



Human Trafficking

A White Paper for the NYPD



Introduction

Human trafficking in all of its manifestations—sex and labor, international and domestic—devastates the lives of individuals and destroys families and communities. There are an estimated 27 million victims of international human trafficking, 17,500 of whom are trafficked into the United States each year (U.S. State Dep’t). Further, estimates suggest that each year at least 100,000 American children become victims of sex trafficking (National Report on Domestic Minor Sex Trafficking). The FBI has identified New York City as a major artery of human trafficking, and legal and social service providers throughout the City assist a growing number of victims. From 2000-2010, service providers in the New York City metropolitan area alone reported working with almost 12,000 human trafficking survivors (Lifewaynetwork). Although trafficking is usually hidden and underground (making accurate counts of the human casualties impossible), its perpetrators are often highly organized and surprisingly visible in the communities in which they flourish unchecked. They reap enormous profits—globally an estimated \$150 billion each year, two thirds of which come from commercial sexual exploitation (International Labour Organization).

Although New York City has developed renowned strategies to combat terrorism and drug and gun trafficking, much more is needed in order to address and curtail the 21st Century trafficking in human beings that flourishes in our own backyard. In our City, victims are more likely to be arrested and/or convicted than perpetrators, and the State’s 2007 Anti-Trafficking Law (“ATL”), at one point considered the strongest and most comprehensive such law in the country, has not yet been fully implemented. Now, with the New York State legislature’s passage of the 2015 Trafficking Victims Protection and Justice Act (“TVPJA”), New York will imminently have stronger legal tools to protect victims of trafficking and deter their exploiters.

In 1994, the NYPD rolled out an innovative strategy aimed at achieving zero tolerance of domestic violence. With the slogan “get the hitter out of the home,” Strategy No. 4 revolutionized the City’s response to domestic violence. It recognized that even though victims are often reluctant to cooperate, their abusers must be held accountable. More than twenty years later, it is time that our City prioritize the related crime of human trafficking, which combines key elements of organized crime, domestic violence, and sexual assault. New York City must develop and implement a comprehensive law enforcement strategy tailored to combat this pervasive and uniquely devastating crime.

Targeting Human Traffickers

New York has strengthened its laws over the past eight years to reflect the serious and violent nature of human trafficking. But strong laws require strong implementation. Successfully taking on trafficking cases can at times be difficult as they often involve intimidated and traumatized, and consequently uncooperative, victims. In the past several years, the NYPD Human Trafficking Unit has made significant strides in establishing rapport with victims and building cases against traffickers through the use of evidence-based strategies and long-term investigation. With the passage of the TVPJA, law enforcement will have even stronger tools to hold traffickers accountable and build comprehensive cases against them.

Under the ATL and TVPJA, sex and labor trafficking are class B and D felonies, respectively, and are now considered violent felonies when the use of force, threat of physical injury, or property damage are present. The age of the victim has now been raised for promoting or compelling prostitution of a minor, providing greater protection to sexually exploited children and escalating penalties for their exploiters. Such statutory changes are important, but their effects cannot be realized without aggressive efforts on the part of the NYPD.

Investigations require the collection of evidence through both traditional and non-traditional techniques. Victims are often exploited in plain view and have interactions with schools, hospitals, store personnel, etc. Valuable information can be obtained from interviewing witnesses and obtaining records from these locations. Victims often have sporadic contact with friends and family members via text message, Facebook, Snapchat, etc. These messages can indicate a victim's fear, anxiety or injury and may even be admissible evidence. It is important to obtain these communications, as they also may serve as useful reminders for witnesses during interviews.

Nearly every victim that we serve has told us that she has been photographed on a cell phone and then the image uploaded and posted on websites like [Backpage.com](#) so she can be sold. Also echoed in many survivors' testimonies is that when they are on calls at hotels or other locations, they are directed by their traffickers via text message or phone call on how much money to charge, what to do and where to go next. The seizure of cell phones and computers, and the subsequent search warrant, provide essential evidence that enables prosecutors to corroborate witness testimony and, at times, pursue other meaningful methods such as the use of wiretaps.

