

CASE STUDIES

The following case studies provide a picture of how ST-VOI cases have been approached within the criminal justice system and some of the potentially negative consequences that victim-offenders experience as a result of their criminalization and the general lack of consideration of their underlying victimization. Each case study examines the circumstances under which the victim-offender was arrested (to the extent this information was available in the court record), the charges brought against the victim-offender and the outcome of the case. Within this framework, the case studies also look at whether the victimization suffered by the victim-offender was at issue during the prosecution or during sentencing and any impact the victimization had on the outcome of the case.

All of the case studies are based on federal cases from the past 12 years involving adult defendants who were prosecuted as a co-defendant alongside their trafficker. In each of the reviewed cases, the defendant was charged with sex trafficking under either the federal sex trafficking law, 18 U.S.C. § 1591, or under 18 U.S.C. § 1594 for conspiracy to violate 18 U.S.C. § 1591, and information in the court record indicated that the defendant had also experienced sex trafficking victimization, either as an adult or as a minor. Given the evidence that each defendant experienced trafficking victimization, identifying details in the case records, including names, were removed to protect the identity of the defendant.

"ADELE"

Trafficking victimization as a minor was not considered at trial or during sentencing.

Initial Charges: 1 count of Conspiracy to Commit Sex Trafficking (18 USC § 1594) and 5 counts of Sex Trafficking (18 USC § 1591)

Convicted Counts: 1 count of Conspiracy to Commit Sex Trafficking (18 USC § 1594) and 5 counts of Sex Trafficking (18 USC § 1591)

Sentence: 72 months on each count running concurrently followed by 10 years of supervised release

Sex Offender Registration Required: Yes



DEFENDANT'S BACKGROUND

Adele grew up in an intact immigrant family. At age fifteen, Adele was trafficked by her first trafficker. During this victimization, her parents repeatedly filed missing person reports with the police in an attempt to locate their daughter. On a couple of occasions, her parents found that Adele had been trafficked several states away from their family home.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Subsequent to her initial trafficking victimization as a minor, Adele met her second trafficker, the co-defendant in this case, when she was 19 years old. At the time, she was working as a hotel receptionist in a hotel where the co-defendant trafficked some of his underage victims. Adele's mother, worried about her safety, filed police reports for her daughter at the onset of Adele's relationship with the second trafficker. That trafficker subjected her to physical, psychological and emotional abuse.

TREATMENT OR SERVICES PROVIDED (IF ANY)

Adele did not receive any counseling or mental health treatment in connection with either trafficking victimization prior to her incarceration on trafficking charges. During that period of confinement, Adele received treatment for post-traumatic stress disorder (PTSD).

ROLE IN TRAFFICKING ENTERPRISE

Adele's role included taking pictures of the minor victims, posting the ads online, transporting victims and collecting money from the victims to give to her trafficker. All of the money collected from the minor victims was given to trafficker. The minor victims made reference to Adele as "the bottom," and the trafficker identified her as his, "main girl." In this role, Adele was no longer required to engage in commercial sex as long as she recruited other victims. The trafficker had a history of using coercion to recruit and control the minor victims. In one instance, he forced a victim to perform a commercial sex act by threatening to leave the victim stranded if she declined. Adele voiced concern about the ages of the minor victims and expressed her desire to stop recruiting and exploiting minor victims. Adele also intervened in some circumstances when her trafficker coerced other minor victims, trying to stop or mitigate the abuse they experienced. However, her trafficker continued to traffic minors and expected Adele to maintain her role in his operation, which continued until he and Adele were arrested.

According to the prosecution, at the time of her arrest Adele and a minor victim were driving together when they recruited another minor victim. Adele was charged as a co-conspirator with her trafficker. The prosecution argued that Adele's recruitment of the minor victim was not done under the direct instruction of the trafficker.

