatment, Health, and Other Services Are Available to Native American Victims of Human Trafficking

We asked the 42 service providers that reported providing services to Native American victims of human trafficking from 2014 to 2016 about the services that they provide to trafficking victims or assist victims in obtaining. We also asked all of the tribal and major city LEA survey respondents about the types of services available to Native American human trafficking victims in their jurisdictions. As shown in table 1, services that were frequently cited as available by all three survey groups were shelter, substance abuse treatment, and medical and mental health services.⁴⁰

Table 1: Services Cited by Survey Respondents as Available to Human Trafficking Victims in Indian Country or Who Are Native American

Service	Number of service providers that reported that they directly provide or assist in obtaining the service (out of 42)	Number of tribal law enforcement agencies that reported the service is available to victims in their jurisdiction (out of 132)	Number of major city law enforcement agencies that reported the service is available to victims in their jurisdiction (out of 61)
Emergency shelter	41	95	57
Medical health services	40	111	55
Transportation	40	97	49
Accompanying victims to appointments or hearings	40	93	48
Relocation assistance	40	43	34
Substance abuse treatment services	39	111	52
Legal services	39	86	50
Mental health service	38	108	53
Native American healing methods	37	83	5
Life skills training	37	77	38
Employment assistance	35	78	36
Job training	35	71	34
Long term housing/shelter	35	46	42
Literacy education	33	68	31

Source: GAO analysis of survey data. | GAO-17-624

⁴⁰We compiled the list of potential services for human trafficking victims based on interviews with potential survey respondents and our review of related research on human trafficking of Native Americans.

According to a Trafficking in Indian country brief released by the National Congress for American Indians, many Native American human trafficking victims felt they owed their survival to Native cultural practices and they wished for Native healing approaches to be integrated with mainstream services.⁴¹ HHS's Administration for Native Americans also reported that there is a need for culturally relevant and trauma-informed approaches when assisting victims.⁴² We asked the survey respondents about the availability of Native American healing methods and 37 of the 42 victim service providers reported that they directly provide or assist victims in obtaining them.⁴³ Similarly, a majority of responding tribal LEAs (83 of 132) reported that traditional Native American healing methods are available to trafficking victims in their jurisdictions. In addition, 5 of the 61 major city LEAs that responded to the survey reported that Native American healing methods were available in their jurisdiction; 48 of the 61 did not know whether those healing methods would be available.

When asked about the health impacts that they observe among Native American human trafficking victims, the 42 service providers that reported providing services to that population most frequently cited:

- substance abuse (35 of 42) and
- mental health issues (35 of 42).

Some of the victim service providers also cited specific examples of these, including “drug and alcohol addiction,” “drug use withdrawal,” “hopelessness,” “depression,” “suicidal tendencies,” and “post-traumatic stress disorder (PTSD).” The services that were cited by survey respondents as available to trafficking victims do appear to align with these health impacts.

⁴¹National Congress of American Indians Policy Research Center, Human Trafficking: Trends and Responses across Indian Country, Tribal Insights Brief, Spring 2016.

⁴²Department of Health and Human Services, Administration for Native Americans, Recognizing and Responding to Human Trafficking among American Indian, Alaska Native and Pacific Islander Communities. (Jan. 29, 2015) (Revised Nov. 18, 2015).

⁴³Some of the Native American healing methods cited by survey respondents included talking circles, sweat lodges, drum circles, smudging, spiritual counseling, traditional medicine, and mentoring by tribal elders and spiritual leaders.

Service Providers and Tribal and Major City LEAs Most Frequently Reported Shame Felt by Victims as a Barrier to Obtaining Needed Services

Shame felt by victims at seeking services was the most frequently cited barrier by tribal and major city LEAs and by victim service providers that had encountered Native American human trafficking victims. Specifically, 35 of the 42 victim service providers, 9 of the 27 tribal LEAs, and 4 of the 6 major city LEAs cited “victims felt ashamed to seek services” as a “major barrier.”⁴⁴ One tribal LEA respondent noted that their tribe “has a very private culture.” This respondent also stated that, “[k]eeping things quiet is very common and children are often taught to not tell about situations such as sexual assault and trafficking.” This sentiment was repeated during our interviews with tribal officials, who noted that victims frequently feel pressure to not report crimes or seek services in the interest of keeping family and personal matters private.

Survey respondents and tribal officials also reported additional barriers for victims in obtaining services. These included:

- *Victims see their circumstances as an acceptable or inevitable lifestyle* - 8 of 27 tribal LEA respondents, 3 of 6 major city LEA respondents, and 27 of 42 victim service providers indicated that this was a “major barrier” to accessing services for Native American human trafficking victims.
- *Drug addiction* – Although our survey did not include drug addiction in the list of barriers to obtaining services, tribal and major city law enforcement officials and service providers with whom we met told us that drug addiction also keeps victims from seeking assistance. One major city LEA official also told us that Native American perpetrators tend to use drugs as a tool to control Native American victims. Representatives of one tribal victim service provider stated that they try to provide drug treatment assistance to individuals who seek it but ultimately cannot force them to pursue it.

⁴⁴Each survey group was presented a set of potential barriers to obtaining services and asked to indicate whether each was a “major barrier,” “minor barrier,” or “not a barrier.”

