

## PROPOSED UNITED STATES HUMAN TRAFFICKING COURTS (HTCS)

Congress may remedy long-standing impediments to effective human trafficking prosecutions at the federal and state levels by creating a federal court system specialized in human trafficking adjudications that is open to state prosecutors. The current rate of human trafficking incidents grossly exceeds successful federal and state prosecutions of human trafficking crimes. This issue stems in part from the inherent complexity of human trafficking cases, which too often causes generalist judges to mishandle cases (and thus discourages robust prosecution). While Congress has devoted much attention to criminalizing human trafficking and funding task forces of investigators and prosecutors, systemic issues in the judiciary remain ripe for remedy through a specialized court.

### **PROBLEM:**

**Too many human traffickers are not punished for their crimes despite tremendous policy efforts.**

- 1. Federal prosecutions (184/year) are lower than the trafficking volume (at least 17,770 victims/year).
- 2. State conviction rates (45%) are less than half of federal conviction rates (91–96%).
- 3. Since 2000, efforts to combat human trafficking have focused on criminalization and task forces.
  - Federal: 30 congressional bills and 8 executive orders aimed at human trafficking.
  - State: All 50 states have criminalized human trafficking; many have task forces.
- 4. Prosecutors point to issues with judicial misunderstanding as an unaddressed impediment.
- 5. Human trafficking cases are notoriously and uniquely complex, requiring judicial expertise.



## JUDICIAL SOLUTION:

A specialized venue for human trafficking cases to improve federal and state prosecutions.

- Expertise helps. Specialized courts with expert judges increase case volume. E.g., the development of a specialized Bankruptcy Court increased filings 109%/year for the first 10 years over the previous 10 years.
- HTC's exclusive jurisdiction: (1) any criminal case in which there is at least one count alleging a violation of a federal human trafficking statute (and exclusive jurisdiction over any other count brought in conjunction with any trafficking count, subject to transfer if human trafficking allegations are dismissed), and (2) any civil case in which there is at least one human trafficking claim (and exclusive jurisdiction over any other claim brought in conjunction therewith, subject to transfer if trafficking claims dismissed).
- Cross-designation of state prosecutors: HTCs could be opened to state prosecutors who are "cross-designated" by the U.S. Attorney General to prosecute federal human trafficking crimes, e.g., 18 U.S.C. § 2421(b).

## COURT COMPOSITION & PROCEDURE:

One "Human Trafficking District" per state w/ at least one HTC judge.

- Some HTC judges could be appointed from federal district courts and serve concurrent judgeships.
- HTC districts with high volume (e.g., CA, TX) would have dedicated HTC judges throughout the state.
- Appeals from HTCs could go to existing circuit courts.
- HTCs could be cost-efficient by sharing judges, magistrates, and courthouses with district courts.
- HTCs could employ procedures to encourage victim/witness testimony (e.g., 2-way CCTV testimony).

**Bottom Line:** Issues with low and ineffective prosecutions of human trafficking crimes could be remedied with the creation of a specialized human trafficking court staffed with expert judges that is open to state prosecutors. Such courts could be (1) cost-effective by borrowing from existing district court resources and (2) further improve outcomes by modifying court procedures to encourage victim/witness testimony.

