

PART B. Statistical Methods

1. The potential respondent universe of the form *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* includes respondents from United States (U.S.) law enforcement agencies who voluntarily report human trafficking crimes to the FBI's Uniform Crime Reporting (UCR) Program. Approximately 18,000 law enforcement agencies participate in the FBI UCR Program. This is a new data collection and upon approval of the Office of Management and Budget the collection of human trafficking information will begin for the FBI UCR Program. The FBI UCR Program will initiate the human trafficking data collection January, 2013. Law enforcement agencies consist of local, county, state, tribal and federal agencies that correlate to all population group sizes and have many diverse attributes. These agencies include a mix of population density and degrees of urbanization; various compositions of population particularly youth concentration; population mobility with respect to residents' mobility, commuting patterns, and transient factors; different economic conditions including median income, poverty level, and job availability; areas with different modes of transportation and highway systems; different cultural factors and educational, recreational, and religious characteristics; family conditions with respect to divorce and family cohesiveness; climate; effective strength of law enforcement; policies of other components of the criminal justice system; citizens' attitudes toward crime; and crime reporting practices of the citizenry.

Response rates are expected to be low within the first years of collection. Training modules, reference materials, extensive training, and active liaison with national and federal law enforcement agencies to encourage participation in the human trafficking data collection will be provided.

2. Human trafficking data will be collected/received from State UCR Program participants on a monthly basis. The FBI's UCR Program has established various time frames and deadlines for acquiring the monthly data. Monthly reports/submissions should be received at the FBI by the seventh day after the close of each month. Annual deadlines are also designated in order to collect/assess receipt of monthly submissions. There are times when special circumstances may cause an agency to request an extension. The FBI's UCR Program has the authority to grant these extensions. Although monthly reports are preferred by agencies, the FBI's UCR Program has agencies that submit data quarterly, twice a year, and even once a year. Upon approval, the FBI UCR Programs can submit their data at intervals that minimizes the burdens to the agency.

Law enforcement agencies will submit human trafficking data to the FBI UCR Program through either the Summary Reporting System (SRS) or the National Incident-Based Reporting System (NIBRS). The SRS is referred to as the "traditional" FBI UCR Program because it began in 1930, and has had few modifications through the years. The NIBRS is used by participating law enforcement agencies to report offenses and relevant details by incident, using up to 59 data elements to collect details about offenses,

offenders, victims, property, and arrestees reported to police. Developed in the late 1980's, the NIBRS was designed as an automated system to modernize UCR, and includes automated checks to ensure data quality.

As the UCR human trafficking data collection is intended to collect all reported human trafficking offenses from law enforcement agencies in the U.S., sampling methodologies will not be used. Estimation procedures will not be applied due to human trafficking being a new data collection and response rates anticipated to be low and therefore, will not be a true representation of the offense. As more data is received estimation procedures will be examined. With the development of the new UCRRP, the possibility of more complex estimation procedures will be reviewed by UCR staff, UCR Subcommittee members, and with the involvement of OMB methodology statisticians.

The FBI relies on the integrity of data contributors reporting data, however, Quality Assurance Reviews are conducted by the Criminal Justice Information Services (CJIS) Audit Unit on a triennial basis. The results of the audits are not used to adjust crime data, but are used to educate reporting agencies on compliance with national UCR guidelines.

3. Response rates are maximized through liaison with State UCR programs. Communications encouraging data submissions occur frequently because of the relationship between FBI UCR staff and law enforcement agencies. FBI UCR staff has a strong understanding of contextual challenges agencies face in reporting valid and reliable data and regularly work to overcome nonresponse issues when such challenges occur. The mission of the FBI UCR Program is to acquire human trafficking data, establish guidelines for the collection of such data, and publish human trafficking data. Although the FBI makes every effort through its editing procedures, training practices, and correspondence to ensure the validity of the data it receives, the accuracy of the statistics depends primarily on the adherence of each contributor to the established standards of reporting. The FBI will work to help law enforcement agencies participate in the human trafficking data collection with the FBI CJIS Division's UCRRP to manage the acquisition, development, and integration of a new information systems solution which affects UCR participating local, state, tribal, and federal law enforcement agencies. The UCRRP's goal is to improve UCR efficiency, usability, and maintainability while increasing the value to users of UCR products. The UCRRP will reduce, to the point of elimination, the exchange of printed materials between submitting agencies and the FBI and replace those with electronic submissions. The FBI UCR Program has begun the process of eliminating the exchange of paper for crime reporting purposes. Beginning July 2013, the FBI UCR Program will begin moving submitting agencies away from paper submissions. After a period of transition, the expectation is to have all data interfaces electronically managed, with a goal of minimal paper burden on the public. The UCRRP has developed four options for paperless submissions, they are: Extensible Markup Language, Flat File Formats, Online Data Entry, a data extraction from the Law

Enforcement National Data Exchange Program, and an FBI provided Excel Workbook and Tally Book.