Pursuant to the TVPJA's wiretap provision, law enforcement will be able to seek wiretapping for parties suspected of committing promotion of prostitution in the third degree (i.e., involving two or more persons or one person less than nineteen years old being prostituted). Very often, law enforcement officials can articulate that a pimp is exploiting two or more victims, but are unable to find a victim to describe the coercion. With the expansion of the wiretap provision, law enforcement will be able to obtain this evidence through intercepting conversations, without placing an unnecessary burden on traumatized and terrified victims.

In order to ensure solid cases against traffickers, all forms of their communication must be recorded and documented. Prisoner calls should be requested and reviewed, as often traffickers contact their victims or co-conspirators for the purpose of continuing their prostitution operations even while incarcerated. Websites and social media platforms, such as [Backpage.com](#), Facebook and Twitter, should be regularly monitored, as pimps and traffickers frequently promote their businesses on these sites, and recruit and correspond with new victims. Records from service providers can also provide key information to identify traffickers and others that exploit.

The interconnectedness of pimps and traffickers create a need for a city-wide database of traffickers, pimps, and information associated with them, including known co-conspirators, known victims, branding, and locations. This resource will serve as a tool for law enforcement to centralize data collection, providing insight into trends and enable investigators to dismantle trafficking rings that often serially exploit multiple victims and commit many different types of crimes.

Targeting Demand

Consumer demand is the lifeblood of any business, legal or otherwise. The commercial sex industry is no different. Sex buyers (i.e., "johns") create the economic incentives that entice pimps and traffickers to enter the industry and/or expand operations. Law enforcement strategies that successfully target demand for prostitution thus have the capacity to financially damage its suppliers and dissuade entry into the industry.

While arrest of people in prostitution has little deterrent effect, there is considerable evidence that demand for prostitution is responsive to legal sanctions. In a study of sex buyers in Boston, Massachusetts, 71 percent of such buyers reported that they would be deterred by even three days of jail time and 66 percent would be deterred by a \$500 fine (Farley et al., 2011). Demand-focused enforcement strategies pioneered by Sweden have dramatically reduced the incidence of prostitution and trafficking there. The U.S Department of State reported that in the two years following Sweden's 1999 prohibition of the purchase of sex, Sweden saw a 50% decrease in the number of women in

prostitution and a 75% decrease in the number of men purchasing sex. Further, Swedish criminal intelligence units have intercepted conversations between traffickers indicating that Sweden is considered a “bad market” for trafficking because sex buyers are very afraid of being caught (Wahlberg & Orndahl). Similar strategies have since been adopted by countries ranging from the United Kingdom to South Korea, and such demand-focused strategies have remained effective years later. In 2011, it was estimated that the prostitution population of Sweden’s neighbor Denmark, where the purchase of sex is legal, was 12 to 15 times larger than Sweden’s prostitution population per capita (Waltman).

Additionally, studies have shown that procuring people in prostitution is one of the risk behaviors exhibited by sex offenders and other criminals. Rapists were found more likely than non-rapists to purchase sex (Lussier), and men who used women in prostitution were found to have more frequently committed rape in a large national sample (Monto & McRee). One study found that 22 percent of sex buyers had been convicted of at least one felony, compared to 8 percent of non-sex buyers (Farley et al., 2011). Thus, targeting sex buyers has the potential to reduce the incidence of other crimes, particularly those involving violence against women.

The importance of curtailing demand is recognized by the ATL, which increased the penalties for demand from a class B misdemeanor to a class A misdemeanor, and the TVPJA, which created the crime of aggravated patronizing of a minor for prostitution, a felony offense to which ignorance of the prostituted person’s age is not a defense. While such legislation is a necessary first step, shrinking the commercial sex industry through demand-focused strategies requires an aggressive NYPD response.

Sting operations, whether on the streets or through technology, are a valuable anti-demand strategy. For example, a sting operation in Nassau County in 2013, which used ads on Backpage.com as bait, resulted in the arrest of 104 johns (Nassau County District Attorney’s Office). An operation in the Greater Phoenix area of Arizona in 2014 resulted in the arrests of 150 johns, 91 of which came through ads on Backpage.com (Cook County, IL Sheriff’s Office). Another strategy law enforcement can use in concert with sting operations to target commercial sex demand is infiltration of, and exploitation of information from, “john boards,” such as BestGFE.com, where johns share reviews of encounters with persons in prostitution and network with other sex buyers. Law enforcement can leverage the fact that participants on john boards often exchange information regarding actual or suspected law enforcement activity by monitoring whether sting operations have been compromised or by announcing their presence on such boards, thereby enhancing fear among sex buyers that they will be caught and potentially deterring their activity. Through the use of multiple advertisements on sites such as Backpage.com or reviews on john boards, law enforcement agencies can identify high-frequency consumers of commercial sex, who comprise a disproportionate share of the demand for prostitution. One U.S. study found that 11% of men who had ever purchased commercial sex did so more than 100 times (Sawyer, Rosser & Schroeder). Consequently, focusing on high-frequency consumers can drastically decrease demand.