COOPERATION WITH THE PROSECUTION

Rather than go to trial, Adele pled guilty to the charges. Unfortunately, despite the fact that she provided material assistance to the prosecution, the prosecution disregarded her assistance in its sentencing memorandum and argued that a long sentence was necessary to make an example of Adele. The prosecution claimed in its sentencing memorandum that because Adele was "raised in a loving, two-parent household, where values including faith and education were paramount," there was "simply no justification for [her] abhorrent conduct." According to the plea agreement, she was given the benefit of taking responsibility in her sentencing guidelines; however, there was no accounting for her victimization, either as a minor or as an adult, in the court record. Adele was sentenced to 72 months of incarceration on each count to run concurrently and 10 years of supervised release.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Consideration should have been given to the fact that Adele was from an immigrant family, an intersectional factor that could have increased her vulnerability to exploitation due to language and cultural differences. The facts that her trafficking victimization began when she was 15 and that she was frequently moved around by her trafficker indicate she had additional vulnerabilities to future trafficking and would have struggled to develop relationships outside of her trafficking situation. Furthermore, the fact that she stated she “loved” her trafficker, combined with the abuse she faced, indicates Adele may have suffered from similar effects to intimate partner violence, making her susceptible to pressure and manipulation in her actions. Based on the court record, it appears that Adele never received services to address her initial trafficking victimization as a minor; therefore, she likely never addressed her initial trauma and her later actions should be viewed through a trauma responsive lens.

An important factor demonstrating that she was acting under the control of, and on the behalf of, her trafficker is that all the money she collected went to her trafficker. She did not have to engage in commercial sex when she was able to recruit other victims, reflecting that this behavior was motivated by self-protection. Finally, she clearly struggled with her dual role since she expressed concern about the minor's ages and expressed a desire to stop recruiting and exploiting minors. All of these facts indicate that she was not operating as an equal associate in the trafficker's treatment of other victims since she took particular steps to stop or mitigate the trafficker's abuse of other victims.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

Recognizing Adele's past victimization and how it made her more susceptible to coercion and control could have shed light on potential alternative motivations for her actions, including self-preservation due to the years of commercial sexual exploitation that she endured, as well as trauma-bonding due to the “love” she believed she had for her trafficker. The fact that Adele intervened to ask the trafficker to stop his abusive conduct toward other victims was also not taken as evidence against her complicity.

A more just response would have considered whether any of these factors were mitigating and would have actively sought to provide counseling for the trauma bonding and past victimization that occurred. Considering these factors could have resulted in a very different approach to Adele's case ranging from the decision to charge her, which charges to prosecute, mitigation during sentencing, to access to post-conviction relief.

RELEVANT FACTORS TO CONSIDER

- Trafficker's Use of Harm or Threats of Harm as a Form of Control: physical abuse
- History of Control and Coercion in the Context of Past Sex Trafficking Victimization: minor during first victimization; was moved around a lot; isolated from family support
- Role of Relationship with the Trafficker: Adele believed she was in a romantic relationship with her trafficker
- Holistically Assessing the VO's Apparent or Actual Autonomy: gave all money to the trafficker
- Holistically Assessing the VO's Conduct Toward Other Victims: she did not act coercively and wanted her trafficker to stop trafficking minor victims
- Intersectional Background Factors Influencing Risk for Exploitation: cultural background; family's immigration status

"BRITTANY"

Identified intellectual disability should have been a "red flag" for coercion.

Initial Charges: 1 count of Conspiracy to Commit Sex Trafficking (18 USC § 1594); 1 count of Conspiracy to Distribute Cocaine & Cocaine Base in the Form of Crack (21 USC §§ 841(a)(1)); 1 count of Possession w/ Intent to Distribute Cocaine (21 USC §§ 841(a)(1) & 841(b)(1)(C)); 1 count of Possession w/ Intent to Distribute Cocaine Base in the Form of Crack (21 USC §§ 841(a)(1) & 841(b)(1)(B)); and 1 count of Possession of a Firearm in Furtherance of a Drug Trafficking Offense (18 USC § 924(c))