Training also encourages participation in the FBI's UCR Program. The FBI has trainers who provide on-site training for any law enforcement agency that participates in the FBI UCR Program. The trainers furnish introductory, intermediate, or advanced courses in data collection procedures and guidelines. In addition, the trainers are available by telephone or e-mail to provide law enforcement agencies with answers to specific questions about classification or scoring. Providing vital links between local law enforcement and the FBI in the conduct of the UCR Program are the Criminal Justice Information Systems Committees of the International Association of Chiefs of Police (IACP) and the National Sheriffs' Association (NSA). The IACP, as it has since the Program began, represents the thousands of police departments nationwide. The NSA encourages sheriffs throughout the country to participate fully in the FBI UCR Program. Both committees serve in advisory capacities concerning the FBI UCR Program's operation. The Association of State Uniform Crime Reporting Programs (ASUCRP) focuses on UCR issues within individual state law enforcement associations and also promotes interest in the FBI UCR Program. These organizations foster widespread and responsible use of uniform crime statistics and lend assistance to data contributors when needed.

4. During the implementation of the human trafficking information collection, extensive research regarding the offense of human trafficking was conducted. Discussing the steps necessary to begin the collection of human trafficking information within the scope of the FBI's UCR Program as mandated were members of the CJIS Division's, Law Enforcement Support Section, UCR Program Office; the Office of the General Counsel Division, General Law and Legal Training Branch, Access Integrity Unit; Information Technology Management Section; the Criminal Investigative Division (CID), Civil Rights Unit; FBI Office of Congressional Affairs; Bureau of Justice Statistics; and special interest group, Polaris Project, a leading organization in the global fight against human trafficking and modern day slavery.

The primary emphasis in developing an approach for collecting national human trafficking statistics was to meet the requirements of the "*William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*," and to avoid placing major new reporting burdens on law enforcement agencies contributing data to the FBI UCR Program. To accomplish this goal, a data collection was developed based on the program's existing reporting systems, the NIBRS and the SRS. Furthermore, the method by which human trafficking is collected by the FBI UCR Program was fully vetted and approved by the FBI's CJIS APB process. The APB was established to ensure a "shared management" concept with the nation's law enforcement community for all criminal justice information systems managed by the CJIS Division. It ensures law enforcement

has the opportunity to discuss and vote on any policy or procedural changes to CJIS systems affecting law enforcement's ability to share information to the nation. The APB reviews policy, technical, and operational issues related to the CJIS services and recommends to the Director appropriate changes. In addition to the APB, the CJIS Advisory Process also includes five Working Groups and many Subcommittees, including the UCR Subcommittee. The CJIS Advisory Process is an effective way to test concepts and develop the shared systems that support law enforcement and criminal justice agencies.

On December 23, 2008, the President signed Public Law 110-457 (HR 7311), the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, which requires the FBI to implement the collection of human trafficking data; to collect subcategories for "state sex crimes," that do, or do not, involve force, fraud, or coercion for persons under 18 years of age, or 18 years of age and older; and to distinguish between incidents of assisting or promoting prostitution, purchasing prostitution, and prostitution. The *Wilberforce Act* states:

(a) **TRAFFICKING OFFENSE CLASSIFICATION.**—The Director of the Federal Bureau of Investigation shall—(1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports; (2) to the extent feasible, establish subcategories for State sex crimes that involve—(A) a person who is younger than 18 years of age; (B) the use of force, fraud, or coercion; or (C) neither of the elements described in subparagraphs (A) and (B); and (3) classify the offense of human trafficking as a Group A offense for the purpose of the National Incident-Based Reporting System.

(b) **ADDITIONAL INFORMATION.**—The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System and the National Incident-Based Reporting System to distinguish between report of – (1) incidents of assisting or promoting prostitution, which shall include crimes committed by person who—(A) do not directly engage in commercial sex acts; and (B) direct, manage, or profit from such acts, such as pimping and pandering crimes; (2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value of commercial sex acts; and (3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts. *William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008* § 237, 28 U.S. C. § 534 note (2004).

- At the Spring 2009 Working Group Meeting an Informational Topic paper was presented to summarize the passage of the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* and its impact on the FBI UCR Program. It was stated that no current mechanism was in place for the collection of human trafficking data in the FBI UCR Program and in order for the FBI UCR Program to successfully add the collection of human trafficking data to the current

UCR format, both technical and policy changes will have to be required at the local, state, and national levels.

- At the Fall 2009 Working Group Meeting a paper was presented to discuss and analyze the FBI UCR Program's capability to meet the requirements under the law and the most viable method of NIBRS implementation of human trafficking into the FBI UCR Program was proposed.