Arrest of Victims

To date, most people arrested for prostitution-related crimes are prostituted women and girls, including transgender women. Many if not most are trafficking victims. The vast majority of people in prostitution are first prostituted in their early teens and, thus, are *per se* trafficking victims under the federal Trafficking Victims Protection Act. Many adult women who appear to be voluntarily in prostitution are or were under the control of traffickers/pimps. Statistics are clear that those in prostitution are disproportionately likely to have suffered abuse, often sexual abuse,

in childhood, and the prevalence of posttraumatic stress disorder among people in prostitution is in the same range as that of combat veterans (Farley et al., 2004). According to a study of prostitution internationally, the U.S. scored at or above the average of nine other countries for harms against women in prostitution, including threat with a weapon, physical assault, use in pornography, rape, homelessness and drug use (Farley et al., 2004).

Research demonstrates that people in prostitution have a dramatically higher incidence of early mortality than the population at large. A 32-year study in Colorado found that people in prostitution had a mortality rate 6 times greater than that of the general population, adjusted for age and race. The disparity in rates of death by homicide was even more pronounced, with the rate of such deaths being 18 times greater for people in prostitution than for the general population, adjusted for age and race. The workplace homicide rate for people in prostitution (204 per 100,000 person-years) was found to be many times that for women and men in standard occupations that had the highest workplace homicide in the U.S. during the period of investigation (Potterat et al.). Persons in prostitution face the most lethal occupational environment in the country.

According to New York Crime Statistics, between 2005 and 2012, arrests for prostitution resulted in a 32% conviction rate, while arrests for patronizing a person for prostitution resulted in only a 5% conviction rate, suggesting that women and girls in prostitution, almost all highly vulnerable, are being prosecuted more vigorously than the almost exclusively male population who chose to purchase sex. Further, there were 85% fewer arrests for promoting prostitution or sex trafficking than for prostitution, suggesting that women and girls in prostitution are being targeted for arrest more vigorously than are their pimps.

In short, existing law enforcement policies and practices have resulted in the wrong people being arrested and the consequent revictimization of victims. Arresting victims has profoundly negative consequences, including, as the U.S. Department of State's 2013 Trafficking in Persons report noted, "reinforc[ing] what traffickers around the world commonly threaten their victims: law enforcement will incarcerate or deport victims if they seek help." The TVPJA recognizes the importance of targeting the proper parties in the commercial sex industry by providing that being a victim of compelled prostitution or sex or human trafficking is an affirmative defense to a charge of engaging in, or loitering for the purpose of engaging in, prostitution. In order to make progress in achieving justice for victims of trafficking, the NYPD must implement force-wide training programs and protocols for identifying and protecting trafficking victims, so that these victims can in turn be encouraged to access the numerous legal remedies available to them.

Misconduct of Law Enforcement

Police forces all over the world (the NYPD is no exception) have a serious problem: victims report abusive treatment at the hands of police officers and that police officers are among their customers, some demanding sex in exchange for no arrest. There have been highly publicized accounts of New York City police officers taking bribes from traffickers, engaging in promoting prostitution and sex trafficking, and patronizing people in prostitution. For example, (i) in 2006, NYPD officers Dennis Kim and Jerry Svoronos were arrested for taking more than \$125,000 in bribes to protect a Korean human trafficking ring in Flushing, Queens, (ii) in 2012, NYPD officer Monty Green was arrested for moonlighting as a pimp and (iii) in 2013, NYPD officer Luis Gutierrez was arrested for arranging an encounter with two women in prostitution while on duty.