Service Providers Cited Lack of Resources as a Barrier to Providing Victim Services; Federal Agencies Offer Resources and Training to Support Services to Trafficking Victims

The barrier to providing services to human trafficking victims that service providers identified most frequently was inadequate funding or resources, which was reported by 15 of the 42 service providers that reported assisting Native American trafficking victims. In addition to insufficient funding, tribal service providers cited a lack of personnel, emergency shelter, and legal aid resources to meet the needs of the trafficking victims that they wished to serve.

When asked whether the federal government could support their efforts to serve Native American human trafficking victims, service providers most frequently cited two areas in which the federal government could support them. Those areas were:

- *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 the 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.

In our companion report, we reported on several federal funding and training initiatives intended to support law enforcement and victim service provider efforts to combat human trafficking.⁴⁵ At least 50 DOJ, HHS, and DHS grant programs mention addressing human trafficking or assisting Native American crime victims as an allowable use of funding. The grant programs also identify tribal entities as eligible recipients. These grant programs provide funds for activities including collaboration, victim services, public awareness, and training or technical assistance. For example, in fiscal year 2016, OVC established the Project Beacon grant programs that exclusively address human trafficking of Native Americans. These grants are intended to increase the quantity and quality of services available to Native American victims of sex trafficking who live in urban areas. In addition, HHS awarded Domestic Victims of Human Trafficking grants to organizations, including those assisting Native American victims

⁴⁵GAO, *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).

of human trafficking, to assist them in delivering trauma-informed, culturally relevant services.⁴⁶

Federal agencies have also developed training programs designed to help service providers identify and work with trafficking victims. These programs include:

- *National Indian Nations Conference* –This biennial conference focuses on developing programs that serve the needs of crime victims in Indian country, including human trafficking victims. It is intended for victim service providers, judicial and law enforcement personnel, and others who work with crime victims. Past conferences have included sessions on working with Native American human trafficking victims and developing tribal human trafficking laws.⁴⁷
- *Trainings for tribal health care providers related to domestic and sexual violence* – HHS’s Indian Health Service (IHS) provides these trainings through its Tribal Forensic Health Care web site.⁴⁸ IHS officials told us that they are also planning to offer a webinar for victim service providers specifically related to working with Native American human trafficking victims in the fourth quarter of 2017.⁴⁹
- *Stop. Observe. Ask. Respond. (SOAR) to Health and Wellness program* – a 3-hour online or in-person training program designed by HHS’s Office on Trafficking in Persons and Office on Women’s Health for service providers to respond to human trafficking.⁵⁰ While not exclusively tailored to Native American human trafficking victims, HHS officials reported that training participants have served Native Americans in urban, rural, and reservation communities.

⁴⁶For a list of grant programs and the allowable uses of the grant funds, see our companion report, [GAO-17-325](#), app. II.

⁴⁷Department of Justice, *15th National Indian Nations Conference Justice for Victims of Crime*, accessed June 1, 2017, <http://www.ovcinc.org/home>.

⁴⁸Tribal Forensic Healthcare, *Online Courses*, accessed June 1, 2017, <http://www.tribalforensichealthcare.org/page/OnlineCourses>.

⁴⁹IHS officials said that the webinar will be posted to <http://www.tribalforensichealthcare.org/page/Webinars> and will be archived for future viewing.

⁵⁰Department of Health & Human Services, *SOAR to Health and Wellness Training*, accessed June 1, 2017, <https://www.acf.hhs.gov/otip/training/soar-to-health-and-wellness-training>.

In addition to these trainings, federal officials noted that grant funds can be used to support service providers in organizing training and technical assistance for other service providers to address human trafficking in Indian country or of Native Americans.

Agency Comments

We provided a draft of this report to DHS, DOI, DOJ and HHS for their review and comment. DOJ and HHS provided technical comments, which we incorporated as appropriate. DHS and DOI did not have additional comments.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or goodwing@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix I.



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Appendix I: GAO Contact and Staff Acknowledgments

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Staff Acknowledgments

In addition to the contact named above, Joy Booth, Assistant Director; Christoph Hoashi-Erhardt, Analyst-in-Charge; Kristy Love; Marie Suding; Steven Rocker; Paulissa Earl; Marycella Mierez; Maria Surilas; Camille Henley; Eric Hauswirth; Susan Hsu; Claire Peachey; Sasan J. “Jon” Najmi; Michele Fejfar; David Blanding; and Susan Baker made significant contributions to this report.

Related GAO Products

Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services. [GAO-17-325](#). Washington, D.C.: March 30, 2017.

Human Trafficking: State Has Made Improvements in Its Annual Report but Does Not Explicitly Explain Certain Tier Rankings or Changes. [GAO-17-56](#). Washington, D.C.: December 5, 2016.

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.

Human Trafficking: Actions Taken to Implement Related Statutory Provisions. [GAO-16-528R](#). Washington, D.C.: May 26, 2016.

Human Trafficking: Implementation of Related Statutory Provisions, Law Enforcement Efforts, and Grant Funding. [GAO-16-748T](#). Washington, D.C.: June 28, 2016.

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