Law Enforcement Toolkit

on Trafficking in Persons

Developed by Polaris Project

Polaris Project is a Washington, DC-based non-profit agency specializing in trafficking in persons. Funded by the Department of Justice, Department of State, District of Columbia, and private sources, Polaris Project works locally in the DC Task Force on Trafficking in Persons, and operates national programs to support and provide training materials to law enforcement and non-governmental agencies. For more information on this toolkit or for additional resources, contact our Washington, DC office at 202-547-7909 or at Info@PolarisProject.org.

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LAW ENFORCEMENT TOOLKIT ON TRAFFICKING IN PERSONS

The Law Enforcement Toolkit is designed to assist law enforcement in understanding trafficking in persons in the United States, the legal framework, the role of different agencies, and effective strategies for investigation and prosecution. The Toolkit also will provide a list of resources to assist law enforcement, including referrals to specialized service providers for victims of the crime.

Trafficking in Persons in the United States

Trafficking in persons, also known as human trafficking, is the third largest criminal industry in the world, after drugs and arms, and is the fastest growing. Combating trafficking in persons is a major priority for the U.S. government, both within the United States and internationally. An estimated 17,000 foreign nationals are trafficked in the United States every year, and over 100,000 American children are at high risk for commercial sexual exploitation in the U.S., including sex trafficking.

Since the passage of the Trafficking Victims Protection Act (TVPA) of 2000, traffickers can be prosecuted under several federal statutes and a variety of benefits are available to serve victims of the crime, including victims without legal immigration status. An increasing number of states are also adopting legislation on trafficking, though other associated laws can also be used at the state level to prosecute if no trafficking statutes exist.

Definitions under Federal Statutes

A general definition of trafficking in persons provided in the TVPA of 2000 is:

(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
(b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
Two federal statutes on trafficking in persons include (for a more complete set of federal statutes, see Appendix):

**18 USC § 1589: Forced Labor**

Whoever knowingly provides or obtains the labor or services of a person—

(1) by threats of serious harm to, or physical restraint against, that person or another person;
(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
(3) by means of the abuse or threatened abuse of law or the legal process, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**18 USC § 1591: Sex Trafficking of Children OR by Force, Fraud, or Coercion**

(a) Whoever knowingly—

(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or
(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or
(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

(c) In this section:

(1) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.

(2) The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

State Statutes

A small number of states have adopted criminal statutes on trafficking in persons, including Washington, Texas, and Florida, and a larger number of states are considering adoption at this time. However, trafficking cases can also be prosecuted under associated state laws that address:

- physical assault
- sexual assault or child sexual abuse
- coercing prostitution, pandering, or other prostitution related crimes
- money laundering and other financial crimes
- kidnapping

Some state prosecutors have used financial crime statutes in particular to achieve higher penalties for operating sex industry networks such as massage parlors where trafficking may occur.
**FOUR COMMON MYTHS ABOUT TRAFFICKING IN PERSONS**

**Myth 1: Trafficking victims must be foreign nationals or illegal aliens.**

**Reality:** Victims can be either U.S. nationals or foreign nationals - both are equally protected under the U.S. law. Many victims in the United States are U.S. nationals, particularly in child sex trafficking cases.

**Myth 2: Trafficking requires transportation across state or national borders.**

**Reality:** The federal statutes do not require transportation, although transportation may be involved. Unlike the Mann Act, no interstate transportation is required.

**Myth 3: If victims can consent to prostitution before the coercion or are paid then it is not trafficking in persons.**

**Reality:** Consent to prostitution prior to acts of force, fraud, or coercion, or if the victim is a minor, is not relevant, nor is payment. If coercion is present or if the victim is a minor then consent is no longer meaningful.

**Myth 4: I can conclude this isn't trafficking without doing interviewing.**

**Reality:** Victims are often trained to say that they were not forced or coerced. Careful interviewing if required to identify a victim, with competent translation if English is a second language. Sometimes interviewing must occur over the course of several rounds before enough trust is built with the law enforcement.
CASE EXAMPLES: TRAFFICKING IN PERSONS

Sex Trafficking, Transnational
On February 2, 2004, in Brooklyn, New York, a Korean couple and a Department of Homeland Security agent were charged with peonage (18 USC §1581(a)), obstruction in furtherance of peonage (18 USC §1581(b)), and trafficking forfeiture (18 USC §1594). The Korean couple allegedly lured Korean women to New York City with promises of good jobs as hostesses in the their nightclub, but subjected them to rapes and physical abuse, held them for repayment of a $10,000 debt, and attempted to force them into performing commercial sexual acts. The Department of Homeland Security agent allegedly attempted to force one of the victims to get on a flight to South Korea to keep her from testifying against the Kangs. [DOJ, Civil Rights Division, Anti-Trafficking News Bulletin]