Convicted Counts: Mispriison of felony (18 USC § 4)

Sentence: Time served

Sex Offender Registration Required: No



DEFENDANT'S BACKGROUND

Brittany was seventeen when she first met her trafficker through a friend. After meeting her trafficker, she ran away from her mother's home and was trafficked by him for 2 years until they were both arrested. Brittany had been diagnosed as having developmental delays.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Another underage victim of the trafficker recruited Brittany. The trafficker lured Brittany into a sexual relationship, which led to Brittany's misguided belief that he loved her. The trafficker often used romance as a form of manipulation with Brittany as well as with other minor victims. Brittany did not keep any proceeds from her commercial sex acts, and all proceeds went to the trafficker. The trafficker also operated a drug trafficking enterprise, and he introduced Brittany to cocaine, crack and ecstasy. If Brittany violated one of the trafficker's rules, he would violently assault her. In one instance, Brittany used cocaine after the trafficker told her to refrain. As a punishment for Brittany and to frighten another victim who was present at the time, he took Brittany into the hotel bathroom and severely beat her. The other victim reported hearing Brittany plead for her trafficker to stop assaulting her.

TREATMENT OR SERVICES PROVIDED (IF ANY)

The prosecution's sentencing memorandum recommended that Brittany be connected to services and placed in a residential program for homeless youth upon her release. Similarly, the defense's sentencing memorandum requested assistance from probation with ensuring she was able to access appropriate services following her release.

ROLE IN TRAFFICKING ENTERPRISE

Despite being charged with conspiracy to commit sex trafficking in a superceding indictment, the indictment cites no overt acts by Brittany in furtherance of the sex trafficking charge, such as allegations that Brittany recruited other victims or managed any aspects of her trafficker's trafficking enterprise. Instead, the indictments allege conduct by Brittany in connection with the firearm and drug charges for which she was also charged as a co-conspirator. Additionally, the sentencing memorandum in her trafficker's case includes Brittany among his minor victims. However, unlike the other victims discussed in the sentencing memorandum, Brittany was no longer a minor when her trafficker was arrested.

COOPERATION WITH THE PROSECUTION

Brittany was charged with five separate felonies. Initially, she refused to cooperate with the government, but she later agreed to assist the prosecution after being arrested for a pretrial release violation. The prosecution cited her cooperation in its sentencing memorandum, recommending a downward departure, and also acknowledged that Brittany had a diagnosed learning disability and that she had been "victimized and controlled" by her trafficker. Because of this, she plead guilty to a reduced charge and was sentenced to time served.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Brittany was a minor with an identified intellectual disability when she was initially trafficked, making her highly susceptible to coercion and manipulation. Her vulnerabilities were exacerbated by the “love” that her trafficker convinced her they shared, a technique he had frequently used with other victims to control their behaviors. Her trafficker created further dependence through the use of drugs. In addition to fostering emotional and physical dependence on him, her trafficker further fostered Brittany's dependence on him by making her turn over to him all of the money she earned through commercial sex acts in exchange for housing and food. The brutal assaults she endured for disobeying her trafficker also demonstrate the violent coercion that motivated her compliance with her trafficker's demands. This fear combined with her dependence on him likely motivated her to protect him.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

Brittany's young age, past victimization and intellectual disability all impacted her perception of choice in any of her actions while under the control of her trafficker. Far from acting in agreement with her trafficker to exploit other victims, the record demonstrates that she was equally victimized and controlled and points to no facts indicating that she carried out acts in violation of the trafficking law. This is further demonstrated in the sentencing memorandum in her trafficker's case, which identifies her among the trafficker's victims.

A more just response would have considered the fact that Brittany, who was initially trafficked as a minor and had a diagnosed developmental disability, lacked the criminal intent required to be a co-conspirator in this case. Approaching Brittany as a victim rather than a criminal and taking a trauma-informed approach in this case could have resulted in a very different outcome for Brittany, including access to specialized services and a victim-witness advocate throughout the criminal justice process. These measures may have enabled Brittany to cooperate in the prosecution without the re-traumatizing experience she endured as a result of her criminalization in this case.

