

# Collecting Criminal Justice Data on Human Trafficking: A Practice Guide for Law Enforcement

A WARNATH GROUP PRACTICE GUIDE



The WARNATH GROUP

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by The Warnath Group

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*“A sound and reliable data collection system for a country’s cases of human trafficking – and one harmonized with the scope of human trafficking adopted by other countries to align with international legal standards – is each country’s best opportunity to contribute significantly to the understanding of this crime and violation of human rights within its own borders and worldwide.”*

*-STEPHEN WARNATH, PRESIDENT & CEO, THE WARNATH GROUP*

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## At a Glance

### Intended Audience

This Practice Guide is for members of law enforcement who are tasked with or considering collecting criminal justice data on human trafficking. Specifically, this Practice Guide is for law enforcement who do not yet have a standardized or sufficient data collection tool or system in place to acquire, record, track, and report information on human trafficking. This Practice Guide can be used by law enforcement to develop a preliminary system to collect criminal justice data on human trafficking or to enhance an existing system.

### Takeaway

The aim of this Practice Guide is to provide a basic introduction to the collection of criminal justice data on human trafficking. This includes initial steps to take in determining what data is to be collected, obtaining quality data, and ensuring the data is protected.

This Practice Guide is not intended to be a comprehensive introduction to the many issues and considerations of data collection by law enforcement. It is part of a larger series of Practice Guides by the Warnath Group that focus on conducting data collection on human trafficking in constructive and ethical ways.<sup>1</sup>

### In this Practice Guide



<sup>1</sup> See also NEXUS Institute (2019) *On the Frontlines: Operationalizing Good Practice in TIP Data Collection*. Washington, D.C.: NEXUS Institute. Available at: <https://bit.ly/3fD1YTD>



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## Introduction

Members of law enforcement are often tasked with collecting data on human trafficking. Data collection may be mandated by law, undertaken to improve a country's or community's criminal justice response, and/or used to gather information to report to a government's anti-trafficking office or other entity that quantifies criminal activity, such as a national statistics office.<sup>2</sup>



**Mandated by law.** In some countries, national or local laws require members of law enforcement to track and report on human trafficking cases. Law enforcement may also be tasked with collecting data on human trafficking according to a country's National Action Plan on Human Trafficking or similar instrument.



**To improve the criminal justice response.** Criminal justice data on trafficking may be used for organizing and strengthening criminal case management. Criminal case management requires information about the arrest, investigation, accused perpetrators and complicit actors, conviction information, and so on. Criminal justice data on trafficking may also be analyzed to reduce human trafficking crimes. Examples include "predictive policing" (anticipating likely human trafficking crimes and informing action to prevent them) or "hot spot" mapping (determining locations where high incidences of human trafficking occur and informing action to prevent them).



**National reporting.** Criminal justice data is critical information for governments to achieve their anti-trafficking objectives. Often this data is a central component of the content that is analyzed to prepare reports on a country's response to human trafficking

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<sup>2</sup> For research and resources on human trafficking data collection, please see publications from the NEXUS Institute available at: <https://nexusinstitute.net/past-projects/global-data-collection/>

(for example an annual report issued by a country's National Rapporteur or similar reporting mechanism).

Additionally, such data can contribute to the global understanding of and response to human trafficking. In particular, the United States (U.S.) Department of State relies on governments worldwide to provide data on trafficking investigations, prosecutions, convictions, and sentences for consideration of progress in satisfying or exceeding the U.S. Trafficking Victims Protection Reauthorization Act (TVPA) minimum standards for the elimination of trafficking.

Key data points and key indicators about the progress of law enforcement efforts and actions to improve the criminal justice process, including the accountability of perpetrators (shorthand as "prosecution") in a country are important elements of each country's contribution to strengthening the value of the annual U.S. Trafficking in Persons (TIP) Report, which, in turn, contributes to global anti-trafficking efforts.

Finally, data about human trafficking may be a factor considered by local and national leaders to determine budget allocations for special anti-human trafficking policing and prosecution units, social services, training, and/or other relevant activities.



