



## Sex Trafficking: Identifying Cases and Victims

by Robert Moossy, J.D.

*A police officer at a mall is approached by a frantic and scared young woman running from a store that sells provocative women's clothing. She asks for help and says she's being held against her will. Later, she tells the police that she is a U.S. citizen and is being beaten by a pimp who is forcing her to prostitute herself in motels throughout the area.*

*An anti-trafficking hotline receives a call from a man who says he has just been to a brothel, where he met a Central American woman who cried and said she was afraid the brothel operators would hurt her family in her home country if she did not prostitute. The caller says the brothel is next to a migrant labor community and the women in the brothel are undocumented and afraid of being deported.*

*Federal agents receive a call from a worried parent who says his 13-year-old daughter is engaging in commercial sex to earn money for a man she calls her boyfriend.*

This is sex trafficking, and these women are its victims.<sup>1</sup> If properly identified, investigated and prosecuted, the traffickers in these examples face 15 years minimum mandatory imprisonment and up to a life term in federal prison. Such severe facts and corresponding punishments confirm that sex traffickers are, indeed, engaged in modern-day slavery.

Sex trafficking is a particularly degrading form of human trafficking, defined generally as recruiting, enticing, harboring, transporting,

providing or obtaining either: (1) an adult for commercial sex by force, fraud or coercion, or (2) a juvenile for commercial sex, regardless of the means. Law enforcement and our nongovernment-organization partners most often see cases in which pimps coerce women and girls, both U.S. citizens and aliens, into prostitution.

In the last eight years, since the enactment of the federal sex trafficking criminal statute in 2000,<sup>2</sup> the number of human trafficking cases brought in federal courts

has dramatically increased. Although great strides have been made in combating sex trafficking, we can and must do a better job of identifying victims of this crime. Human trafficking is a serious federal civil rights crime and combating it is a top priority of not only the U.S. Department of Justice (DOJ) and the federal government as a whole, but also of many state and local governments. In fact, to date, at least 39 states have passed sex trafficking laws.

As in all human trafficking cases, our goal is to identify the victims so that we can not only punish the traffickers, but also help restore the lives of those the traffickers have harmed. DOJ and the Human Trafficking Prosecution Unit now have more than eight years' experience identifying and helping sex trafficking victims. We have learned from our successes and our failures and have identified some promising practices for:

- Identifying potential victims of sex trafficking.
- Assessing potential sex trafficking matters.
- Prioritizing which investigative steps to take first.

Common to all these practices is our reliance on a victim-centered investigation and prosecution model, which recognizes that the victims of sex trafficking are often traumatized. During their first contacts with law enforcement, victims are likely experiencing serious physical and psychological harms and injuries resulting from their exploitation. To obtain useful evidence from victims, law enforcement agents — often working with social services providers — first must aid the victims and thereby gain their trust, confidence and cooperation.

## Identifying Potential Victims

Sex trafficking is in some respects a hidden crime, perpetrated in alleys, brothels and illicit massage parlors. But for the sex trafficker to make money — his or her ultimate goal — the trafficker must obtain

a stream of paying clients, or “johns,” and provide an array of new victims. Both these activities require traffickers to become more “public,” providing opportunities for law enforcement to intervene. The following principles will help officers as they seek to do so.

### **Develop and implement training and referral programs on sex and human trafficking for both law enforcement officers and others in the community.**

These programs must include training on recognizing indicators of sex trafficking and reporting potential sex trafficking to experienced investigators.

Although Congress created the federal crime of sex trafficking in 2000 and states are enacting sex trafficking statutes, we still need to raise awareness and educate law enforcement about this crime. Most cases prosecuted by DOJ to date have been identified by line-level police officers who encounter sex traffickers or their victims during the normal course of operations: during routine traffic stops, on domestic violence calls, while inspecting liquor licenses, and when intercepting truant children.

On the other hand, police officers have not always identified the crime during actual encounters with sex traffickers. For example, in one case in which the sex trafficker is now serving a life sentence for beating and raping women to force them into prostitution, local police had suspicious encounters with the offender and his victims on at least two occasions before identifying the situation. In one of these encounters, a patrol officer pulled a van over for a traffic violation and observed that it was occupied by scantily clad young women who

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### Editor's Note

This article is derived from a presentation given by the author at the U.S. Department of Justice's (DOJ) Fourth National Human Trafficking Conference in Atlanta, Ga., in September 2008. The National Institute of Justice participated in the conference, which was funded in part by components of DOJ, including the Bureau of Justice Assistance and the Office for Victims of Crime.

appeared to be afraid of the driver. The officer thought something was amiss, but did not know how to characterize the situation or to whom to report it.