Two Mexican nationals were sentenced to 210 months in prison for luring four teenage Mexican girls to the United States and holding them captive as prostitutes at a brothel they ran in Plainfield, N.J. Several factors contributed to the lengthy prison sentences, including the vulnerability and age of the victims - they were between 14 and 18 at the time - and that undue influence and force was used upon them by the defendants. The victims were lured out of Mexico with promises of marriage and a better life in the United States, only to be forced into prostitution and held captive at the Plainfield brothel. The traffickers sentenced by U.S. District Judge Faith S. Hochberg were among the first in the nation to be prosecuted under the Trafficking Victims Protection Act. [U.S. Attorney, NJ, Press Release]

Sex Trafficking, Domestic
Carlos J. Curtis, 27, of Brooklyn, New York, was found guilty in the United States District Court for the District of Columbia of six charges, including Sex Trafficking of Children (the first such conviction obtained after trial under this new statute), Transportation of Minors for Prostitution, Transportation of a Person for Prostitution, and Possession of Child Pornography. Curtis faces up to life imprisonment when sentenced. According to the government’s evidence, on Tuesday, November 5, 2002, Curtis and an accomplice enticed a 12-year-old runaway child to become a prostitute by offering her food, clothing, and shelter. On November 7, 2002, Curtis and his accomplices transported the 12-year-old and a 26-year-old woman from Queens, New York, and a 17-year-old runaway child from Maryland to the District of Columbia so that the children and woman would engage in prostitution. [U.S. Attorney, DC, Press Release]
Gary Gates, also known as "Sweat," 42, was sentenced in United States District Court for the District of Columbia to 178 months of incarceration, five years of supervised release, and a $1,000 fine, for the four counts of sex trafficking of children and one count of first degree child sexual abuse to which he pled guilty on June 23, 2004. On April 23, 2004, Gates and female accomplice, Tamisha Heyward, also known as Quilena Taylor, 27, were indicted for running an illegal sex trafficking operation which involved the prostitution of more than thirty women, including girls as young as 14 years old. Gates and Heyward, both formerly of 16th Street, N.E., Washington, D.C., were charged with conspiracy to commit sex trafficking of children and sex trafficking by force, transportation of minors for prostitution, and coercion and enticement of children to engage in prostitution, among other offenses. [U.S. Attorney, DC, Press Release]

Labor Trafficking
On March 10, 2004, Theresa Mubang was arrested in Greenbelt, Maryland for involuntary servitude (18 USC §1581) and alien harboring (8 USC §1324). Ms. Mubang is charged with bringing an eleven year-old girl from Cameroon to the United States and forcing her to work against her will as a domestic servant, caring for Mubang’s two children and performing all the household chores without pay. Mubang is alleged to have forced the child to comply by beating her with a broken metal broom stick and a cable cord. She also allegedly forbid the young girl from speaking of her horrible conditions to anyone, and from leaving the house or even opening the door. [DOJ, Civil Rights Division, Anti-Trafficking News Bulletin]

On March 25, 2004, Mariska Trisanti entered a plea of guilty to involuntary servitude (18 USC §1581). Between March 1996 and March 2003, two victims were trafficked by Trisanti into the United States from Indonesia and forced to work as domestic servants against their will by threats and physical violence. After arriving in the United States, Trisanti told the victims they were not free to leave and seized their passports. Sentencing is set for July 12, 2004. [DOJ, Civil Rights Division, Anti-Trafficking News Bulletin]
TRAFFICKING OPERATIONS: A SAMPLE OF U.S.-BASED SEX TRAFFICKING NETWORKS

Latino Residential Brothel Networks

The Latino Residential Brothel Networks are widespread across the country, having a particularly high frequency near large Latino communities. The brothels are usually operated out of apartments, and may move location with some frequency. Most of the networks are closed systems, where only first generation Latino males can enter as customers. Due to this constraint, law enforcement often have had difficulties accessing the facilities. The Latino Networks have been known to sex traffic minors, a practice that seems to be wide-spread in the networks. The price structure of approximately $30 for 15 minutes forces the women or children to have sex with 15-25 men every day, leading to brutal conditions for the victims. Advertising is primarily word of mouth and through use of false business cards in Spanish that are distributed to recent male Latino migrants. The business cards may say “Shoe Repair”, “Pizza Delivery”, or similar services, and list a phone number along with who to ask for. The cards often will indicate if the location is incall or outcall (for the Latino escort agencies).

Korean Massage Parlor Networks

One of the most widespread of the commercial sex networks in the United States, the Korean massage parlor (KMP) networks usually operate through commercial-front brothels, often massage or spa facilities, though occasionally the parlors are residential. While exploitation is often present at the KMP’s, trafficking is not present in all the brothel locations. The women are usually trained by the brothel-keepers to say canned stories, such as that they just arrived and do not know anything about the owner or operator. Sensitive interviewing must often be conducted to gain the women’s trust and to get a more accurate description of the conditions.

The brothel locations are usually operated by older Korean women, who have often been in the sex industry for many years. The women they recruit often come from four populations:
1. Older Korean women who may have been sex trafficked in South Korea, and came to the U.S. through marriage to U.S. military. Many of these women may have legal status and may have been in the KMP networks for many years.