RELEVANT FACTORS TO CONSIDER

- Role of Relationship to the Trafficker: believed she was in a romantic relationship with her trafficker
- Holistically Assessing the VO's Conduct Toward Other Victims: there was no indication she recruited other victims
- Role of Substance Use and Addiction: trafficker introduced her to and supported drug use
- Trafficker's Use of Harm or Threats of Harm as a Form of Control: severe physical assault
- History of Mental Illness and Intellectual/Developmental Disabilities: intellectual disability
- Impact of Past Trafficking Situations involving a Third Party Trafficker: was a minor when she met her trafficker

"CECILIA"

Tried as co-defendant on all counts despite evidence of coercion and control.

Initial Charges: 4 counts of Sex Trafficking (18 USC § 1591) and 1 count of Conspiracy to Commit Sex Trafficking and to Distribute Heroin and Cocaine (18 USC § 371)

Convicted Counts: 1 count of Conspiracy to Commit Sex Trafficking and to Distribute Heroin and Cocaine (18 USC § 371)

Sentence: 30 Months

Sex Offender Registration Required: No



DEFENDANT'S BACKGROUND

Cecilia's parents divorced when she was seven, and her father died of a heroin overdose when she was seventeen years old. Cecilia had a very difficult time coping with her father's death and spent some time receiving behavioral healthcare services. While she was in high school, she started to use marijuana, ecstasy, mushrooms and cocaine. She gave birth to her first child when she was 18 years old and her second child at 20.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Cecilia met her trafficker through her "best friend" who was also his niece. Her trafficker gave her cocaine at this first meeting, and after that first meeting, he continued to supply her cocaine. When Cecilia's car loan was two months overdue, she borrowed money from him. The trafficker then encouraged Cecilia to post advertisements of herself on known escort platforms to pay off her debts to him that had accrued from the cocaine that he was providing and the money she borrowed for her car. Because she was frightened by her trafficker's displays of angry outbursts and violence, which included hitting and strangling other women in front of her, she started engaging in commercial sex to pay off her debt to him and to continue receiving cocaine. However, despite engaging in commercial sex acts to pay her drug debt, the debt never actually decreased. Her trafficker simultaneously increased the amount of cocaine he supplied to her and, consequently, continued to increase the amount of money she owed to him. All of the proceeds from her commercial sex acts and her role in the enterprise went toward the "debt." Eventually, her trafficker stopped forcing her to engage in commercial sex to repay her debt and, instead, forced her to manage aspects of the trafficking enterprise, such as posting ads, distributing drugs to other victims and tracking their "debt" to the trafficker. She was in this role when she was arrested along with her trafficker. In addition to exploiting her substance use disorder, her trafficker was violent and threatened her when she did not do something correctly. During her testimony at trial, she described being scared of him and was convinced he had become a different person because she had thought he cared for her.

TREATMENT OR SERVICES PROVIDED (IF ANY)

She was ordered to engage in a drug treatment program as part of her supervised release.

ROLE IN TRAFFICKING ENTERPRISE

According to the defense sentencing memorandum, there was no evidence that Cecilia recruited any victims to engage in commercial sex acts "or verbally or physically assaulted anyone to engage in commercial sex acts." Her trafficker recruited and coerced his victims by supplying drugs and exploiting his victims' drug dependence to control them through debt-bondage. This tactic generally involved providing victims with drugs for a period of time without requesting payment for the drugs and then coercing the victims to engage in commercial sex to pay off their drug debt. By controlling the "price" of the drugs he supplied, the amount of his victims' drug debt could also be controlled to ensure ongoing compliance. He also exploited his victims' dependence on the drugs he supplied by restricting the drug supply as a form of control. Several victims testified at trial that he would punish disobedience by forcing victims to go through painful withdrawal. Cecilia's role in the enterprise consisted of taking pictures of the victims, driving them to motels for commercial sex acts and collecting the money they earned. Although Cecilia ostensibly received fifteen percent of the proceeds from the other victims, all of that money directly went to repay her ever increasing drug debt.