## Determining Data to be Collected

Before criminal justice data on human trafficking is collected, the first step is to **clarify the definitions associated with human trafficking**, including what constitutes the crime of human trafficking and who is legally recognized as a victim of human trafficking.



### DEFINITIONS

**Data** is information that is gathered to serve a specific purpose.

**Criminal justice data** is information that is gathered from and about alleged crimes, perpetrators and victims of those crimes, and the criminal justice system.

**Criminal justice data on human trafficking** is information about the crime of human trafficking (and, in some situations, related criminal offenses).

In most cases, the definition of human trafficking will be established by the relevant national law. Most countries have adopted laws to define the crime of human trafficking. Law enforcement should apply the definition as established in national law to all data collection activities.<sup>3</sup>

There may be some situations in which a national law has not been adopted or the definition of human trafficking in national law does not include all of the forms of exploitation as set forth in the 2000 United Nations *Trafficking In Persons Protocol* (see definitions box on the next page).


<sup>3</sup> To locate individual national laws on human trafficking, please see the Warnath Group Global Collection of Human Trafficking Laws available at: <https://www.warnathgroup.com/laws/>

Often where national laws depart from the internationally-established definition, the scope of trafficking is defined in a more limited way, which, in turn, will reduce the number of cases that a country can include in its reporting. If there is no national law or if there exists a difference between the scope of a country's national definition of human trafficking and international law, it is important to be transparent about this.

Because there is a global standardized legal definition serving as the basis of most nations' laws (which is helpful in harmonizing TIP data collection and reporting), a country's reporting on TIP, including by law enforcement, should **acknowledge and clearly note any limitations or other departures in the definition of human trafficking that is used for data collection.**



If this step is neglected and the data collected does not harmonize with the international scope that laws in other countries align with, then the data that is collected will have significantly reduced value in contributing to the global understanding of human trafficking. For example, criminal justice data on human trafficking in countries that limit the definition of human trafficking to cases that include movement (crossing the country's borders) will have fewer cases that can be characterized as human trafficking.



**DEFINITIONS<sup>4</sup>**

**Human trafficking** is the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

**Exploitation** includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

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<sup>4</sup> United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, UN Doc A/45/49, Article 3.

Using a limited definition also means that there will be fewer perpetrators who can be characterized as traffickers, especially when compared with countries that have appropriately adopted the scope prescribed by international law (which does not require movement for a human trafficking crime to occur).

Such differences by country in the defined scope of human trafficking prevent meaningful comparisons of quantitative findings across countries. Thus, disparities in definitions can reduce the overall value of data collected and skew the understanding of the global phenomenon of human trafficking.

Once the applicable definition is identified, to ensure quality data collection, all members of law enforcement engaged in collecting data on human trafficking must understand the definition of human trafficking (and related terms) and the meaning of any terms used in data collection.



It follows that it is critical to **train members of law enforcement on the definition and elements of human trafficking** in order to accomplish effective data collection. Similarly, because accurate data collection depends upon the identification of human trafficking cases in the first place, it is also important to train members of law enforcement to increase their recognition of human trafficking crimes and their ability to identify victims.

Once the definition of human trafficking has been identified (along with any limitations created by divergence from the global standardized legal definition), the next step is to **establish and/or clarify the purpose of data collection.**



Determining what criminal justice data on human trafficking should be collected will vary by context. This determination is guided fundamentally by clearly identifying the purpose for which the data will be collected. In some cases, the purpose of data collection will have already been established in conjunction with an existing data collection system (for example, a centralized database) and may only need further clarification.