2. Younger Korean women who were recruited from Korea, and may have been smuggled into the U.S. through Canada or Mexico. Many do not speak any English, and are highly vulnerable to abuse and exploitation from the brothel-keepers. They may also have debts from their smuggling or from transportation costs within the U.S.

3. Ethnically Korean women from the Korean-Autonomous Region in China, so the women are often Chinese nationals though their primary language is Korean. Fleeing poverty, the women are often highly vulnerable to exploitation and trafficking, especially if their status is not legal.

4. Women from other nationalities are occasionally employed, such as Thai, Chinese, or Latina women.

The KMP’s advertise through the phone book, newspapers, and through websites maintained by Johns, who often provide detailed descriptions of their operations. The customer-base is primarily middle and upper-middle class Caucasian males.

While most of the KMP locations operate in a similar manner, they are usually operated fairly independently by their brothel keeper and the owner, who may own several others in the same or a different area of the country. Women are transported with some regularity between KMP locations, often across state lines, through bus or through special Korean taxi services. The Korean taxi services play a key role in the operations, particularly matching women with the brothel locations.

Another Korean-operated network which is separate from the Massage Parlor Networks are the Korean Room Salons. These hostess clubs are modeled after Korean establishments, and are for Korean males only. Due to this constraint, law enforcement have often had difficulties accessing the facilities. The women in the Room Salons are usually younger than 23 years old, kept in nearby apartments by the owners and operators, and transported to other room salons as often as every one or two weeks. These operations are found only where there is a significant Korean population.
Domestic Street Prostitution

Domestic sex trafficking, particularly of minors, is a widespread problem in street prostitution networks in the United States. The average age in the U.S. for girls to first be sex trafficked by pimps is 13 and 14 years old. Many pimps target runaway children and then use a powerful combination of psychological manipulation and violence to control them. Often the victims are required to earn a certain amount of money for the pimps before they are allowed off the street each night, and receive no money themselves.

The victims in many cases show loyalty to the pimp in a similar manner to which some victims of domestic violence show loyalty to their abusers. Law enforcement need to work carefully with the victims to build trust and to work with service providers when possible to help stabilize the victim to move towards psychological and physical independence from the pimps. Recently, a number of U.S. Attorneys offices have successfully prosecuted American pimps using the federal sex trafficking statutes (Press releases from some of these cases are included later in the toolkit).

Good resources for domestic sex trafficking cases include the Child Exploitation and Obscenity Section at DOJ and the Crimes Against Children Unit of the FBI. Their information is listed later in this toolkit.
**TIPS FOR PROACTIVE IDENTIFICATION OF TRAFFICKING CASES**

1. Reach out to or train community groups or other people who are likely to encounter trafficking cases, and tell them how to report the information to law enforcement. Many cities are using a Task Force model, bringing law enforcement and community groups together to coordinate efforts to identify cases.

2. Review your existing knowledge of the commercial sex industry and current cases. Many police departments may be aware of potential trafficking operations, but were unaware of the federal law on trafficking in persons. For example, pimp cases can now lead to prosecution under federal sex trafficking statutes if force or coercion or minors are involved.

3. Sex trafficking operations use advertising to attract their johns. Taking advantage of their advertising is usually the easiest method to locate them. Common advertising methods include (by network):

   - **Ethnic Closed Brothel Systems**: Ads in non-English newspapers, Word of mouth, False business cards
   - **Domestic Networks**: Newspaper ads, Street solicitation, 'John websites', Telephone directories
   - **Korean Massage Parlors**: Newspaper ads, 'John websites', Telephone directories
   - **Escort Agencies**: Newspaper ads, Street solicitation, Internet ads, 'John websites', Telephone directories

   *Closed systems* are commercial sex networks that restrict their buyers to a certain population, often based on ethnicity and/or nationality. Common examples are Latino or Chinese residential brothels or Korean hostess bars. These closed systems often advertise in non-English language publications, such as the local Chinese or Korean-language newspaper. Collect these papers and have a reader with the appropriate language skills browse through them for advertisements. Certain closed systems, including certain Latino networks, advertise primarily via word of mouth and false business cards. Get a male officer of the appropriate ethnicity or a volunteer to ask other males of the appropriate ethnicity on the street for where to find 'girls'. John websites are websites maintained by a network of johns that list and rate commercial sex locations, usually providing useful operational detail. They usually focus on Asian massage parlors, escort agencies, and street prostitution.
4. Look for 'red flags' that may indicate the presence of labor trafficking. Labor trafficking can occur in:
   a. Agricultural farms
   b. Factories
   c. On the street (for example, pan-handling schemes with forced or coerced workers)
   d. Private homes, with domestic servants, maids, or others in domestic servitude

Labor trafficking and domestic servitude cases may be detected while responding to an unrelated complaint. The victims are often illegal immigrants so may be reluctant to approach law enforcement.

Keep an eye out for red flags that may indicate servitude, including poor working conditions, signs of neglect or violence, unusual behavior of the victims, and lack of freedom of movement. Talking to the workers about their working conditions (in the absence of the owner or manager if possible) is recommended.