Police misconduct (including harassment) and corruption directly impact victims and can contribute to their level of trauma. Interviews with current and former clients of Sanctuary for

Families who were victims of human trafficking support such claims. One woman reported that, upon arrest, she was forced to line up with other women in prostitution in front of applauding officers who snapped pictures with their mobile phones, even raising their chins by hand for better photographs. Another expressed distrust of the police because they would pick up women in prostitution in vans and offer release in exchange for sex. A victim of international sex trafficking reported that officers from the local precinct from time to time would close the brothel she was being exploited in and have sex with the women in it and that a detective in that precinct was a regular customer of hers. In recent years, a large number of transgender women have been profiled as women in prostitution simply by nature of their gender identity. Moreover, upon arrest, transgender women have reported harassment by police officers, who insisted on strip searches for the sole purpose of inspecting their genitalia.

Police officer involvement in prostitution and trafficking, coupled with police harassment of persons in prostitution, contribute to lack of enforcement of New York State criminal laws, foster impunity for traffickers and deter victims from seeking police protection. That being said, those officers involved in such forms of misconduct comprise only a portion of the NYPD, and are not representative of the goals and morals of the NYPD as a whole. As referenced above, the NYPD has conducted strong operations to combat human trafficking and created the Human Trafficking Unit, and the members of this unit and of Vice are well-trained, thorough, and victim-centered. However, these practices must extend to all units in all precincts, and all officers, not just those in specialized units, must receive training in human trafficking. Intensive education force-wide and internal accountability mechanisms, including the involvement of the Internal Affairs Bureau, are urgently needed.

Overlap Between Human Trafficking, Domestic Violence, and Sexual Assault

There is significant overlap among the crimes of human trafficking, domestic violence, and sexual assault. Pimps and traffickers often enter into intimate partner relationships with their victims in order to secure control over them, and subject them to sexual violence to punish and control them. Sex buyers of trafficked persons perpetrate rape against them. Both sex and labor trafficking victims are vulnerable to domestic violence when they flee their exploiters while victims of domestic violence attempting to escape batterers not infrequently fall under the control of traffickers. Victims of human trafficking often display psychological symptoms and behaviors similar to those of victims of domestic violence, such as returning to/defending their abusers and not cooperating with law enforcement. The overlap in the nature of the crimes and the characteristics of victims dictates that the methods by which law enforcement address the crimes be similar.

As discussed above, the NYPD has successfully developed and implemented a strategy against domestic violence (Strategy No. 4) and has a well-developed infrastructure addressing domestic violence (Domestic Violence Police Officers (“DVPOs”) in each precinct). As of 2013, with the implementation of the Human Trafficking Intervention Initiative, a specialized Human Trafficking Unit has been established within the NYPD and has significantly advanced law enforcement efforts to hold traffickers and their confederates accountable. However, as with domestic violence, there must be force-wide training on trafficking and prostitution, so that any and all officers are able to identify and respond to incidents of human trafficking. Officers in vice and anti-trafficking units must be carefully selected for sensitivity to victims and strong motivation to hold perpetrators accountable, and all officers throughout NYPD must be trained about

trafficking and to interview and work with victims. Potential victims, including people in prostitution, should be sensitively debriefed.

In nearly every precinct in the City, there is a domestic violence office and specially-trained officers who serve as resident domestic violence experts – the DVPOs. Similar measures should be implemented for incidents of human trafficking, either through the creation of specialized Human Trafficking Police Officers or through additional training in human trafficking for DVPOs. Furthermore, every police officer should be trained to investigate possible human trafficking cases and sensitively interview possible victims (using questions such as, “Have you been made to have sex for money?”). Through these suggested strategies, the NYPD can improve the protection provided to, and so desperately needed by, victims of human trafficking.

Collaboration with Community-Based Organization and Service Providers

Securing the cooperation of victims and witnesses and successfully conducting evidence-based investigations require strong relationships between the NYPD and community-based organizations and service providers that can provide expertise on identifying trafficking victims and attending to their needs. Collaboration among the NYPD and organizations and providers, such as Sanctuary for Families, the New York Anti-Violence Project, Sakhi for South Asian Women and the Arab American Family Support Center, has been highly effective with respect to combatting domestic violence and can be equally effective in the battle against human trafficking and prostitution. Organizations can provide victims with access to primary health care, legal services, counseling and shelter, and an environment of minimal pressure within which they can recount their trafficking experiences to trained social counselors and law enforcement. Further, they can provide training and assistance to the NYPD with respect to responding to victims from immigrant communities with cultural competence, surmounting a key barrier to securing the cooperation of victims.

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