To establish or clarify the purpose of data collection, it is important to ask: **why is this information being collected?**

The different purposes of criminal justice data on human trafficking might include:

- ✓ Data that is mandated by law to be reported
- ✓ Data for case management (tracking cases through the criminal justice process)
- ✓ Data for investigative purposes
- ✓ Data for analysis to reduce human trafficking crimes (for example, “predictive policing” or “hot spot” mapping)
- ✓ Data for national reporting on human trafficking

**In establishing and/or clarifying the purpose of data collection, consider:**

- ✓ Is there a legal requirement to report criminal justice data on human trafficking?
- ✓ Which members of law enforcement are mandated to report criminal justice data on human trafficking?
- ✓ What criminal justice data on human trafficking needs to be reported?
- ✓ How is criminal justice data on human trafficking reported?
- ✓ When/how often does criminal justice data on human trafficking need to be reported?
- ✓ Who needs or requires criminal justice data on human trafficking?
- ✓ What is criminal justice data on human trafficking being used for?
- ✓ How does criminal justice data help with understanding or addressing human trafficking?
- ✓ Will the collection of criminal justice data on human trafficking avoid duplicating efforts or wasting resources?

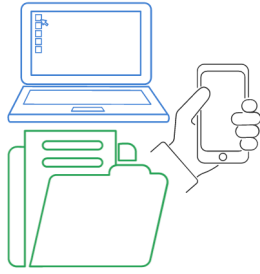
For some data collection efforts, there may be different layers of purpose. For instance, a primary goal may be to inform the on-going anti-trafficking work of law enforcement and a secondary goal may be to contribute to knowledge to be used by other stakeholders for policymaking, programming, and/or advocacy. The purpose of data collection should be sufficiently robust to offset the “costs” to those involved (both to law enforcement tasked with collecting the data and to data sources from whom the data is collected). In other words, data collection demands resources, therefore the purpose of data collection must be useful enough to justify the effort.<sup>5</sup>

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<sup>5</sup> NEXUS Institute (2019) *On the Frontlines*, p. 28.



Decide what type of data is needed and appropriate to collect.



Once the purpose for collecting data is identified, **decisions should be made regarding what type of data is needed and appropriate to collect.** Sources of this data may consist of individuals (for example, trafficking victims, traffickers or perpetrators, service providers, or criminal justice representatives) as well as written materials (for example, register data, case files, reports, or other datasets).<sup>6</sup>

In situations where there is an existing data collection system, it may already be clear what type of data is needed (or has already been collected). Nonetheless, it may still be useful to consider whether or not that data is appropriate to collect.

For new data collection efforts, determining what data should be collected can be accomplished, as a first step, by creating a simple checklist that considers what information will be helpful for law enforcement purposes and why.

Considerations include whether data is needed on perpetrators and/or victims, as well as whether quantitative or qualitative data (or both) should be collected. As criminal justice data is information that is gathered from and about alleged crimes and the criminal justice system, the primary focus of this data should most often be about traffickers and the trafficking process, related to the investigation and prosecution of trafficking crimes.



## DEFINITIONS

**Quantitative data** refers to information that is measured and recorded as a number.

**Qualitative data** refers to descriptive information that is usually recorded as words and narratives.

Some data may include information from and about individual trafficking victims, but **the collection of personal data from human trafficking victims for the purposes of law enforcement should be treated as requiring heightened justification and always comply with all laws protecting private information.**

<sup>6</sup> NEXUS Institute (2019) *On the Frontlines*, p. 40.

### Data on traffickers



Examples of different data points about individual traffickers<sup>7</sup> include:

- ✓ Name and aliases used
- ✓ Nationality and country of residence
- ✓ Age
- ✓ Gender
- ✓ Race and/or ethnicity
- ✓ Prior arrests and/or convictions
- ✓ Criminal affiliations
- ✓ Offense that is investigated or prosecuted
- ✓ Description of alleged prohibited conduct
- ✓ Date, time, and location of the alleged offense
- ✓ Type of human trafficking exploitation
- ✓ Other related prosecution charges
- ✓ Role in the trafficking process
- ✓ Means of control over victim(s) (for adult victims)
- ✓ Travel routes (if there is movement)
- ✓ Information about the trial, conviction, and/or appeal
- ✓ Number of victim(s)
- ✓ Gender, age, race and/or ethnicity of victim(s)

### Data on victims



Examples of different data points about individual victims<sup>8</sup> include:

- ✓ Name
- ✓ Nationality and country of residence
- ✓ Age
- ✓ Gender
- ✓ Race and/or ethnicity
- ✓ Marital status, number of children
- ✓ Educational level
- ✓ Activity/profession at entry into trafficking
- ✓ Means of recruitment/entry into trafficking
- ✓ Form(s) of exploitation experienced
- ✓ Country/countries of exploitation
- ✓ Specific site(s) of exploitation
- ✓ Mean(s) of control while trafficked
- ✓ Previous trafficking experience (re-trafficking)
- ✓ Travel routes (if there is movement)
- ✓ Exit from trafficking
- ✓ Legal status in the country of identification
- ✓ Testifying in legal proceedings against trafficker(s)
- ✓ Protection during trial, conviction, appeal
- ✓ Victim compensation received
- ✓ Whether referred for protection & assistance
- ✓ Information about return, reintegration, resettlement

<sup>7</sup> For an extensive list of trafficker-centered and criminal justice data variables that could be collected, please see Surtees, R. (2009) *Anti-Trafficking Data Collection and Information Management in the European Union - A Handbook*. Vienna: International Centre for Migration Policy Development and Washington, D.C.: NEXUS Institute, pp. 92-110. Available at: <https://bit.ly/33doJs1>

<sup>8</sup> For an extensive list of victim-centered data variables that could be collected, please see Surtees, R. (2009) *Anti-Trafficking Data Collection and Information Management in the European Union - A Handbook*, pp. 64-89.

Data collection from or about trafficking victims, as vulnerable persons, necessitates additional considerations to ensure that victims are protected and that they have given informed consent for collection of their information. Extreme care must be taken to protect access to any information collected that could put a trafficking victim or their family members at risk (such as information that could reveal their location or contact information for a victim or their family). And the law enforcement need for collecting any particular item of information from trafficking victims must be clear and compelling.



Once it has been determined what type of data is needed and appropriate to collect, **standardized tools and guidelines should be used in the collection of criminal justice data on human trafficking.**

Standardized tools for data collection (such as lists of questions to ask) need to be accompanied by clear guidelines for their implementation.<sup>9</sup>

#### Tools and guidelines for data collection should include:

- ✓ Clear and precise definitions of human trafficking and all related terms
- ✓ The criteria for data to be collected
- ✓ Questions to ask in collecting the data (or data fields to fill)
- ✓ Guidance on how tools are to be administered
- ✓ Procedures for submitting collected data

Data collection tools and guidelines should be standardized across law enforcement collecting the same criminal justice data to allow for the comparison of datasets and to ensure the quality of the data collected, as discussed in the next section. When there is an existing system for data collection (such as a centralized database) it is likely that tools and guidelines for data collection already exist. Existing tools and guidelines may be appropriate and effective; however, these may need to be reassessed and updated over time.

The application of existing tools may not be suitable in certain contexts (for example, collecting data from a different source than the one originally intended).<sup>10</sup>

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<sup>9</sup> NEXUS Institute (2019) *On the Frontlines*, p. 59. Guidance should also provide information on any issues and problems faced in past application of standardized tools.

<sup>10</sup> NEXUS Institute (2019) *On the Frontlines*, p. 59.

In unforeseen situations, even robust tools may require significant modification to questions or the wording of the questions, including:

- ✓ Ensuring that tools are culturally appropriate
- ✓ Tailoring tools to the specific context in which data collection is to take place
- ✓ Adjusting tools to different types of respondents
- ✓ Tailoring language to the intended data sources

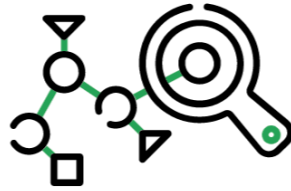
If there are not existing data collection tools and guidelines, it is helpful to start with a list of questions that data is needed to answer.



Finally, data collection requires time and resources. Some members of law enforcement may have legal mandates to collect criminal justice data on human trafficking. In other cases, law enforcement will need to be assigned data collection responsibilities as part of their existing workloads. **Determine and clearly outline who is responsible for data collection, as well as how, when, and to whom data is to be submitted.**

Law enforcement who are assigned responsibility for data collection will need training on data collection tools and guidance to ensure data integrity. Some training may need to be provided on an ongoing basis or repeated when new members of law enforcement are onboarded. It is also important to regularly review and debrief the data collection process to address any issues that may arise and to provide ongoing supervision of data collection.