**Benefits for Victims of Trafficking in Persons Without Legal Status**

Victims of trafficking in persons who are undocumented may be eligible for a T-visa or other visas and are likely to be eligible for a variety of federal benefits similar to refugee benefits.

For more information on benefits for foreign national victims of trafficking, see:  
http://www2.acf.hhs.gov/trafficking/about/cert_victims.html
COMMON LAW ENFORCEMENT CHALLENGES

Victim Identification
Victim identification is one of the largest challenges for law enforcement. Many victims of trafficking are afraid of law enforcement or have been trained to lie about their conditions. They are often unable or too afraid to ask for assistance or cannot communicate in English if they are foreign nationals. Keys for successful victim identifications include:

- Training for law enforcement and community groups who may encounter victims
- Proactive investigations to uncover trafficking operations
- Encouraging third-party reporting
- Sensitive interviewing (with competent translators if required)

Training of local law enforcement is particularly important as they are often the first contact victims may have with the government.

Gaining Victim Trust
Victims are often afraid of or distrust law enforcement for a variety of reasons, including:

- Fear of corruption (seeing police officers use their brothel for example)
- Victims were arrested for prostitution or other crimes that occurred because of the trafficking
- If foreign nationals, the victims may be used to law enforcement in their home country being corrupt
- Law enforcement officers may lack the cultural or relational sensitivity needed to work most successfully with the trafficking victim

Law enforcement should attempt to work collaboratively with non-profit service providers whenever possible to meet the needs of the victims and to help stabilize their situation. Often victim-witnesses are in a far stronger position to choose to cooperate when their needs are being met adequately by service professions.
Gaining the trust of domestic victims of sex trafficking can be particularly difficult, especially when the victims may have been arrested many times for prostitution without being protected from their pimps as a victim of trafficking. Collection of supporting evidence to aid the prosecution in addition to victim testimony is particularly important in these cases.

For referrals to local service providers around the country for trafficking, call the National Trafficking Hotline operated by the Department of Health and Human Services at: 1-888-3737-888.

Access to 'Closed Networks'
‘Closed Networks’ that only allow customers of a certain ethnicity or background to enter are often a challenge to law enforcement, who may not have officers of that ethnicity or who are not already known to the community. Some police departments have worked collaboratively with departments in other cities to bring in an officer who is not known to that community. This technique can also be used to collect information on locations that are advertised only to men of a certain ethnic background, e.g., the use of false business cards by some Latino networks.

Lack of Resources or Support
Many law enforcement are unable to do the level of counter-trafficking activity they would like do to resource constraints or lack of support from supervisors. This problem has been addressed in part through grants provided by the Department of Justice for Task Forces on Trafficking in persons. In many cases, however, trafficking investigations can be integrated into existing enforcement efforts in the commercial sex industry or other areas. For example, some police departments have found that pursuing prosecutions of pimps, including through the use of federal trafficking statutes, may be more effective in addressing prostitution problems that the traditional approach of prosecuting the prostitutes exclusively. For information on potential federal grants on trafficking, contact Polaris Project at 202-547-7909 or contact the Department of Justice.
GOVERNMENT AND NON-GOVERNMENTAL AGENCIES

Service Provision:
For referrals to local service providers around the country for trafficking, call the National Trafficking Hotline operated by the Department of Health and Human Services at: 1-888-3737-888.

Law Enforcement:

Criminal Section, Civil Rights Division, Department of Justice
The Criminal Section has a team of prosecutors experienced with trafficking in persons cases, and have been involved in prosecution of most of the major federal cases, in partnership with the U.S. Attorneys offices. Their hotline is 1-888-428-7581, M-F, 9-5PM.
http://www.usdoj.gov/crt/crim/index.html

Child Exploitation and Obscenity Section, Criminal Division, Department of Justice
Specializes in child sex trafficking and exploitation cases, and has worked closely on the creation of task forces against commercial sexual exploitation of children. Provides assistance on prosecutions and investigations to a variety of law enforcement agencies. Involved in coordination of the Innocence Lost Initiative along with the FBI.
http://www.usdoj.gov/criminal/ceos/

Crimes Against Children Unit, FBI

Immigration and Customs Enforcement, Department of Homeland Security
The investigation and enforcement wing of the DHS. Often involved in investigation of transnational trafficking cases in the United States.
http://www.ice.gov/graphics/investigations/publicsafety/humantrafficking.htm
**SAMPLE QUESTIONS FOR VICTIM INTERVIEWS**

This list serves as a guide to the types of questions to ask when interviewing potential victims of trafficking in persons. Note that the questions should not necessarily be read in this order, and some may not be used depending on the situation. Asking directly, "Were you forced or coerced?" will often result in a negative response regardless of whether force or coercion may have been present. Asking about individual incidents of violence, deception, or threats is more effective. Often traffickers have trained the victims what to say during police questioning, so it is important to make them feel comfortable in being honest about the conditions they experienced. Intimidating the potential victim-witnesses may serve to confirm the stories of the traffickers and discourage information sharing.