To be truly effective, training programs on human trafficking must teach case identification to all officers in the department (not just vice officers) and offer other specialized training to a few who can then lead a response team when a case is identified. Several law enforcement agencies and organizations, including the International Association of Chiefs of Police and the U.S. Immigration and Customs Enforcement, have developed training programs for identifying sex trafficking victims.<sup>3</sup>

#### **Contact law enforcement agents in neighboring jurisdictions and develop a reporting relationship with them.**

Because traffickers are mobile and cross jurisdictional lines, victim identification training must be implemented not just in one jurisdiction, but in neighboring jurisdictions as well. Sex traffickers often operate in multijurisdictional networks, transporting their victims to various brothels, motels, communities and towns. An officer in one agency might intercept and identify a sex trafficker operating in a neighboring jurisdiction. Likewise, one sex trafficker may prostitute his victims in several towns or even states. The evidence needed to successfully identify a situation as sex trafficking might stem from leads in several different jurisdictions. (See “DOJ-Funded Human Trafficking Task Forces,” page 5.)

#### **Make regular contact with local nongovernmental organizations that might assist sex trafficking victims and ask for leads.**

When sex trafficking victims escape their exploiters, they often do not report their exploitation to the police. Instead, they go to nongovernmental organizations serving domestic violence and sexual assault victims, community health clinics, and groups that assist immigrants or people of a particular ethnicity. Law enforcement should make an affirmative effort to train these groups to recognize sex trafficking indicators and

to report them to law enforcement agencies. Often a key factor in building a successful relationship with these groups — one that will lead to identifying cases — is establishing contact before a victim is identified and emphasizing that law enforcement’s interest is in catching the sex trafficker, not in arresting the health clinic’s or community group’s clients.

#### **Work with confidential informants.**

Law enforcement has identified numerous sex trafficking cases based on information provided by confidential informants, such as taxi drivers, johns, bar patrons and others who have contact with commercial sex operations. Many traffickers operate in and target specific communities: construction workers from a particular region in Mexico, Korean businessmen or regular patrons of a particular nightclub. Because offers of commercial sex are not made to outsiders, such as someone with a different Mexican dialect, traditional “sting” or undercover operations often do not work in these environments. Instead, officers must identify and recruit people who operate at the fringes of these sex trafficking ventures. In one case, a taxi driver reported that he was receiving calls to pick up very young women from a particular address and deliver them to hotel rooms. Law enforcement worked with this informant to identify a network of houses where victims were held by pimps and other taxi drivers who were prostituting juvenile girls. The success of this approach hinges, of course, on an agency’s ability to identify potential confidential informants.

