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## Dispelling Sex Trafficking Conspiracy Theories: The Truth Behind Who Is Recruited by Traffickers and How

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DISPELLING SEX TRAFFICKING CONSPIRACY THEORIES:  
THE TRUTH BEHIND WHO IS RECRUITED BY  
TRAFFICKERS AND HOW

MIRELLE RAZA\* & KYLEIGH FEEHS\*\*

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#### INTRODUCTION

After a quick trip to the supermarket, a woman exited the store and noticed a stranger placing a cup on the hood of her car.<sup>1</sup> Fearing that she was being targeted for sex trafficking, the woman immediately returned to the store and called the police.<sup>2</sup> Her instinctive reaction stemmed from a swell of clickbait headlines circulating on the internet that warned of strangers abducting women and children from parking lots, grocery stores, and shopping malls in order to kidnap and traffic them for commercial sex.<sup>3</sup> A quick Google search reveals the frequency of these fear-inducing videos and articles, with the following headlines at the top of the list: “Mom Posts Viral Warning After Sex Traffickers Try Kidnapping 2-Yr-Old in Grocery Store”; “[W]oman and her daughter narrowly avoided sex traffickers in the parking lot of a North Carolina Walmart”; “25-year-old woman was drugged and nearly abducted by sex traffickers in the bathroom of a Shelby Township, Michigan Meijer store”; and

1. Haley Westco (@Haleywestco), TIKTOK (Jan. 1, 2021), <https://www.tiktok.com/@haleywestco/video/6923296997017472261>.

2. *Id.*

3. Kelly McLaughlin, *Sex-tracking survivors say QAnon’s anti-tracking crusade is hurting more than it’s helping*, INSIDER (Oct. 5, 2020, 5:54 PM), <https://www.insider.com/qanon-conspiracy-theories-sex-trafficking-survivors-criticize-misinformation-2020-10> [<https://perma.cc/LSF2-7NHL>]; Silke Jasso, *Woman Warns Of Human Trafficking After Terrifying Encounter At Grocery Store*, RARE NEWS (Feb. 8, 2020), <https://rare.us/rare-news/human-trafficking-grocery-store> [<https://perma.cc/Y7XR-9L57>].

“[W]oman reported ‘windshield wiper blades [being] stolen and \$100 bills tied to car handles’ in order to lure women into the clutches of sex traffickers at Coral Ridge Mall in January 2020.”<sup>4</sup>

Although these stories highlight the reality that human trafficking exists in all corners of the world, including the United States, they paint a picture of trafficking that is far from the norm.<sup>5</sup> In fact, many of these stories are fueled by QAnon, an extremist organization that the Federal Bureau of Investigation has recently cited as a “domestic terror threat,” which proclaims that Hollywood and Democratic elites run an international sex ring where they kidnap, molest, and eat children in order to harvest a life-extending chemical from their blood.<sup>6</sup> While most may not buy into this extreme fabrication of trafficking, distilled versions of this narrative have seeped into newsfeeds and conversations across the country.<sup>7</sup> Click-bait stories, as well as Hollywood’s portrayal of trafficking in movies like *Taken*, suggest that traffickers target affluent women and children.<sup>8</sup> In reality, the vast majority of sex trafficking cases do not involve a trafficker abducting a random person off the street, chaining them up in a room, or selling them in foreign auction.<sup>9</sup> Instead, traffickers typically target vulnerable individuals, including individuals that they already know or who they build relationships with, capitalizing on these vulnerabilities to exploit them.<sup>10</sup>

Through an analysis of the 1,954 sex trafficking cases prosecuted federally from 2000 to 2020, this Article aims to provide insight into how sex traffickers commonly operate in the United States.<sup>11</sup>

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4. Anne, *Stop the Spread of Fake News: No One is Sex Trafficking You at Target*, IOWA CITY MOMS (Feb. 8, 2020), <https://iowacity.momcollective.com/2020/02/08/stop-the-spread-of-fake-news-no-one-is-sex-trafficking-you-at-target> [<https://perma.cc/W84U-Q9VR>]; Kelsey Straeter, *Mom Posts Viral Warning After Sex Traffickers Try Kidnapping 2-Yr-Old in Grocery Store*, FAITH IT (Dec. 8, 2017), <https://faithit.com/mom-posts-viral-warning-sex-traffickers-try-abducting-2-year-old-grocery-store> [<https://perma.cc/88LU-YY7R>].

5. *Human Trafficking of Children in the United States*, U.S. DEP’T OF EDUC., <https://www2.ed.gov/about/offices/list/oese/oshs/factsheet.html> [<https://perma.cc/8CZ4-ZE6H>] (last updated Dec. 3, 2013).