A translator is important if English is not their first language, even if they speak conversational English. Many nuances and more technical words will be missed without proper translation. To arrange for translation assistance, please call the Polaris Project Hotline at: 1-866-US-TIPLINE.

**General Background:**
1. Can you tell us about your current situation?
2. How did you get your current job?
3. What was a typical work day like?
4. How did the person who recruited you convince you to take the job?

**Fraud/Deception:**
5. What were you told about the job before you took it? Were the job conditions what they told you they would be? Were you ever lied to about your work conditions or anything else?
   
   Note: This question is designed to test if fraud/deception was involved in recruiting the subject, not to test for consent. Traffickers often lie about job conditions. The subject may be a victim of trafficking regardless of whether they knew commercial sex may be involved in the job. Prior consent is not relevant once incidents of force, fraud or coercion have occurred (or if subject is a minor), and does not disqualify a subject from being trafficked.

6. [If victim is a foreign national] Did anyone ever take and/or keep your legal papers for you, such as your passport or visa? 
   
   Note: Withholding legal papers for purposes of control is illegal under 18 U.S.C. §1592.
Threats/Coercion/Debt Bondage:
6. Do you currently or did you owe anyone any debts?
7. Did they do anything to make your debt worse or to continue the debt? Did anyone make you work or do anything else unwelcome because of the debt? Did they take money that you made and put it toward the debt? **Note:** Use and manipulation of debt to control or coerce someone is illegal under the TVPA of 2000.
8. Did anyone ever make any threats to you, your family, or any of the workers? Did they ever intimidate or scare you or others? Did they threaten to call the police [or immigration control]? **Note:** Threats do not need to be consistently present. The incidence of even one threat is sufficient.
9. Did anyone ever say things to try and keep you or the workers from leaving? What were you afraid would happen if you tried to leave? Why did you believe this? **Note:** While restrictions on the subject’s freedom of movement may indicate trafficking, the subject’s ability to physically leave the situation does not indicate the absence of trafficking.

Force/Assault/Violence:
10. Were you or anyone else ever hit, slapped, or abused?
11. Were you or anyone else ever hit or threatened for doing bad work or working too slowly?

Commercial Sex:
**Note:** Talking about sexual topics can be intensely shameful and should be done with sensitivity to the cultural backgrounds of the subjects. Victims may blame themselves despite having been forced or coerced or being minors.
12. Were you told you had to perform sexual acts for money or something of value? By who? **Note:** Money does not necessarily need to be exchanged. Anything of value can be considered commercial.
13. Were you ever pressured to have sex or do sexual acts?
14. Were you ever threatened that something bad would happen to you if you didn't have sex? Were you ever forced to have sex?
15. Were there ever any minors (under 18 years old) involved in commercial sex? **Note:** If the subject is a minor and commercial sex was induced by the pimp or trafficker, then no force, fraud or coercion is required to meet the criteria for trafficking in persons under 18 U.S.C. §1591.
U.S. Code on Trafficking in Persons and Related Crimes

18 USC § 1584. Sale into involuntary servitude
Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

18 USC § 1589: Forced Labor
Whoever knowingly provides or obtains the labor or services of a person—
(1) by threats of serious harm to, or physical restraint against, that person or another person;
(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
(3) by means of the abuse or threatened abuse of law or the legal process,
shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

18 USC § 1591: Sex Trafficking of Children OR by Force, Fraud, or Coercion
(a) Whoever knowingly—
(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or
(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).
(b) The punishment for an offense under subsection (a) is—
(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or
(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.
(c) In this section:
(1) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.
(2) The term “coercion” means—
(A) threats of serious harm to or physical restraint against any person;
(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
(C) the abuse or threatened abuse of law or the legal process.
(3) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.
18 USC § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

18 USC § 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor
(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—
   (1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594 (a);
   (2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or
   (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.
(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

18 USC § 1593. Mandatory restitution
(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.
(b) 
   (1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.
   (2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.
   (3) As used in this subsection, the term “full amount of the victim’s losses” has the same meaning as provided in section 2259 (b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of the victim’s labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).
(c) As used in this section, the term “victim” means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

18 USC § 1594. General provisions
(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.
(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—
(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(c)

(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:
   (A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.
   (B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.
(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(d) Witness Protection.— Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

18 USC § 2421. Transportation generally
Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

18 USC § 2422. Coercion and enticement
(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.
(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

18 USC § 2423. Transportation of minors
(a) Transportation With Intent To Engage in Criminal Sexual Activity.— A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

(b) Travel with Intent to Engage in Illicit Sexual Conduct - A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) Engaging in Illicit Sexual Conduct in Foreign Places - Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.
(d) Ancillary Offences - Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) Attempt and Conspiracy - Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) Definition - As used in this section, the term ‘illicit sexual conduct’ means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

(g) Defense - In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.
PRESS RELEASE

**Press Release – New Jersey US Attorney Office**

"Madams" Sentenced to 210 Months in Prison for Forcing Mexican Teens into Prostitution in N.J.