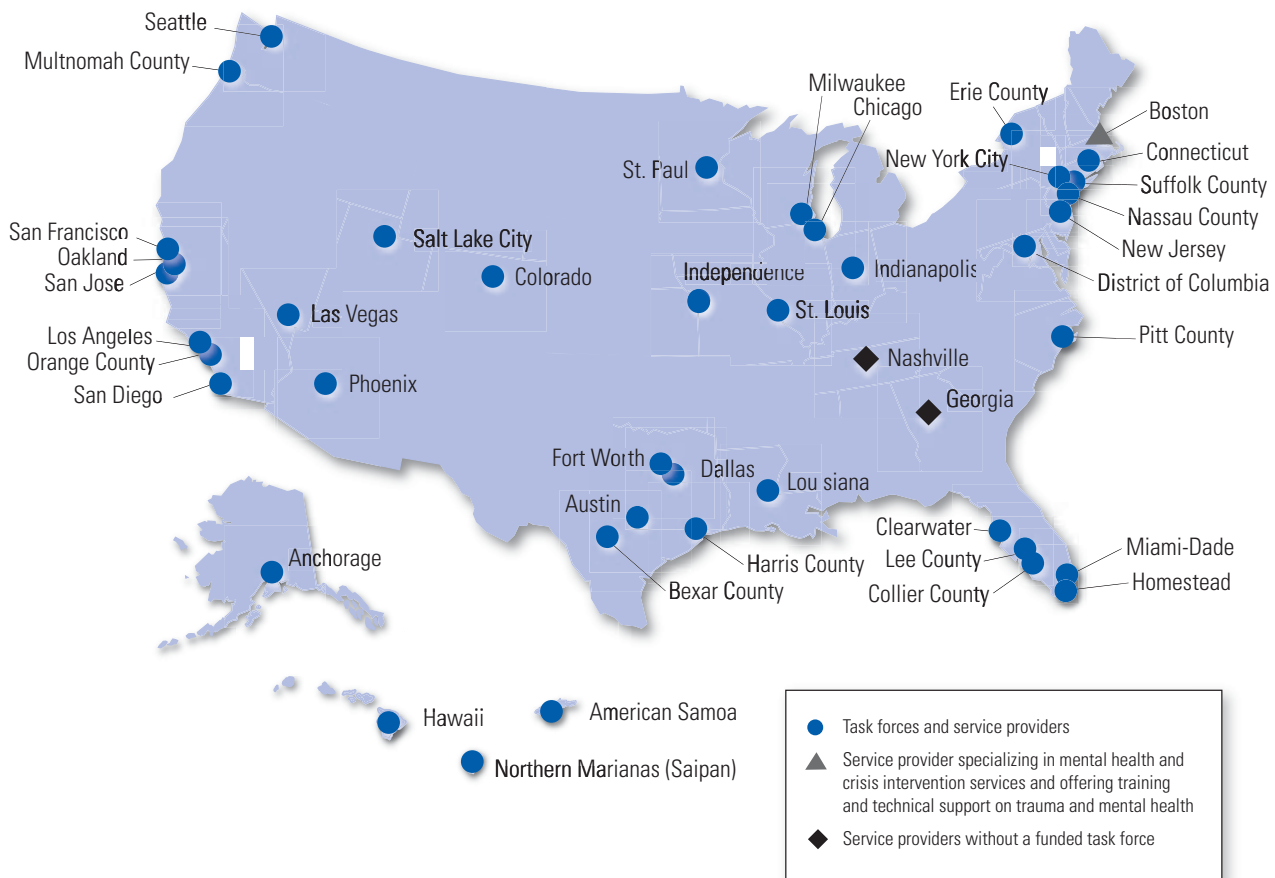
## **Assessing the Matter**

Once a potential sex trafficking victim is identified, an officer must assess the victim and her statement for possible further law enforcement action. This typically involves interviewing the victim and evaluating her credibility.

Interviewing sex trafficking victims presents unique challenges: Unlike many crime victims, sex trafficking victims may be afraid they have committed the crime of

### DOJ-Funded Human Trafficking Task Forces

To facilitate multidistrict contacts and cooperation in sex trafficking cases, the U.S. Department of Justice has funded 42 jurisdictions and 36 trafficking victim services providers to form human trafficking task forces to identify and rescue victims of trafficking by proactively investigating such cases. These task forces bring together federal, state and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims. The task forces can provide agencies with training and other materials to assist in identifying sex trafficking cases and victims. Many law enforcement agencies have formed their own human trafficking task force or working group of officers from local jurisdictions to better coordinate operations.



prostitution, and thus they may be wary of law enforcement. Victims may be aliens from countries with systemically corrupt law enforcement officials who work for the sex traffickers. These victims are often highly traumatized, having lived through months or even years of brutality, sexual assaults by the traffickers and clients, false promises, and fear. In some instances,

victims develop survival or coping mechanisms that manifest as distrust, deceptiveness and an unwillingness to accept assistance. Sometimes they express love for their traffickers. Given these complexities, in-depth interviews with sex trafficking victims are usually best handled, whenever possible, by law enforcement agents with experience and training in interviewing

children or victims of sex trafficking or sexual assault. The following principles will guide law enforcement agents who have identified sex trafficking cases.

**Believe the victim until the investigation shows otherwise, remembering that truth is stranger than fiction.**

In several sex trafficking cases, the first-responding officers stated that their initial reaction was disbelief, not necessarily of the victim herself but of the facts she related. For example, in one case, a victim described initiation “parties” in which victims were held down and repeatedly raped by a series of men with the goal of bringing as many men to ejaculation as possible. In another case, victims described being forced to lay naked on a bed while 20 or more men entered the room in approximately 10-minute intervals and penetrated them. In a third case, young middle-class college women described being forced to engage in sex in the backrooms of popular night-clubs in a particular jurisdiction. In each case, the first-responding officer described being suspicious because the statements seemed outlandish. Each of these cases resulted in the prosecution and conviction of a sex trafficker.