Members of law enforcement who are assigned data collection responsibilities may face challenges in balancing the demands of their daily job functions against the requirements of collecting criminal justice data on human trafficking (especially as human trafficking is often only one of the issues or crimes that they work on). In assigning responsibility for data collection, consider the individual's available time, workload, and resources when assessing how much data can be collected and with what frequency. This is important to develop a data collection scope and timeline that are feasible and to assign sufficient resources to accomplish what is needed.



## Ensuring Quality Data

While there are many ways to conceptualize data quality, common indicators are **reliability, validity, accuracy, and precision**. There are similarities between these indicators, but they can be better understood and monitored by asking the questions below.

### Reliability – stable and consistent data

- ✓ Are there clear and consistent definitions for all terms in used in data collection?
- ✓ Is the data complete and error free?
- ✓ If data collection is repeated, will it produce the same or similar results?
- ✓ Do all data collectors agree on the data that is recorded?
- ✓ Does data collection produce consistent results?
- ✓ Are there any factors or external variables that may impact the reliability of the data?

### Validity – data accurately represents what it was intended to measure

- ✓ What phenomenon or characteristic is the data intended to measure?
- ✓ Does the data actually represent the phenomenon or characteristic measured?
- ✓ Can the data be generalized to a larger group or other contexts?
- ✓ Are there any factors or external variables that may impact the validity of the data?



### DEFINITIONS<sup>11</sup>

**Reliability** refers to whether data collection produces stable and consistent results.

**Validity** refers to the extent to which data clearly, directly, and adequately represents the result that was intended to be measured.

**Accuracy** refers to the degree to which data correctly estimates or describes the quantities or characteristics it was designed to measure.

**Precision** refers to the depth of knowledge that is provided by the data.

<sup>11</sup> NEXUS Institute (2019) *The Science (and Art) of Understanding Trafficking in Persons: Good Practice in TIP Data Collection*. Washington, D.C.: NEXUS Institute, p. 28. Available at: <https://bit.ly/360deGp>

## Accuracy – data correctly estimates/describes what it was intended to measure

- ✓ Are standardized tools for data collection accurate and trustworthy?
- ✓ Is the source of the data credible?
- ✓ Are there any factors or external variables that may impact the accuracy of the data?

## Precision – the depth of knowledge provided by the data

- ✓ What depth of knowledge does the data provide?
- ✓ Are standardized tools flexible enough to accommodate all variables that may arise?
- ✓ Can some data points be further broken down to provide additional depth?
- ✓ Are any data points too detailed to be generalized to a larger group or other contexts?
- ✓ Are there any factors or external variables that may impact the precision of the data?

Standardized protocols and tools for data collection increase the likelihood of the early identification and avoidance of problems and errors.

Another important contributor to data quality is for those collecting the data to have the necessary technical skills and capacity for the specific data collection being undertaken. As noted above, this can be achieved through training and ongoing supervision of data collection. To ensure data quality and integrity, training should cover institutional policies and regulations, technical issues related to data collection, the issue of human trafficking and any particular sub-topic(s) addressed, as well as the legal and ethical obligations associated with data collection.

Members of law enforcement responsible for collecting criminal justice data on human trafficking should have as much insight as possible as to the purpose, scope, and data collection questions. For example, training should include attention to definitional clarity and precision and how to operationalize definitions and terminology. Each data collector should be sufficiently familiar with the tools before they start data collection so that they have a clear idea of what is needed and do not need to refer excessively to guidelines or manuals when conducting data collection.<sup>12</sup> Quality control activities (such as the regular review of datasets) can be used during and after data collection to ensure the quality of data collection results.<sup>13</sup>

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<sup>12</sup> NEXUS Institute (2019) *On the Frontline*, p. 71.

<sup>13</sup> NEXUS Institute (2019) *The Science (and Art) of Understanding Trafficking in Persons: Good Practice in TIP Data Collection*, p. 170.