COOPERATION WITH THE PROSECUTION

Cecilia provided the government help in prosecuting her trafficker by testifying against him. She received a six-level reduction under the sentencing guidelines because of her material assistance, as documented in her plea agreement. Cecilia received a 30-month sentence.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Cecilia experienced two significant adverse childhood experiences at a young age: the trauma of her parents' divorce and her father's death by drug overdose. These experiences, as well as having two children at a young age, made her vulnerable to coercion and control. Cecilia's trafficker applied a technique to entrap her that he had used before, supplying her drugs and paying for her car and then creating a "debt dependence," which he used to control her. She also witnessed violence towards other victims and experienced other forms of violence, making self-preservation a primary motivation for her actions. Furthermore, Cecilia's trafficker took her money, controlled the drug supply and continually manipulated her debt to keep her under his control, demonstrating a relationship that was characterized by coercion.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

Cecilia helped run the business, but she does not appear to have been involved in recruiting other victims. Her role in running the business also seems to have been motivated by the same coercive control tactics that her trafficker initially used to coerce her into engaging in commercial sex, suggesting that she did not really perceive a choice in cooperating with her trafficker's demands but, instead, was acting out of self-preservation and fear.

A more just response would have taken these factors into consideration when decisions were made regarding whether to prosecute and on what charges. Additional harm was caused by prosecuting her alongside her trafficker. In addition, Cecilia should have been provided with specialized services, including drug and trauma treatment, and a victim-witness advocate. Although treatment was ordered at sentencing, it should have begun once her trafficking victimization was suspected or identified.

RELEVANT FACTORS TO CONSIDER

- Role of Substance Use and Addiction: history of using drugs, trafficker's use of drugs to create debt
- Trafficker's Use of Harm or Threats of Harm as a Form of Control: frequent displays of violence and threats of violence; use of debt scheme to require sex-acts
- Holistically Assessing VO's Conduct Towards Other Victims: Cecilia did not use violence or coercion toward other victims

"DAWN"

Child sex trafficking victim who just turned 18 demonstrated heightened dependence on trafficker due to gang-controlled sex trafficking victimization.

Initial Charges: 1 count of Conspiracy to Commit Sex Trafficking of a Child (18 USC § 1594); 4 counts of Aiding and Abetting Sex Trafficking of a Child (18 USC § 1591); 1 count of Sex Trafficking of a Child (18 USC § 1591); and 1 count of Use of Facilities in Interstate Commerce to Promote Prostitution (18 USC § 1592)

Convicted Counts: Conspiracy to Commit Sex Trafficking of a Child (18 USC § 1594)

Sentence: 100 months

Sex Offender Registration Required: Yes



DEFENDANT'S BACKGROUND

Dawn's parents separated when she was one year old. As a result, she went to live with her grandmother. This was untenable and after a period of time, Dawn and her siblings were placed in foster care. She was returned to her mother at the age of nine where she suffered physical and emotional abuse that caused her to run away from home. At the age of 14, she began a relationship with an older boyfriend who was physically and sexually abusive. At 16 years of age, she entered the juvenile justice system. She used marijuana with regularity during her childhood as a coping mechanism, and at some point during her childhood, she was placed in a psychiatric facility for depression, anxiety and suicidal thoughts. She was reunited with her father when she was 17 years old.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Dawn was 17 when the trafficker, who was a gang member, recruited her. Dawn believed the two were romantically involved after they engaged in a sexual relationship. However, in court documents, the trafficker said he never considered Dawn to be his girlfriend and, instead, was committed to another "girlfriend" and their three children. Dawn had only turned 18 a few months prior to being charged. She is alleged to have recruited the minor victims in the case; however, according to court documents, the minors approached her to ask for assistance after they ran away from home, a situation very similar to her own.

