

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

A WARNATH GROUP PRACTICE GUIDE



## INTRODUCTION

Law enforcement are often tasked with collecting data on human trafficking. Data collection may be mandated by law, undertaken to improve a country's criminal justice response and/or to gather information to report to a government's anti-trafficking office.<sup>1</sup>



**Mandated by law.** In some countries, national or local laws require 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 case management – e.g. information about the arrest, investigation, accused perpetrators, complicit actors, conviction information, etc. – and to acquire information that can be used 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 of analysis for preparation of a report on the response to human trafficking by a country's Office of the National Rapporteur or similar reporting mechanism. Additionally, such data can contribute to the global understanding and response to human trafficking. In particular, the United States Department of State relies on foreign governments to provide data on trafficking investigations, prosecutions, convictions, and sentences in order to fully meet the Trafficking Victims Protection Reauthorization Act (TVPA) minimum standards for the elimination of trafficking. Key data points and key indicators about progress of law enforcement efforts in a country are important elements of each country's contribution to strengthening the value of the annual United States Trafficking in Persons (TIP) Report which, in turn, contributes to the global understanding of and response to these issues.

<sup>1</sup>For research and resources on human trafficking data collection, please see the publications from NEXUS Institute available at <https://nexusinstitute.net/past-projects/global-data-collection/>

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 as law enforcement develop a preliminary system to collect criminal justice data on human trafficking.

The aim of this Practice Guide is to provide a basic introduction to the collection of criminal justice data on human trafficking, including 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 issues and considerations of data collection, organization, and use by law enforcement. It is part of a larger upcoming series that focuses on addressing issues about data of interest to law enforcement. The second Practice Guide in this series will provide an introduction to the collection of data for investigative purposes in human trafficking prosecutions.





## Determining Data to be Collected

Determining what criminal justice data on human trafficking should be collected will vary by context.



## DEFINITION

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

**Criminal Justice Data** is information that is gathered from and about the alleged crime and perpetrator and criminal justice system. Criminal justice data on human trafficking is information about the crime of human trafficking (and, in some situations, related criminal offenses).

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

In most cases, the definition of human trafficking will be established by the relevant national law. Most countries have adopted a national law containing a definition of the human trafficking crime and law enforcement should apply this definition to any data collection activities. However, 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 identified in international law that national laws are obligated to enact as set forth in the 2000 United Nations Trafficking in Persons Protocol (see box below).



## DEFINITION

**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.<sup>2</sup>

<sup>2</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.

If there is a difference between the scope of a country's national definition and the international legal scope then it is important to acknowledge and note any such limitations 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 other countries' laws align with, then the data collection has little value in contributing to the global understanding of human trafficking or comparing quantitative findings with those of other countries. For example, data collected about human trafficking in countries that limit the definition to cases that include the element of crossing the country's borders will have fewer cases that can be characterized as trafficking in persons and fewer perpetrators who can be characterized as traffickers than countries that have correctly adopted the scope prescribed by international law. This disparity creates inaccurate results (as compared to the benchmark international law) and skews the understanding of the global phenomenon of trafficking in persons.

It follows that **training** law enforcement on the definition and elements of human trafficking (and any relevant terms) is critical in order to accomplish effective data collection. Similarly, because full data collection depends upon identification of cases in the first instance, training to increase law enforcement's awareness about the crime of human trafficking and how to recognize it is also important. To ensure quality data collection, all law enforcement engaged in collecting data on human trafficking must understand the definition of human trafficking and the meaning of any terms used in data collection.

After identifying the definition of human trafficking to be applied (based upon national or international law), the next step is to **establish and/or clarify the purpose of data collection**. Being clear about the purpose will enable the determination of what **type** of data is needed. Considerations in clarifying the purpose of data collection include jurisdiction; whether data is needed on perpetrators and/or victims; or whether quantitative or qualitative data (or both) should be collected.



## DEFINITION

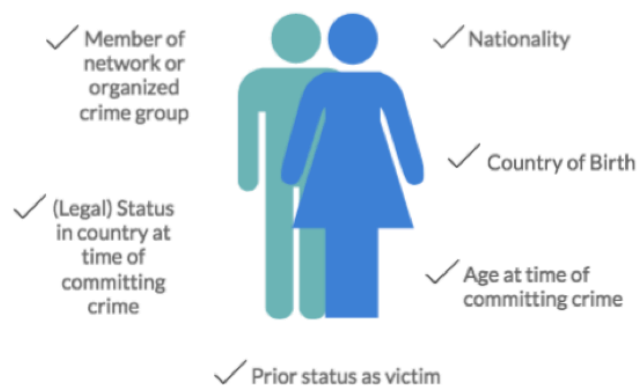
**Quantitative data** refers to information that is measured and recorded as a number.