## Ensuring Data is Protected

Criminal justice data on human trafficking will almost always include personal data, some of which is sensitive data, and some of which may even be classified data.

In most countries, the collection of personal data, sensitive data, and classified data is regulated by law. It is important to **establish a protocol for data protection that complies with the relevant laws and law enforcement policies.**



Even in countries where no laws protecting data exist, data should be protected as a matter of policy and practice. In the absence of robust data protection and privacy legislation in a given country, adhere to a higher level of protection than what may be legally required.

Compliance with legal and ethical standards that protect the safety and security of data must be of paramount concern. It is well recognized that protecting data associated with criminal cases and those involved is consistent with protecting the integrity of the criminal justice



### DEFINITIONS

**Personal data** is information that can be used on its own or with other information to identify a person.

**Sensitive data** is personal data that may be used in a discriminatory or harmful way against an individual and as such must be treated with greater care and subject to more stringent restrictions. Examples of sensitive data include: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, data concerning health, or data concerning an individual's sex life or sexual orientation.

**Classified data** is data that is restricted according to the level of sensitivity to protect security.

process. Ultimately, the collection of criminal justice data on human trafficking must “do no harm”, particularly for victims of human trafficking.

Protecting data means controlling and limiting who has access to data. It means establishing how and when data can be shared. Protecting data also means securely storing data (whether electronic or hard copy). Law enforcement may already have data protection protocols in place. It is critical to provide training to law enforcement on data protection and to raise awareness about the importance of data protection. The recognition of the seriousness of breaches of data security means that there should be accountability and penalties under law for compromising protected data.

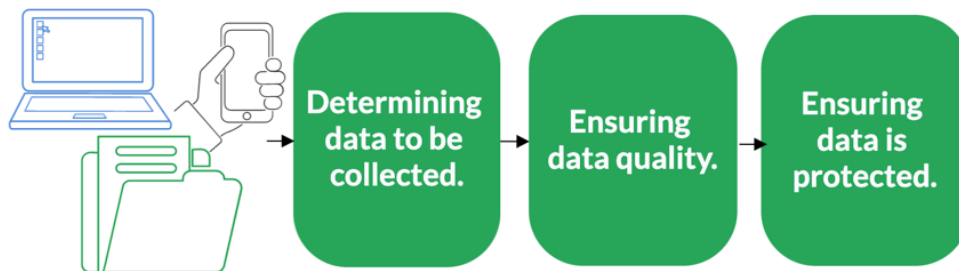




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## Conclusion

Members of law enforcement are often tasked with collecting data on human trafficking. Data collection may be mandated by law, undertaken to improve a country's or community's criminal justice response, used to gather information to report to a government's anti-trafficking office, and/or a factor considered by local and national leaders to determine budget allocations for special anti-human trafficking policing and prosecution units, social services, training, and other relevant activities. This Practice Guide has aimed to provide a basic introduction to the collection of criminal justice data on human trafficking. This includes initial steps to take in determining what data is to be collected, obtaining quality data, and ensuring the data is protected.



For more information about criminal justice data collection on human trafficking, contact the Warnath Group at [info@WarnathGroup.com](mailto:info@WarnathGroup.com)

To access additional practical tools and resources, visit our website at [www.WarnathGroup.com](http://www.WarnathGroup.com)

Studies and background material, including in-depth research on good practice in data collection on human trafficking and guidelines for frontline data collectors, are available at [www.NEXUSInstitute.net](http://www.NEXUSInstitute.net)

“With this Practice Guide, Laura Story Johnson, its primary author collaborating with colleagues at the Warnath Group, has provided a concise introduction to some of the key themes, issues and considerations involved in creating stronger law enforcement data collection systems. I appreciate this valuable contribution by Laura who first worked with me on human trafficking issues in the early 2000’s and continues to be a mainstay of the work of the Warnath Group and our sister research and policy organization - the NEXUS Institute - through her research activities, project coordination and provision of technical assistance to government officials on creating child-friendly spaces in the criminal justice process.”

-Stephen Warnath, CEO & President, the Warnath Group

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