6. Kevin Roose, *QAnon Followers Are Hijacking the #SaveTheChildren Movement*, N.Y. TIMES (Aug. 12, 2020), <https://www.nytimes.com/2020/08/12/technology/qanon-save-the-children-trafficking.html> [<https://perma.cc/47V8-YFMZ>]; Todd Ruger, *FBI director describes domestic extremists in homeland threats hearing*, ROLL CALL (Sept. 17, 2020), <https://www.rollcall.com/2020/09/17/fbi-director-describes-domestic-extremists-in-homeland-threats-hearing> [<https://perma.cc/6EYS-V49N>].

7. Roose, *supra* note 6.

8. TAKEN (20th Century Fox 2008).

9. KYLEIGH FEEHS & ALYSSA CURRIER WHEELER, HUM. TRAFFICKING INST., 2020 FEDERAL HUMAN TRAFFICKING REPORT 28 (2021).

10. *Id.* at 45.

11. HUM. TRAFFICKING INST., Analysis of Federal Human Trafficking Cases between 2000 and 2020 (2022) (raw data on file with authors). The Human Trafficking Institute

Part I explains the damaging consequences of misinformation on an effective anti-trafficking response. The Article then details how traffickers within sex trafficking schemes across the country intentionally target individuals with particular vulnerabilities and recruit them for exploitation. Part II outlines the vulnerabilities that sex traffickers commonly target, highlighting that many of the children that traffickers exploit have run away from home, were experiencing homelessness, were part of the foster care system, and/or had a substance dependency. Traffickers also targeted adult victims with similar vulnerabilities, including substance dependencies and those experiencing homelessness.<sup>12</sup> In addition, many adult victims were vulnerable to traffickers due to their lack of legal status in the United States.<sup>13</sup> Part III then analyzes the recruitment tactics of traffickers, emphasizing the ways in which online platforms, pre-existing relationships, and fraudulent job offers are commonly used to recruit and exploit vulnerable victims.

### I. HOW MISINFORMATION HARMS SUCCESSFUL ANTI-TRAFFICKING EFFORTS

Increased awareness and education about human trafficking are essential; however, misinformation about how sex traffickers target and recruit victims not only creates unwarranted fear, but also undermines successful anti-trafficking efforts. First, these conspiracy theories often include a mixture of both truth and falsehood, and parsing out the genuine facts has become a round-the-clock job for

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(HTI) publishes the Federal Human Trafficking Report each year based on an exhaustive review and analysis of human trafficking cases filed in federal court since the enactment of the Trafficking Victim's Protection Act (TVPA) in 2000. The data reveals emerging trends in efforts to hold traffickers accountable in federal court. HTI captures data on cases where at least one defendant has been accused of an offense under Chapter 77 of the U.S. Code, as well as criminal cases charged outside of Chapter 77 where there is substantial evidence of coercion, commercial sex with a child, or an identified victim of trafficking. A full methodology of how HTI identifies, reviews, and analyzes human trafficking case data can be found at the following web address: <https://traffickinginstitute.org/federal-human-trafficking-report>. It is important to note that the data in this Article reflect only federal sex trafficking prosecutions and that percentages related to victim vulnerabilities and recruitment tactics are calculated out of the number of cases or victims where at least one victim vulnerability or method of recruitment is identified in public documents.

12. *What Human Trafficking Is, and Isn't*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/human-trafficking> [https://perma.cc/A35T-GFJJ] (last visited Apr. 13, 2023).

13. *What is Human Trafficking?*, U.S. DEP'T OF JUST., <https://www.justice.gov/humantrafficking/what-is-human-trafficking> [https://perma.cc/5TNE-VLGQ] (last updated Sept. 28, 2022).

law enforcement and anti-trafficking non-profits.<sup>14</sup> Southern Arizona Against Slavery's Vice President stated that debunking myths about human trafficking "consumes time that should be spent on the group's primary education efforts. . . . [and] 'derails the real work that is going on.'"<sup>15</sup> She went on to say that despite this, non-profits "have to do it because we need to make sure we're focusing on factual information rather than scandalous material."<sup>16</sup> In October 2020, more than seventy anti-trafficking organizations signed an open letter stating that "[a]nybody . . . who lends any credibility to QAnon conspiracies related to human trafficking actively harms the fight against (it). . . . (Trafficked youth) are not abducted by strangers or Hollywood elites—they are abandoned by failing and under-resourced systems."<sup>17</sup>