TREATMENT OR SERVICES PROVIDED (IF ANY)

None

ROLE IN TRAFFICKING ENTERPRISE

Dawn was convicted based on her role in recruiting another victim for the gang. Dawn knew the minor victim from school, and since the minor victim was in dire need of housing, she introduced her to the gang. However, the gang leader, Dawn's trafficker, was the person who recruited the minor victim to engage in commercial sex after Dawn introduced the two of them.

COOPERATION WITH THE PROSECUTION

Dawn cooperated with the prosecution after her arrest. She shared information with the prosecution and pled guilty. Her cooperation helped the government avoid a lengthy trial. However, despite her cooperation, she received a 100-month (8+ years) sentence.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Dawn's trafficking exploitation by her trafficker began when she was a minor, and he emotionally manipulated her into believing they had a romantic relationship. Dawn's history of foster care and juvenile justice involvement, childhood abuse, intimate partner violence, drug use, mental illness and running away increased her vulnerability to this type of manipulation and trafficking victimization. Her significant history of adverse childhood experiences, compounded with the "romantic" nature of Dawn's relationship with her trafficker, put the trafficker in a position to manipulate and exploit her perception of right and wrong.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

An important factor to consider in assessing Dawn's culpability is the fact that she did not recruit other victims until she encountered a friend who needed housing. Given that she was "in the life" for so long and the minor's situation mirrored her own, she may have seen her "recruitment" as something helpful for the minor victim. Her own victimization may have normalized "being in the life" to the extent she did not recognize the recruitment as a harmful act but that she was actually helping a homeless peer.

A more just response would have taken into account Dawn's exploitation as a minor, indicators of mental illness and severe childhood trauma. Stakeholders could have considered these factors alongside the fact that Dawn did not have a history of recruitment in determining whether to prosecute and, at a minimum, could have avoided trafficking-related charges. In addition, Dawn should have been provided access to mental health treatment, including trauma treatment, and been provided a victim-witness advocate.

RELEVANT FACTORS TO CONSIDER

- History of Abuse and Child Welfare Involvement: physical and emotional abuse; intimate partner violence
- Impact of Substance Use and Addiction: used drugs to cope with childhood trauma
- Holistically Assessing the VO's Conduct toward Other Victims: circumstances indicate she did not recognize the harm of recruiting the homeless minor victim
- History of Mental Illness and Intellectual/Developmental Disabilities: placed in psychiatric facility

"EMMA"

History of homelessness and trafficking victimization as a child through "survival sex" reflected both vulnerability to trafficking and susceptibility to coercion.



Initial Charges: 1 count of Child Exploitation Enterprises (18 USC § 2252A(g)); 1 count of Sexual Exploitation of Children (18 USC § 2251(a)); 1 count of Distribution of Child Pornography (18 USC § 2252A(a)(2)); 1 count of Transportation of Minors (18 USC § 2423(a)); 1 count of Sex Trafficking of Children (18 USC § 1591(a)); Transportation of an Individual (18 USC § 2421); and 1 count of Interstate Travel or Transportation in Aid of Racketeering Enterprises (18 USC § 1952)

Convicted Counts: Distribution of Child Pornography (18 USC § 2252A)

Sentence: 120 months incarceration followed by 5 years of supervised release

Sex Offender Registration Required: Yes

DEFENDANT'S BACKGROUND

Emma was adopted as an infant and never knew her biological parents. Her adoptive mother passed away when she was six years old. Subsequently, Emma was physically and mentally abused by the foster care family she was placed with, even being denied food and clothing. She became a ward of the state at 15 years of age and was placed in several other foster care facilities before she ran away at age 17. At the time of her arrest, Emma had a limited criminal history that included retail theft and carrying a concealed weapon.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Emma was first trafficked at age 16 when she was living alone and exploited by sex buyers in exchange for meeting her basic needs (e.g., food). The trafficker recruited Emma to work for him after he posed as a buyer and took her back to his apartment for oral sex. Emma had an interest in, and tried to finish, high school to have a better life, but her trafficker forbade her to go to school. When she tried to leave, the trafficker convinced her she would never be good at anything else. The trafficker was violent with Emma when she did something he did not like, once hitting Emma with his car during an argument. She was hospitalized as a result.