**House and interview victims separately, and observe their interactions with each other.**

Some women initially thought to be victims may themselves be sex traffickers or enforcers. Sex traffickers often use several techniques to support their exploitative practices. For example, a pimp may empower a one-time victim by giving her enforcement and monitoring authority over other women coerced into commercial sex. These women, if housed or interviewed with other victims, will often seek to impede the investigation. Consequently, when multiple victims are in the presence of one another, it is critical to observe their body language to determine whether they are looking to a particular individual for cues or signals. In addition, such women who are “promoted” to roles as monitors or enforcers of other victims may be observed going from room to room, speaking with each

victim being housed after a raid, or lingering around agents to overhear reports or interviews with other victims.

**Do not stop investigating because victims lie, especially early on.** As discussed above, victims may be traumatized or fearful of law enforcement officers because the trafficker may have threatened to harm them or their families if they are truthful. This may lead victims to deceive law enforcement, especially early in the process. Agents should anticipate this and develop a plan for establishing the victim’s trust in order to secure truthful statements.

Experience has shown that employing a victim-centered investigation and prosecution model secures victims’ trust and thereby fosters truthful statements. This approach includes establishing a rapport with the victim and discussing her involvement in commercial sex matter-of-factly and non-judgmentally, rather than attempting to secure an “admission” to facts that are most likely already known. This approach can also include focusing initially on less sensitive, though still important information before pressing for details on particularly traumatic or humiliating incidents, which are better explored after establishing rapport. Finally, agents who have collected evidence from documents (brothel ledgers, for example) and surveillance (photographs of victims being transported, for example) can use it to challenge those who refuse to be forthcoming.

**Be patient.** Victims of sex trafficking are not like other crime victims, who often actively seek to involve law enforcement. Obtaining truthful statements will often involve multiple interviews over weeks or months, as the victim begins to recover from her trauma. Sex trafficking victims are often most forthcoming once they realize that law enforcement will not return them to their traffickers, and once they see that officers are genuinely interested in and attentive to their well-being. Many traffickers tell their victims that the police will not help them and will be interested only in

arresting the victims for engaging in commercial sex acts or for being undocumented. One primary goal of the interviewing officer is to prove the trafficker wrong by demonstrating respect and understanding of the traumas the victim has experienced. Focusing on this goal, rather than on attempting to press the victim into relating the full scope of her victimization right away, will increase trust and reduce the pressure to withdraw, falsely deny or fabricate.

### **Investigative First Steps: Corroborating Victims' Statements**

Sex trafficking victims provide the most complete and compelling evidence for a successful prosecution. Law enforcement officers should seek to develop additional evidence — no matter how small — to corroborate victims' statements. This might come from the testimony of other victims and witnesses or from physical evidence.

#### **Once you have found one victim, look for additional and "historical" victims.**

Sex trafficking operations tend to involve multiple victims because traffickers seek to supply their clients with new women. Even in cases where the trafficker is exploiting only one woman at any particular time, a history of exploiting victims is likely. Victims from the past are called "historical" victims.

Identifying additional and historical victims is often key to developing a successful sex trafficking case for prosecution. Like all human trafficking cases, sex trafficking cases involve lengthy and often complex relationships between the trafficker and the victim. Frequently, the only people who know the facts of the exploitation are the traffickers and their victims. Although many sex trafficking operations keep cryptic or coded ledgers, few offenders keep detailed documentary evidence of their exploitative conduct. A client may see parts of the operation for a brief moment, as might a driver or a hotel operator. But it is the victim who has suffered the coercion and repeated sex acts, and thus her testimony most completely describes the sex trafficking operation.

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Even if one victim's testimony seems less convincing — for example, as a result of biases against women who have engaged in commercial sex or who have provided initially conflicting statements — the cumulative testimony of several women, each describing the trafficker's use of coercion and fraud, can be persuasive to judges and juries.

Victims often know the identities of other victims or have heard stories about them. Where practical, law enforcement agents might delay arresting the trafficker or raiding the operation until they have conducted surveillance of known locations for additional victims and defendants.

Law enforcement may also identify additional and historical victims through media coverage of the arrest of the trafficker. For example, after the publicized arrest of a sex trafficker in one case, local law enforcement received several calls from women who said they had escaped his operation and now felt safe coming forward. Although law enforcement must be careful not to generate undue community (and possibly jury) prejudice against an arrestee or to further traumatize victims through excessive publicity, responsibly written and measured press releases that provide a contact number for possible victims can lead additional victims to come forward and help corroborate a case.