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

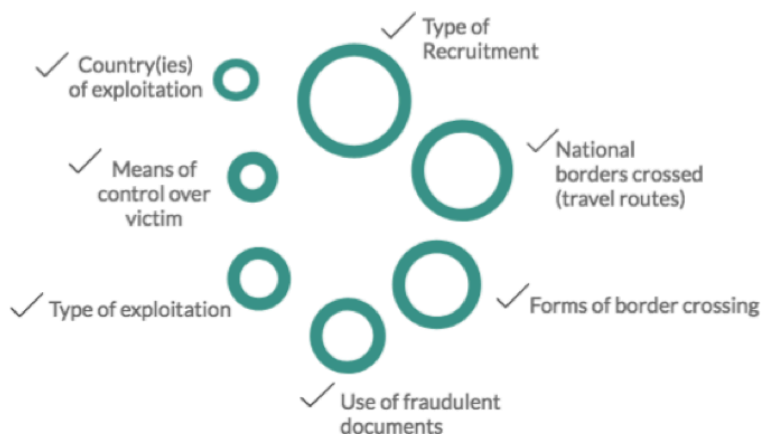
Once it is apparent what type of data is needed, the next step is to **determine what data should be collected**. The data to be collected depends on the purpose of the data. For example, data may be needed to feed into an existing system (such as a centralized database), in which case the tools or guidelines for data collection likely already exist. If, however, there are not existing data collection tools or guidelines, determining what data should be collected can be accomplished by creating a simple checklist.

As criminal justice data is information that is gathered from and about human trafficking cases within the criminal justice system, the primary focus of this data will most often be about traffickers and the trafficking process and related to the prosecution of trafficking crimes. Some of this data may include information from and about individual trafficking victims, but the collection of personal data from human trafficking victims themselves for the purposes of law enforcement should be treated as requiring heightened justification prior to collection of each data point and will require additional considerations to ensure that victims are protected and that they have given informed consent to the collection of their information. Determining what data should be collected can be done by creating a list of questions that data is needed to answer.

## Examples of Data on Individual Traffickers



## Examples of Data on Trafficking Process



Finally, it is important to **utilize standardized tools and/or guidelines in the collection of criminal justice data on human trafficking**. These tools and/or guidelines should include the definition of human trafficking, definitions of any terms used related to human trafficking, and the criteria for data to be collected. Data collection tools and guidelines should be standardized across law enforcement collecting the same criminal justice data to allow for the comparison of data and ensure the quality of the data collected, as discussed in the next section.



# Ensuring Quality Data

Data quality refers to whether data is able to serve its purpose. 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 measured by asking the questions below.

## Is the data reliable?

- Is the data complete?
- Is the data 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?

## Is the data valid?

- Does the data actually represent the phenomenon 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?

## Is the data accurate?

- Is the data consistent?
- Is the data unambiguous?
- Is the source of the data credible?
- Is it possible to verify the data?
- Are there any factors or external variables that may impact the accuracy of the data?

## Is the data precise?

- What depth of knowledge does the data provide?
- Are there any factors or external variables that may impact the precision of the data?

An important contributor to data quality is having the necessary technical skills and capacity for the specific data collection being undertaken.<sup>3</sup>

<sup>3</sup> Please see NEXUS Institute (2018) *The Science (and Art) of Understanding Trafficking in Persons: Good Practice in TIP Data Collection*. Washington, D.C.: NEXUS Institute.



## Ensuring that 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.



### DEFINITION

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

**Sensitive data** is data that must be protected from unauthorized access to safeguard the privacy or security of an individual or organization. Sensitive data includes personal data that could be used in a discriminatory way against an individual.

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

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 based upon well-recognized principles and recognition that protecting data associated with cases and those involved is most consistent with protecting the integrity of the criminal justice process.**

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



## Criminal Justice Data Collection on Trafficking – A Brief Checklist of Questions

### DETERMINING DATA TO BE COLLECTED


- What is the definition of human trafficking to be used in data collection?
- Are there any limitations to the definition of human trafficking to be used in data collection?
- What is the purpose of data collection?
- What type of data will be collected?
  - Will quantitative or qualitative data collected?*
  - Will data be about perpetrators and/or victims?*
- What data will be collected?
  - What questions need to be answered?*
  - Is there an existing tool to use for data collection?*
  - Can data collection be accomplished with a simple checklist or is a more extensive data collection tool necessary?*
- What standardized tools and/or guidelines for data collection will be used?

### ENSURING DATA QUALITY

- Is the data reliable?
- Is the data valid?
- Is the data accurate?
- Is the data precise?

### ENSURING THAT DATA IS PROTECTED

- What laws apply to the data collection?
- Does the data include any personal data?
- Does the data include any sensitive data?
- Does the data include any classified data?
- Who can access the data?
- When and how can data be shared?
- Is there a protocol for data protection in place?



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 TIP data collection and guidelines for frontline data collectors, are available at [www.NEXUSInstitute.net](http://www.NEXUSInstitute.net)

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