NEWARK - Two Mexican nationals were sentenced today to 210 months in prison for luring four teenage Mexican girls to the United States and holding them captive as prostitutes at a brothel they ran in Plainfield, N.J., Attorney General John Ashcroft and U.S. Attorney Christopher J. Christie announced. Several factors contributed to the lengthy prison sentences, including the vulnerability and age of the victims - they were between 14 and 18 at the time - and that undue influence and force was used upon them by the defendants. The victims were lured out of Mexico with promises of marriage and a better life in the United States, only to be forced into prostitution and held captive at the Plainfield brothel.

The women sentenced today by U.S. District Judge Faith S. Hochberg were among the first in the nation to be prosecuted under the Trafficking Victims Protection Act, enacted in 2000.

"The Department is aggressively seeking to root out and prosecute sex traffickers throughout the United States," said Attorney General John Ashcroft. "We are committed to pursuing traffickers and prosecuting them to the full extent of the law. These perpetrators create a world of fear, intimidation and cruelty that will not go unpunished."

"These young women were kept in a state of vile servitude," said Christie. "The humiliation they endured is beyond our comprehension and the psychological scars they carry are unfathomable. This District is irrevocably committed to pursuing those who traffic in human beings. This U.S. Attorney's Office stands firmly for the protection of human rights."

Antonia Jimenez-Calderon, 40, and Librada Jimenez-Calderon, 43, pleaded guilty to sex trafficking of juveniles by force, fraud or coercion and conspiracy. Judge Hochberg sentenced both to 210 months in prison - the very top of the eligible range of 168 to 210 months, as determined by U.S. Sentencing Guidelines. There is no parole in the federal system, and the defendants can be expected to serve all or nearly all of that time in prison. Judge Hochberg also ordered each of them to pay a $5,000 fine.

At the sentencings, three of the four victims spoke through an interpreter before Judge Hochberg, who characterized the victims' treatment by the defendants as a "caged-animal existence." Rejecting defense arguments for more lenient treatment of the defendants, Judge Hochberg also said the victims were "horribly abused in a depraved and inhumane manner."

(See addendum for excerpts of the victims' statements in court.)

The Jimenez-Calderon sisters are among six defendants to plead guilty in connection with the conspiracy to bring undocumented Mexican girls to the United States. At 2:30 today, Sergio Farfan, 46, a former social worker at the Union County Jail until his arrest for obstructing the investigation, was sentenced later in the day to time served since his arrest - about 16 months. Farfan and the Jimenez-Calderon sisters have been in custody since their arrests in February 2002.

At their plea hearings in January, the Jimenez-Calderon sisters admitted that, once they had control of the girls in the Plainfield brothel, they trained them on how to be prostitutes and on the "rules of the house." The rules included not being allowed to speak to one another, to other prostitutes or to clients and not being allowed to use the telephone or have contact with anyone outside the house, unless supervised by them.

The sisters admitted that they kept the girls in prostitution seven days a week and collected all their earnings. They admitted that they used or threatened physical force on the girls to get them to obey the rules of the house.

According to court documents in the case, the teenage girls were lured from Mexico by two brothers of the Jimenez-Calderon sisters - Delfino Jimenez-Calderon, a/k/a "Armando," and Luis Jimenez-Calderon, a/k/a "Ulises." They too were charged in a superseding Indictment in September 2002 and remain fugitives from justice, possibly in Mexico.

Each of the young girls was approached in Mexico by either Delfino Jimenez-Calderon or Luis Jimenez-Calderon, according to charging documents. These defendants enticed them with gifts, told the girls they loved them and that they wanted to take them to the United States for marriage and a better life. They arrived first in Queens, N.Y. or Union City, N.J. before being taken to Union County.
Once here, however, they were virtually enslaved and forced to perform acts of prostitution at a rate of $35 per "John," often more than six times a day.

The federal sex trafficking probe followed a Feb. 22, 2002, raid by Plainfield, N.J. police at a suspected house of prostitution at 1212 1/2 West Front Street.

Among the prostitutes arrested were the four Mexican juveniles, as well as adult women. All of the adults were released after posting bond on the local charges. The Jimenez-Calderon sisters both were arrested the day of the raid in Plainfield. The juveniles were kept initially in the Union County Juvenile Detention Center. They were subsequently relocated and remain at a facility specializing in treatment of abused juveniles, where they are also going to school and learning English.

Under the Trafficking Victims Protection Act, as victims of a severe form of trafficking, they are allowed to apply for visas to remain in the United States and can have family members apply as well.

Later in the day, Farfan was sentenced to time served since his arrest - about 16 months - for his guilty plea in January to conspiracy to obstruct justice. Farfan admitted at his plea hearing that after the prostitution ring and the underage girls were discovered by authorities in Plainfield, he delivered fraudulent birth certificates to the Union County Juvenile Detention Center, showing that the four underage girls were all 21 years of age or older. Farfan was, at the time, a social worker at the Union County Jail.

The original criminal complaint charging Farfan alleged that he was a patron of the brothel and had paid for the services of two of the young girls. At his guilty plea, Farfan did not, and was not required to, admit engaging in prostitution with the girls.

Three other defendants await sentencing.