**Use covert methods and exhaust them before conducting a raid or arresting the sex trafficker.** Many law enforcement officers, upon finding a credible victim of sex trafficking, seek to immediately raid locations the victim identifies and arrest the trafficker. Where there is evidence

of immediate and ongoing physical harm of victims or the exploitation of children, immediate raids and arrests may be the only acceptable path. However, officers should look to gather as much evidence as possible before raiding a sex trafficking enterprise

and thereby terminating its operation. This evidence is critical for corroborating testimony and determining the scope of the enterprise, including finding other commercial sex locations and victims. Although I cannot describe details of

## COMBATING HUMAN TRAFFICKING AT THE STATE AND LOCAL LEVELS

by Karen J. Bachar

As Robert Moossy makes clear in this article, local law enforcement agencies are often in the best position to identify human trafficking victims. Recent research, however, indicates the difficulty of uncovering and investigating human trafficking cases is often caused by a lack of training, the need for enhanced communication between local law enforcement and victim service agencies, and the hidden nature of this crime. Additionally, human trafficking may take a back seat to other priorities, such as violence and drugs.

Recent studies funded by the National Institute of Justice (NIJ) have revealed a need to better understand the problem. One study, for example, found that in general, officers, prosecutors and service providers could not:

- Identify types of trafficking (for example, trafficking in sexual exploitation or trafficking in general laborers).
- List elements of trafficking.
- Differentiate between severe and non-severe forms of trafficking.
- Distinguish trafficking from smuggling.
- Differentiate between domestic and international trafficking.

The same study also found communication gaps between local law enforcement and victim service agencies.<sup>4</sup>

Another NIJ study found that law enforcement agencies participating in the Department of Justice's human trafficking task forces (see "DOJ-Funded Human Trafficking Task Forces," page 5) are more likely to perceive human trafficking as a problem in their communities and to have training, protocols and specialized units of personnel devoted to investigating these cases.<sup>5</sup>

These findings highlight the need for additional training for and increased awareness among state and local criminal justice practitioners to help them recognize and prosecute trafficking cases either under state statutes or with federal partners. Promoting interagency cooperation remains vital.

### About the Author

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specific covert methods, officers have successfully used pole cameras, consensually monitored telephone calls, tracking devices and undercover operatives to gather evidence.

**Obtain and execute search warrants, and anticipate needing additional warrants predicated on facts you discover during the execution of the initial warrants (i.e., roll-over warrants). Photograph or film the exterior and interior of locations during execution of the warrants.** The most significant corroborating physical evidence in sex trafficking cases typically is found in locations where victims have lived or engaged in commercial sex. This evidence may be documents and other items kept by the trafficker, such as debt and income ledgers, tally sheets, lists of telephone numbers and bank records. Equally important, this evidence may be items kept by the victims, including diaries, provocative clothing, condoms, lubricants and sex paraphernalia. Also look for digital evidence in cell phones, iPods and laptops.

During these searches, officers typically find evidence of additional commercial sex locations and agents of the sex trafficker. In many cases, for example, officers have found addresses and telephone numbers of brothels and nightclubs where victims were taken to engage in commercial sex acts. Agents should be prepared to obtain roll-over warrants to search these locations, based on the evidence obtained in the initial search.

Photographs and film of the locations are also valuable evidence. For example, in one case in which traffickers were sentenced to 50 years in prison, officers filmed their approach to a basement brothel, their entry through a small door, and the squalid and crowded conditions inside. This kind of evidence proves particularly compelling to jurors and corroborates that the victims were not there willingly. Officers should also photograph locks and other restraints, and any posted rules or notices.

**Take a broad view of leads.** Victims often have some contact with people other than the sex traffickers and clients. For example, victims might be taken to a store to buy provocative clothing or to a club to meet prospective clients. Inquire about such activities when interviewing victims, and then interview witnesses who might have observed them. In one case, a store attendant testified that she observed the victims being monitored by the trafficker when they went into a changing room. In another case, a club doorman stated that the trafficker arrived at the club with the victims and that he controlled and monitored their movements and activities. Although these witnesses did not observe brutality or commercial sex, their evidence helped corroborate the victims' statements that they were being compelled and controlled by the trafficker.

