

EMBARGOED UNTIL 12:01 AM SEPTEMBER 27, 2018

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Many Human Trafficking Victims in the United States Don't Get the Restitution that Federal Law Requires: New Report

WASHINGTON, D.C. – A new investigation reveals that trafficking victims in the United States are not receiving criminal restitution in trafficking cases, as required by federal law. Restitution – a form of victim compensation – is mandatory in federal trafficking cases. A report published today by the Human Trafficking Legal Center and international law firm WilmerHale, *United States Federal Courts' Continuing Failure to Order Mandatory Criminal Restitution for Human Trafficking Victims*, finds that just 27% of human trafficking federal cases end with restitution orders against the defendants.

Adult and child trafficking victims are entitled to criminal restitution to recover lost wages, the value to the defendant of the victim's services, out-of-pocket expenses, future medical costs, and other costs. Researchers found that federal prosecutors requested restitution for victims in 67% of cases. Federal judges routinely failed to order restitution, either ignoring requests or denying requests outright.

This report updates the findings of the authors' 2014 analysis of criminal restitution in human trafficking cases. Disappointingly, the new report shows that the failure to order criminal restitution continues. Chances of obtaining a restitution order have actually declined. The updated data, collected from federal criminal cases resolved between December 31, 2012 and June 4, 2016, show a *drop* in the percentage of cases with restitution from 36% to just 27%.

Martina E. Vandenberg, president of the Human Trafficking Legal Center, said, "This discouraging trend is disastrous for trafficking victims, who desperately need restitution funds to rebuild their lives. Traffickers must repay the money that they have stolen from their victims." Alexandra F. Levy, Senior Staff Attorney at the Human Trafficking Legal Center and primary author of the report, stated, "It is disheartening to see that courts continue to fail trafficking victims. Congress has mandated that victims receive restitution. But courts still leave trafficking victims empty-handed."

"It was an honor to again work with the Human Trafficking Legal Center to prepare the report, and we hope it helps educate prosecutors and courts that restitution to victims of these horrific crimes is mandatory," said Leonard A. Pierce, a WilmerHale partner. "Not only does restitution further the penal purposes of deterring perpetrators from future trafficking and holding them accountable, restitution is designed to make trafficking victims financially whole – a small step in restoring their humanity."

The average criminal restitution award in a sex trafficking case was \$47,968.21. The average restitution award in a labor trafficking case was \$504,647.82. The average for both sex and labor trafficking cases was \$59,244.25. The report also analyzes the challenges in collecting restitution from criminal defendants.

The report highlights some positive developments. First, the number of U.S. Attorneys' Offices that have requested restitution for trafficking victims has increased. The number of criminal cases with restitution requests has also increased. Despite these gains, the dip in restitution orders remains troubling. Vandenberg said, "The Department of Justice has taken significant steps to train prosecutors to request restitution. But more must be done. Trafficking victims need lawyers. Only when victims have legal representation will mandatory restitution finally be mandatory."

Generous funding from the Isabel Allende Foundation and the Freedom Fund supported the publication of this report.