This misinformation has also overwhelmed victim reporting platforms, such as the National Human Trafficking Hotline, which exists to provide resources for survivors of trafficking, but instead has been congested with misinformed members of the community inquiring about conspiracy theories and reports of false information.<sup>18</sup> This increased volume of misleading calls to hotlines and law enforcement agencies takes away from victims who actually need help.<sup>19</sup> The issue of clogged hotlines was so critical during the summer of 2020 that Polaris, a prominent anti-trafficking organization which manages the National Human Trafficking Hotline, published a blog stating that "unsubstantiated claims and accusations about child sex trafficking can spin out of control and mislead well-meaning people into doing more harm than good."<sup>20</sup>

Further, misinformation about the signs of human trafficking may impede the public's ability to identify and report actual trafficking schemes. Viral news stories and conversations that promote unlikely narratives of sex trafficking drown out successful advocacy efforts that educate the public about how to identify actual victims

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14. Roose, *supra* note 6.

15. Jamie Landers & Richard Ruelas, *These Arizona anti-trafficking groups say QAnon misinformation is derailing their efforts*, USA TODAY (Oct. 20, 2020, 2:15 PM), <https://www.usatoday.com/story/news/nation/2020/10/20/qanon-misinformation-derails-arizona-anti-trafficking-organizations/5993150002> [<https://perma.cc/H5RF-Z7WF>].

16. *Id.*

17. Christine Murray, *U.S. lawmakers urged to denounce QAnon child sex trafficking conspiracy*, REUTERS (Oct. 21, 2020, 3:20 PM), <https://www.reuters.com/article/usa-trafficking-qanon/u-s-lawmakers-urged-to-denounce-qanon-child-sex-trafficking-conspiracy-idUKL8N2HC6TI> [<https://perma.cc/LFX7-Q4KY>].

18. Landers & Ruelas, *supra* note 15.

19. *Id.*

20. Roose, *supra* note 6 (quoting the Polaris Project blog).

of trafficking in the United States.<sup>21</sup> Flooding community perceptions of human trafficking with falsehoods results in wasted resources, additional barriers for victims, and a reduced likelihood that victims will be identified and traffickers will be held accountable.<sup>22</sup> Accordingly, a successful anti–sex trafficking response should center on a data-driven analysis of tactics that traffickers commonly use to target and recruit victims.

## II. VULNERABILITIES TARGETED BY SEX TRAFFICKERS

Although “it is important to bear in mind that anyone can potentially become a victim of trafficking, no matter whether well-educated or illiterate, old or young, man or woman, national or foreigner,” data reveals that traffickers target individuals with particular demographics and specific vulnerabilities that the traffickers are able to exploit.<sup>23</sup> The Human Trafficking Institute (HTI), an organization that publishes an exhaustive analysis of federal human trafficking cases each year, reports that there have been 1,954 criminal sex trafficking cases charged in federal court between 2000 and 2020, impacting 4,295 identified victims.<sup>24</sup> Children comprised sixty-one percent of the victims identified in these cases; most of whom were girls.<sup>25</sup> In comparison, thirty-three percent of the victims were adults; most of whom were women.<sup>26</sup> Altogether, ninety-eight percent of the victims identified in federal sex trafficking cases between 2000 and 2020 were female.<sup>27</sup>

It is uncommon for traffickers to kidnap affluent individuals from stable family environments; instead traffickers often target individuals with certain vulnerabilities that allow the trafficker to more easily recruit, control, and exploit the individual for commercial sex.<sup>28</sup> The most common vulnerabilities referenced in federal

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21. *Id.*

22. Murray, *supra* note 17.

23. RAHEL GERSHUNI, KATHARINA PESCHKE & TATIANA BALISOVA, U.N. OFF. ON DRUGS AND CRIME, EVIDENTIAL ISSUES IN TRAFFICKING IN PERSONS CASES 69 (2017), [https://www.unodc.org/documents/human-trafficking/2017/Case\\_Digest\\_Evidential\\_Issues\\_in\\_Trafficking.pdf](https://www.unodc.org/documents/human-trafficking/2017/Case_Digest_Evidential_Issues_in_Trafficking.pdf) [<https://perma.cc/SXU2-JEUV>].

24. HUM. TRAFFICKING INST., *supra* note 11. In the context of HTI data points, “identified” means a particular victim was named (usually by initials or pseudonym) in a trafficking count of one of these cases. Many other victims were likely impacted by these crimes.

25. *Id.*

26. *Id.*

27. *Id.*; the 98% figure represents all victims whose gender was known, as in some cases the gender of the victim was not identified in public documents.