TREATMENT OR SERVICES PROVIDED (IF ANY)

None

ROLE IN TRAFFICKING ENTERPRISE

Emma considered herself the "bottom" in the trafficking organization. She took pictures of victims and posted them on websites. She collected the money from the other women and girls working for the trafficker. She would also train the others on how to speak to buyers and protect themselves.

COOPERATION WITH THE PROSECUTION

Emma cooperated with the prosecutors in the case against her trafficker. She gave a statement to the prosecution on several occasions and testified against her trafficker at his trial. Despite her cooperation, she received a ten-year sentence of incarceration.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Emma experienced abuse from a young age and had little social stability or support, factors that increased her vulnerability to trafficking. As a minor unable to meet her basic needs, Emma was exploited by sex buyers, which led to her meeting her first trafficker and further normalized commercial sex as a means of self-preservation. Her dependence on her trafficker was exacerbated when her trafficker isolated her by refusing to let her attend school and telling her she would never be good at anything other than commercial sex.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

Despite having a well-documented history of abuse and experiencing violent acts perpetrated by her trafficker, Emma was sentenced to 10 years of incarceration.

A just response would have considered her significant history of abuse and recognized that she perceived little choice in her circumstances and was motivated by self-preservation. In addition to receiving a mitigated sentence and not being charged alongside her trafficker, Emma should have received trauma-informed counseling and support, as well as a victim-witness advocate to represent her needs in the court.

RELEVANT FACTORS TO CONSIDER

- History of Sex Trafficking Victimization as a Child: initially trafficked as a minor; history of exploitation by sex buyers in exchange for basic needs
- History of Control and Coercion in the Context of Past Sex Trafficking Victimization: isolation from normal activities (e.g., attending school)
- History of Abuse and Child Welfare Involvement: adopted as an infant; abused in foster care; denied basic needs (e.g., food); frequently moved
- Role of Relationship to Trafficker: trafficker convinced her she could not do anything else
- Trafficker's Use of Harm or Threats of Harm as a Form of Control: wanted to leave the trafficking situation but was not allowed; trafficker was violent to the point she was hospitalized for her injuries
- Holistically Assessing VO's Conduct Towards Other Victims: no violence or coercion of other victims

"FAITH"

Violent acts towards other victims while under control of extremely violent trafficker and effects of intimate partner violence.

Initial Charges: 1 count of Conspiracy to Commit Sex Trafficking (18 USC § 371); 2 counts of Peonage: Obstructing Enforcement (18:1581(a)); 2 counts of Forced Labor (18 USC § 1589(1)); 2 counts of Trafficking In Peonage, Slavery, Involuntary Servitude, Forced Labor (18 USC § 1590); and 2 counts of Sex Trafficking Of Children Or By Force, Fraud, Or Coercion (18 USC § 1591)

Convicted Counts: 1 count of Conspiracy to Commit Sex Trafficking (18 USC § 371)

Sentence: 34 months followed by 3 years supervised release

Sex Offender Registration Required: No



DEFENDANT'S BACKGROUND

Faith met her trafficker in 1998. During the next 3 years, she worked in his wrestling business. In 2001, she learned of his prostitution business and was forced to recruit other women under the auspice of becoming female wrestlers.