Officers should also follow the money. Sex trafficking can generate substantial cash. Determine from victims and other witnesses whether bank accounts, wire transfers, deposit boxes or credit cards were used by the traffickers and seek to obtain the relevant records. Investigators should seize these funds, and through restitution orders, courts and prosecutors can transfer these funds to the victims to compensate them for their trauma.

**Keep track of and in touch with victims.** Sex trafficking investigations and prosecutions can take months or even years. During that time, victims continue to live their lives and may move to different residences or even states. In several cases, law enforcement agents have had to expend considerable resources to re-find victims so they could testify at trial. Some victims relapse into drug use or commercial sex because they feel they have no other desirable options in their lives.

Nongovernmental organizations and social service providers can assist law enforcement in keeping track of these victims. However, many of these organizations are small and have limited resources, so



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law enforcement agents cannot rely exclusively on them to track all the victims in a case. Officers should make routine calls to victims throughout the investigation and prosecution to ensure their availability for trial.

## More to Learn

Federal sex trafficking prosecutions have increased every year since the federal sex trafficking law was enacted in 2000. And law enforcement agents, prosecutors and nongovernmental organizations are learning how to better identify, investigate and prosecute these crimes. But we still have much to learn. Police officers, federal agents and community members across the nation have dedicated themselves to doing the best job they can to combat sex trafficking. Together we will continue to increase our investigations and caseloads, rescue the victims of this brutal crime and punish the sex traffickers who exploit women for their own greed.

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## For More Information

- To learn more, contact your nearest DOJ-funded Human Trafficking Task Force (see page 5) or e-mail the Human Trafficking Prosecution Unit at the U.S. Department of Justice (Human.Trafficking@usdoj.gov).
- Information on human trafficking and NIJ's work in this area is available at [www.ojp.usdoj.gov/nij/topics/crime/human-trafficking/welcome.htm](http://www.ojp.usdoj.gov/nij/topics/crime/human-trafficking/welcome.htm).

## Notes

1. Men and boys can also be victims of sex trafficking. However, cases involving men and boys do not make up a statistically significant portion of the sex trafficking cases we investigate or prosecute.
2. *Sex Trafficking of Children or by Force, Fraud, or Coercion*, U.S. Code 18 (2007), § 1591.
3. Training through the International Association of Chiefs of Police is available at [www.theiacp.org](http://www.theiacp.org) (click on the training tab) and through the U.S. Immigration and Customs Enforcement at [www.ice.gov](http://www.ice.gov).
4. Newton, P.J., T.M. Mulcahy, and S.E. Martin, *Finding Victims of Human Trafficking*, final report submitted to the National Institute of Justice, Washington, DC: September 2008 (NCJ 224393), available at [www.ncjrs.gov/pdffiles1/nij/grants/224393.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/224393.pdf).
5. Farrell, A., J. McDevitt, and S. Fahy, *Understanding and Improving Law Enforcement Responses to Human Trafficking*, final report submitted to the National Institute of Justice, Washington, DC: December 2008 (NCJ 222752), available at [www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf).

## About the Author

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## NIJ's Human Trafficking Research

The National Institute of Justice's portfolio on combating human trafficking provides evidence-based research that supports the work of a wide range of practitioners — from prosecutors like Robert Moossy, who heads up DOJ's Human Trafficking Prosecution Unit (see "Sex Trafficking: Identifying Cases and Victims," page 2), to local police officers (see "Combating Human Trafficking at the State and Local Levels," page 8) to victim advocates and other service providers.

### NIJ's human trafficking research focuses on:

- **The nature and extent of trafficking:** Obtaining reliable estimates of trafficking in the U.S. and understanding criminal networks and trafficking operations.
- **Reducing the demand:** Looking at criminal justice strategies and initiatives to reduce the demand for trafficking.
- **Detecting and investigating:** Examining approaches to securing reliable information for trafficking cases; assessing efforts to solve border control and jurisdictional issues that often complicate investigations.
- **Services for victims:** Evaluating the medical and legal needs of victims and identifying effective ways to secure victim and witness cooperation.
- **Prosecuting traffickers:** Understanding the challenges faced when prosecuting trafficking cases; assessing problems and promising approaches in evidentiary issues and in legal tools and procedures.

**For more information** on human trafficking, see [www.ojp.usdoj.gov/nij/topics/crime/human-trafficking](http://www.ojp.usdoj.gov/nij/topics/crime/human-trafficking).