It was discussed that while the *Wilberforce Act* specifies that human trafficking must be collected as both a SRS Part I and a NIBRS Group A offense, the law does not specify where the purchasing of prostitution offenses and the subcategories for "sex crimes" must be collected. This arguably allows the FBI UCR Program some leeway as to where these changes should be implemented. It was discussed the FBI will establish two NIBRS human trafficking offense codes which will enable the NIBRS to distinguish between commercial sex trafficking and involuntary servitude. By this method, human trafficking is classified as a NIBRS Group A offense. The FBI is further required to revise NIBRS to distinguish between incidents of assisting or promoting prostitution, incidents of purchasing prostitution, and incidents of prostitution. Two of the prostitution crimes are already collected as NIBRS Group A offenses, however, the purchasing prostitution offense will have to be created as a NIBRS Group A offense.

The implementation of human trafficking in the SRS will necessitate additions and/or modifications to the Return A Form and the Age, Sex, and Race (ASR) Form. It may also require the addition of new SRS supplemental forms. Modifications to the definitions of offenses that related to the requirements of the *Wilberforce Act* must also be evaluated and considered.

The Federal Working Group motioned to recommend the FBI UCR Program to establish two NIBRS human trafficking offense codes to enable NIBRS to distinguish between commercial sex trafficking and involuntary servitude. This recommendation was approved by the North Central Working Group. A representative from the Florida Department of Law Enforcement of the Southern Working Group made a motion to accept the recommendation as it is so far, but requested that the CJIS Division legal staff ensure that they are meeting the definition of the *Trafficking Victims Protection Act of 2000*, where force, coercion, or fraud are not necessary elements for crime where the child is under the age of 18 and then this should be reflected in NIBRS. The Western Working Group moved to accept the recommended NIBRS implementation methods.

- At the Fall 2009 UCR Subcommittee Meeting a paper and the recommendations of the Working Groups were presented. The UCR Subcommittee made a motion for the CJIS Division to revisit the definitions in the staff paper to mutually

exclude prostitution and commercialized vice categories as it applies to persons under the age of 18.

- At the December 2009 APB Meeting the APB asked the CJIS Division to revisit the definition in the staff paper to ensure it reflects that forced coercion or fraud are not necessary elements for the crime when the child is under the age of 18.
- At the Spring 2010 UCR Subcommittee Meeting, motions were made to accept the FBI UCR Program to establish two NIBRS human trafficking offense codes and to accept the addition of Purchasing Prostitution: to purchase, or trade, anything of value for commercial sex act(s).
- In the spring of 2010 the Human Trafficking Program Coordinator attended a Human Trafficking Panel Meeting with the BJS and the Urban Institute. The seminar entailed discussions about the FBI's plans for implementing the requirements of the *William Wilberforce Act* within the UCR Program, discussions about the BJS attempts at collecting human trafficking offense data through their own incident-based system, and what their lessons learned can benefit the FBI's implementation strategy. This seminar also provided the FBI with valuable perspectives on human trafficking from the federal law enforcement data community.
- The June 2010 APB Meeting moved to accept the addition of Purchasing Prostitution: to purchase or trade anything of value for commercial sex act(s).
- At the Fall 2010 Working Group, a paper was presented to define human trafficking. The *Wilberforce Act* itself does not define human trafficking because it is a reauthorization of the *Trafficking Victims Protection Act of 2000*, see 22 U.S.C. § 7102 (8) (2004). This is the definition used by the FBI CID Civil Rights Unit.

A paper was also presented to propose two options of collecting human trafficking offenses and two options of collecting prostitution, assisting or promoting prostitution, and purchasing prostitution in the SRS.

In consultation with the FBI's Office of the General Counsel, the CJIS Division staff considered the requirements of the *Wilberforce Act* in comparison to the existing SRS infrastructure. To fully comply with the requirements of the *Wilberforce Act*, the FBI UCR Program envisions the creation of two Part I human trafficking offenses to mirror the previously approved NIBRS Group A human trafficking offenses. To address the Congressional mandate, the FBI has

proposed two options for classifying human trafficking as a Part I offense, and two options distinguishing reports of purchasing prostitution from other prostitution data currently collected in the SRS.

The Working Groups were requested to review and test the utility of the two options included in the topic paper and make a motion to accept human trafficking Option I, or human trafficking Option II, for SRS implementation, and to also make a motion for approval of either prostitution modification Option I, or prostitution modification Option II, to differentiate prostitution into three categories.