EVIDENCE OF DEFENDANT'S TRAFFICKING VICTIMIZATION

Faith was one of a few victims designated by the trafficker as a "team leader." While the prosecution's trial brief claimed that the "team leaders" were women who "worked voluntarily" for the trafficker, the brief goes on to describe the physical assaults and strict rules that applied to "team leaders," including not being allowed to leave his home without permission, prohibiting them from dating or maintaining any other employment, as well as prohibiting them from "accessing the money they made from dancing and as prostitutes." Additionally, "team leaders" were coached to lie to law enforcement about their involvement in prostitution. Faith's trafficker continued to pressure the "team leaders" to lie to law enforcement and in court after he was indicted in this case. This pattern of control was also confirmed by a psychiatrist who completed Faith's presentence evaluation and found that her trafficker psychologically manipulated her into believing she had a special status, but her trafficker "determined the full range of her activities."

TREATMENT OR SERVICES PROVIDED (IF ANY)

Faith was court ordered into mental health treatment as a condition of her sentencing.

ROLE IN TRAFFICKING ENTERPRISE

The trafficker treated Faith differently than the other "team leaders." He allowed her to have a cell phone and a vehicle. She recruited victims into his trafficking organization under the false premise that they would be working as female wrestlers. At her trafficker's direction, Faith assaulted other women to induce them to perform commercial sex acts. On at least one occasion, she sexually assaulted a victim after she refused to participate in a "cutting party." The trafficker used cutting parties to groom victims from his wrestling business into his prostitution business. Faith seemed to feel extremely loyal to her trafficker and disclosed information to him when other women were not in compliance with rules or tried to escape.

COOPERATION WITH THE PROSECUTION

Faith produced evidence and testified against her trafficker.

APPLICATION OF THE CRIMINAL JUSTICE STAKEHOLDER TOOL



HOW USING THE TOOL TO EVALUATE THE CASE COULD IMPACT IDENTIFICATION OF THE DEFENDANT'S UNDERLYING TRAFFICKING VICTIMIZATION

Faith did not know she was entering a prostitution business and was lured into both the wrestling business and a romantic relationship with her trafficker. This was the trafficker's pattern of psychological manipulation of his victims. Faith also gave all of her money to her trafficker who then forced her to recruit others by creating an atmosphere of violence and coercion. Her trafficker's use of violence created an atmosphere of fear that enabled him to control his victims such that the mere threat of physical assault was enough to coerce his victims to follow his rules.

HOW USING THE TOOL TO EVALUATE THE CASE COULD HAVE IMPACTED THE CRIMINAL JUSTICE RESPONSE

Despite having a "special" status in her trafficker's enterprise, Faith's relationship with her trafficker was still defined by deception and manipulation. The trafficker's use of violence also created an atmosphere of fear that appears to have manipulated Faith's sense of right and wrong and may provide some context for understanding her role in coercing and recruiting other victims.

Recognizing the severity of Faith's violent acts toward other victims, a just response should nevertheless have considered the influence of the trafficker's violence and psychological control over Faith, despite her role as "team lead." This critical consideration could have informed whether to treat Faith as a co-conspirator despite the evidence that she was acting under her trafficker's control. Faith's perceived freedoms and apparent autonomy in having access to a phone and car should also be viewed holistically. Given the atmosphere of fear created by her trafficker's violence, her apparent autonomy did not necessarily provide her with actual freedom or choice. Additionally, once it was recognized that she had also experienced victimization by the trafficker, Faith should have been provided mental health treatment, including trauma treatment, as well as a victim-witness advocate to support her in the process of testifying against her trafficker.

RELEVANT FACTORS TO CONSIDER

- Role of Relationship with the Trafficker: trafficker used romantic relationship to lure her into the trafficking situation
- Holistically Assessing the VO's Apparent or Actual Autonomy: even though Faith was allowed a phone and car, she remained under threat of violence if she did not follow the trafficker's rules
- Trafficker's Use of Harm or Threats of Harm as a Form of Control: violence and threats of violence created atmosphere of fear
- Holistically Assessing the VO's Conduct Toward Other Victims: Faith used violence to coerce victims at the behest of her trafficker, raising challenging issues for prosecutors in determining appropriate charges, making it critical to fully understand the case in order to understand Faith's motivations in engaging in the alleged conduct