This was one of the first cases brought under the sex trafficking provisions of the Trafficking Victims Protection Act. The Act, sponsored by New Jersey Congressman Chris Smith, was passed by Congress to combat forms of coercion, such as psychological manipulation and intimidation, which traffickers use to hold their victims in conditions of servitude. It is the second case nationwide prosecuted under the new provision prohibiting sex trafficking by force, fraud, or coercion. The case was prosecuted jointly by Assistant U.S. Attorney Robert M. Holmsen of the U.S. Attorney’s Office in New Jersey, and Trial Attorneys Hilary Axam and Anne Milgram of the Criminal Section of the Department of Justice’s Civil Rights Division.

Christie credited officers with the Plainfield Police Department, under the direction of Chief Edward Santiago; Special Agents of the Bureau of Immigration and Customs Enforcement, under the direction of Special Agent in Charge John P. Torres; Special Agents of the Department of Labor, Office of the Inspector General, under the direction of Acting Special Agent in Charge James Vanderberg; officers with the Elizabeth Police Department, under the direction of Chief Jack Simon; and detectives with the Union County Prosecutor’s Office, under the direction of Prosecutor Theodore J. Romankow, with bringing the case against the defendants.

Individuals can report other cases of trafficking or slavery to the Trafficking In Persons and Worker Exploitation Task Force complaint line, at 1-888-428-7581. Additional information about the Task Force can be found at:

Excerpts from Victims' Statements

Following are excerpts of statements in court, made through an interpreter, from three of the four victims at the Jimenez-Calderon sentencing. As in court and the charging documents, the victims’ are identified here only by their initials:

M.R.H. - "They treated us very badly. They would fool us and deceive us. If we were to tell the truth, we were going to go to jail for the rest of our lives.... I didn't like it when she would call me stupid, because I'm not stupid, and now they can see I'm not stupid, and I can do a lot of things."

J.M.R. - "I am not very well as a result of what was done to me."

S.A.H. - "It's their fault that I lost my friends, my parents.... My story is very long. It took me about a year to reach my parents.... They (the defendants) don't repent for everything they did to me, for all the damage they did to me. They hit me.... They thought they were bigshots. I tried to defend myself but I couldn't. I tried to escape...."
FOR IMMEDIATE RELEASE
Friday, July 2, 2004

New York pimp convicted of sex trafficking of minors from Maryland and New York for purposes of prostitution and possession of child pornography

Washington, D.C. - United States Attorney Kenneth L. Wainstein announced that Carlos J. Curtis, 27, of Brooklyn, New York, was found guilty today in the United States District Court for the District of Columbia of six charges, including Sex Trafficking of Children (the first such conviction obtained after trial under this new statute), Transportation of Minors for Prostitution, Transportation of a Person for Prostitution, and Possession of Child Pornography. Curtis faces up to life imprisonment when sentenced before the Honorable Gladys Kessler. A sentencing date has not yet been set by the court.

According to the government's evidence, on Tuesday, November 5, 2002, Curtis and an accomplice enticed a 12-year-old runaway child to become a prostitute by offering her food, clothing, and shelter. On November 7, 2002, Curtis and his accomplices transported the 12-year-old and a 26-year-old woman from Queens, New York, and a 17-year-old runaway child from Maryland to the District of Columbia so that the children and woman would engage in prostitution.

On the evening of November 8, 2002, Officer Randy Shedd of the Metropolitan Police Department was patrolling the area of 13th and K Street, N.W., when he stopped the 17-year-old prostitute and saw Curtis whom he believed was the child's pimp drive by in a dark blue Lincoln with New Jersey tags. Officer Shedd broadcast a lookout for the car in which the pimp was riding. A few hours later in the early morning hours of November 9, 2003, members of the D.C. Metropolitan Police Department stopped the blue Lincoln and found a 12-year-old who reported being taken from Brooklyn, New York, and a 26-year-old female. At the time of the stop, a camera and film were seized. A search warrant was obtained and officials discovered that Curtis had taken sexually explicit pictures of the child and the 26-year-old female. Upon finding the child pornography, Special Agent Bridget Thomas of the Federal Bureau of Investigation was assigned to locate the child prostitutes. New York Police Department Vice Unit Detective Carl Martello also assisted in finding the child prostitutes.