- At the Fall 2010 UCR Subcommittee Meeting motions were made to approve human trafficking Option II, and Option I, Prostitution Modification. Another motion was made to task the FBI with preparing a topic paper on changing the definition of human trafficking/involuntary servitude to include peonage, debt bondage, and slavery for both SRS and NIBRS data collections.
- The December 2010 APB Meeting set recommendations for the FBI to prepare a topic paper on changing the definition of human trafficking/involuntary servitude to include peonage, debt bondage, and slavery for both SRS and NIBRS data collections.

The APB moved to approve human trafficking option II: The FBI UCR Program will establish two Part I human trafficking offenses to be collected on a separate form. This will enable Summary to collect human trafficking offenses as an exception to the hierarchy rule and to distinguish between commercial sex trafficking and involuntary servitude.

The APB moved to approve prostitution modification option I: The *Wilberforce Act* requires the FBI UCR Program to distinguish between incidents of assisting or promoting prostitution, incidents of prostitution. The SRS collects data on prostitution by means of the ASR Form. On the current version of the ASR Forms, Prostitution and Commercialized Vice is the only prostitution offense for which data is collected. To better comply with the *Wilberforce Act's* requirements, the FBI UCR Program proposes the modification of Prostitution and Commercialized Vice with the addition of three subcategories on the ASR Form.

- At the Spring 2011 Working Group Meeting a motion was made to accept the addition of “peonage, debt bondage, or slavery,” to the definition of human trafficking/involuntary servitude.

The issue of not making human trafficking a violent crime was discussed. A review of the supporting laws by the FBI Office of the General Counsel also supports not making human trafficking a violent crime for UCR reporting purposes. BJS stated it will follow the lead of the FBI UCR Program on this issue. The FBI UCR Program decided to report human trafficking similar to how arson is reported. When multiple offenses are committed during the same distinct operation as arson, and now human trafficking, the most serious offense is reported along with the arson and human trafficking.

A human trafficking form was discussed. In earlier drafts, the FBI proposed collecting victim information, but has decided not to collect victim information and only collect the number of offenses reported for human trafficking similar to what is collected on the SRS Return A. The collection of human trafficking will be a form titled *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* which mimics the Return A Form. In the SRS, on the juvenile and adult ASR Forms the offense of 16, Prostitution and Commercialized vice will be the sum of 16a Prostitution, 16b Assisting or promoting Prostitution, and 16c Purchasing Prostitution. To capture arrests for human trafficking in the SRS, two new arrest categories will be added, one for Commercial Sex Acts and one for Involuntary Servitude.

- The June 2011 APB moved to accept the addition of “peonage, debt bondage, or slavery,” to the definition for Human Trafficking/Involuntary Servitude.
- At the Fall 2011 UCR Subcommittee Meeting a motion was made to approve the FBI UCR Program definition change to read Prostitution—to engage in commercial sex acts for anything of value. Another motion was made to not modify the NIBRS collection of Crimes Against Society to allow prostitutes to be reported as either victims or offenders.
- The December 2011 APB moved to approve the FBI UCR Program definition change to read “Prostitution—to engage in commercial sex acts for anything of value” and moved for no change and not modify the NIBRS collection of Crimes Against Society to allow prostitutes to be reported as either victims or offenders.
- In an effort to meet the requirements of the *William Wilberforce Trafficking Protection Reauthorization Act of 2008*, APB recommendations were approved by the CJIS APB in support of the legislation involving the collection of human trafficking data in the FBI UCR Program, and was signed by Mr. Robert S. Mueller III, Director of the FBI.

The new *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* form was pretested by conducting interviews with 9 individuals. Six were law enforcement officers from the FBI Police and three were retired law enforcement officers now serving in the FBI as UCR Program Law Enforcement Officers Killed and Assaulted Program Training Specialists. The purpose of the interviews was to test cognitive and usability elements of the Human Trafficking form. The interviews found the following:

- The form's instructions should come first. The form should follow the instructions.
- The offense definitions on the form should have large and bold print.
- The offense definitions should be labeled as definitions instead of situations.
- The guideline for collecting the number of offenses per victim needs stipulated on the form.
- The form should stress the importance of the agency knowing the age of the victims since it is crucial for classifying Human Trafficking Commercial Sex Acts.
- The form should stipulate that adjudication is not a factor in reporting offenses.
- The form should establish the acronym for ORI.
- Attempted human trafficking offenses need more explanation on the form. Do attempts count as a human trafficking offense? What constitutes attempts?
- The form should reference the user manual and page number for the reporting guidelines.
- Column 6 on the form creates confusion with offenders versus victims. Does Column 6 require offender or victim count? The intent of the column needs explained.
- The form will cause frustration for law enforcement because it is the same information collected on the Return A. Why not add human trafficking to the Return A?
- Column 2 and Column 4 on the form seem confusing or contradictory.
- Column 2 and Column 3 on the form seem confusing or contradictory.

Pretest findings requiring changes to the form were made for this PWRA submission.

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