In announcing today's verdict, United States Attorney Kenneth Wainstein thanked the Federal Bureau of Investigation, Washington Field Office, Special Agents Bridget C. Thomas, Mark Dinardo, and Alan Navanity; the New York Field Office of the Federal Bureau of Investigation; D.C. Metropolitan Police Department Officer Randy Shedd, Sergeant Michael Whiteside, Detectives Darryn Robinson and Doug Carlson, and Mobile Crime Officer Grant Greenwall; New York Police Department Prostitution Unit Detectives Carl Martello, Richard Soto, and James Held; New Jersey Police Department Sergeants Robert Kaiser and Lynn Morrisey, and Detective Diane Armbuster; and U.S. Marshals Service Agents James Brooks, Matt Burke, and Reggie Bradshaw. Mr. Wainstein also commended staff at the U.S. Attorney's Office including Victim Witness Specialists Veronica Vaughan and Jim Brennan; Witness Security Specialist Katina Adams; Paralegal Specialists Garland Woodruff, Wanda Queen, Latonya Walker, Tanya Via, and Eugene Lee; Lavenia Fletcher, Cheryl Simms, Crystal Coates, Dawn White, Kelley Blakeney for administrative support; U.S. Attorney Special Investigators Tommy Miller and Durand Odom; Assistant U.S. Attorneys Rachel Lieber, Barbara Kittay, Greg Maisel, Jeanne Hauch, Sherri Bethrong, Steve Pelak, and Bill Blier; and Department of Justice Child, Exploitation and Obscenity Section Attorney Sara Gottovi. Mr. Wainstein also commended Assistant U.S. Attorneys Pat Stewart, Jelahn Stewart, and Cynthia G. Wright who prosecuted the case.
D.C. man sentenced to 178 months for running child sex trafficking and internet prostitution business out of Northeast Washington residence; female accomplice sentenced to nine years

WASHINGTON, D.C. - United States Attorney Kenneth L. Wainstein announced that Gary Gates, also known as "Sweat," 42, was sentenced today by the Honorable Ellen S. Huvelle in United States District Court for the District of Columbia to 178 months of incarceration, five years of supervised release, and a $1,000 fine, for the four counts of sex trafficking of children and one count of first degree child sexual abuse to which he pled guilty on June 23, 2004. On April 23, 2004, Gates and female accomplice, Tamisha Heyward, also known as Quilena Taylor, 27, were indicted for running an illegal sex trafficking operation which involved the prostitution of more than thirty women, including girls as young as 14 years old. Gates and Heyward, both formerly of 16th Street, N.E., Washington, D.C., were charged with conspiracy to commit sex trafficking of children and sex trafficking by force, transportation of minors for prostitution, and coercion and enticement of children to engage in prostitution, among other offenses. On May 13, 2004, Tamisha Heyward pleaded guilty to child sex trafficking and possessing a gun. Today, Heyward was sentenced to 108 months of incarceration, to be followed by five years of supervised release, and ordered to pay a fine of $5,000.

At the time he pled guilty, Gates admitted running a prostitution business from March 2001 through December 18, 2003, in interstate sex-trafficking in which he was the pimp who would recruit women to come live with him and Heyward for the purpose of having the women engage in prostitution for the financial benefit of Gates and Heyward. Gates would often travel from Washington, D.C. to Baltimore, Maryland, where he would prey upon girls as young as 14 years old and entice them to come to Washington, D.C. with him to work as prostitutes. Heyward was known as Gates's "bottom bitch," a term of art in the prostitution industry which means the female in the most powerful position. Heyward ran all the day-to-day affairs of the business, including maintaining the prostitutes in the house, training new recruits, making appointments with customers, arranging transportation for prostitutes to get to appointments, making sure the money was remitted to her and Gates, and psychologically exerting control over the prostitutes. Gates concentrated on recruitment, retention and enforcement, primarily using physical force, psychological coercion and sexual abuse to compel women to keep working for himself and Heyward. Gates beat women who disobeyed or disappointed him and engaged in sexual acts with many of the women, including those under 16 years old.

Beginning on or about the summer of 2002, and continuing until December 18, 2003, Gates and Heyward moved much of their business from the streets to the internet, setting up a website called "Redlightspecialinc.com" and later a second website called "pandoraboxinc.com," each of which advertised "escort services" that were in reality commercial sex acts that sent prostitutes to customers located in Washington, D.C., Maryland and Virginia, who called by telephone or sent messages over the internet to make appointments for prostitution services. More than thirty women were employed by Gates and Heyward. During one eight-month period in late 2003, Heyward maintained a merchant account into which over $35,000 in proceeds were deposited. On December 18, 2003, law enforcement officers executed a search warrant at the residence of Gates and Heyward at 1111 16th Street, N.E., Washington, D.C., during which they seized computers, numerous digital cameras, credit card machines, vehicles, receipts, hotel keys, condoms, and a semi-automatic pistol.

In announcing the sentences, United States Attorney Wainstein praised the efforts of Metropolitan Police Department's Major Narcotics Division's Prostitution Enforcement Unit Officers Michael Whiteside, Wayne Gerrish, Thomas Smith, and George Rada; U.S. Attorney's Office's Criminal Investigation Unit Investigators Jeffrey Folts and John Marsh; and Federal Bureau of Investigation Agent Bridgette Thomas. In addition, he thanked the more than thirty law enforcement agencies from Baltimore, Florida, South Carolina, Oklahoma, New Jersey, Canada and many other locations, who contributed to this successful prosecution. United States Attorney Wainstein commended the work of Victim Witness Advocates Veronica Vaughan, Rosie Pettway, Tracey Yeldell, Paralegals Cynthia Muhammad, Krystal Coates and Latasha Sams for their administrative support, and Assistant United States Attorneys Roy L. Austin, Jr. and Jeanne M. Hauch, who prosecuted the case.