28. *Id.* at 43; KEVIN BALES & STEVEN LIZE, UNIV. OF MISS. CROFT INST. FOR INT’L

human trafficking cases included victims who lacked access to survival needs such as food, shelter, and in the case of many children, a parental figure.<sup>29</sup> Beyond these basic needs, victims are often susceptible to trafficking because of substance use disorders, irregular immigration status, or economic hardship.<sup>30</sup> These vulnerabilities are highlighted below, first focusing on children and then adults.

### *A. Most Common Vulnerabilities for Child Victims*

When looking at child victims (those under the age of eighteen) exploited for commercial sex, the most common vulnerabilities identified by the data include children who had run away from home, experienced homelessness, were in a foster care or group home, and/or who suffered from substance dependencies.<sup>31</sup> In many cases these vulnerabilities overlap, putting the child at greater risk of exploitation.<sup>32</sup>

#### *1. Children Who Have Run Away from Home and Experienced Homelessness*

Sex traffickers frequently target children who have run away from home or who are experiencing homelessness.<sup>33</sup> Of the child victims identified in federal sex trafficking cases charged between 2016 to 2020, sixty-two percent had run away from home at the time that they were recruited by the trafficker and ten percent were experiencing homelessness.<sup>34</sup> The National Center for Missing and Exploited Children (NCMEC) stated that of the 30,000 cases of missing children reported in 2020, ninety-one percent of children were runaways.<sup>35</sup> Studies also show that the longer a child experiences homeless, the more likely they are to be trafficked.<sup>36</sup>

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STUD., TRAFFICKING IN PERSONS IN THE UNITED STATES 20 (2005), <https://www.ojp.gov/pdffiles1/nij/grants/211980.pdf> [<https://perma.cc/AU79-FJEY>].

29. Juliana Spano, *Prevention Not Punishment: Child Victims of Sex Trafficking Must Be Treated Not Detained*, 48 HOFSTRA L. REV. 253, 269 (2019).

30. HUM. TRAFFICKING INST., *supra* note 11.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. Amy Fallah, *Children Who Run Away Are Missing Kids Too*, NAT'L CTR. FOR MISSING AND EXPLOITED CHILD. (Nov. 4, 2021), <https://www.missingkids.org/blog/2021/children-who-run-away-are-missing-kids-too> [<https://perma.cc/93EN-WMBH>].

36. Shannon Lacey, *Missing Child or Runaway: The Life Altering Label and How to Eliminate the Stigma Surrounding It*, 20 RUTGERS RACE & L. REV. 147, 156 (2019).



Children who lack basic day-to-day needs, such as food, shelter, safety, and clothing, are more susceptible to a trafficker's promises to care for them.<sup>37</sup> For example, in *United States v. Valdez et al.*, a sex trafficking case in the Southern District of New York in 2019, a sixteen-year-old was reported missing to the police after she ran away from home.<sup>38</sup> The same day that she ran away she met two traffickers who offered her a place to stay and promised her the opportunity to support herself financially if she engaged in commercial sex.<sup>39</sup> The traffickers posted advertisements online promoting sex with the child victim and then coerced her to engage in sex acts with customers for over five weeks.<sup>40</sup> The traffickers provided her simple necessities like food and shelter, but kept all of the money that she earned.<sup>41</sup>

In addition to lacking basic survival needs, many children who have run away from home or experienced homelessness are also in need of emotional support, protection, and love.<sup>42</sup> In many cases, children have left their homes due to physical, sexual, or emotional abuse, economic hardship, familial disputes, or other harmful circumstances.<sup>43</sup> As a result, many children seek the emotional security and care they lacked at home. Traffickers prey on this desire to manipulate, recruit, and control victims.<sup>44</sup> In a 2014 study, twenty-two out of thirty-two girls stated that they were manipulated into "believing the lie of a false boyfriend, false father figure, false family that mirrored their own desire for this basic human need of fulfillment."<sup>45</sup> Escaping from horrors at home, children run into the arms of traffickers who are "perceived as protectors because, in some situations, they 'save' victims from past abuse."<sup>46</sup> There is no question that an unstable home environment leaves children more susceptible to the coercion and manipulation of traffickers.<sup>47</sup>

Once a child has run away from home and/or is experiencing homelessness, they become incredibly dependent on the person who

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37. Spano, *supra* note 29, at 269.

38. Complaint at 2, *United States v. Valdez et al.*, No. 1:19-cr-00883 (S.D.N.Y. Nov. 9, 2019).

39. *Id.*

40. *Id.* at 3.

41. *Id.*

42. Spano, *supra* note 29, at 270.

43. *Id.* at 268.

44. *Id.* at 271.

45. Katarina Rosenblatt, *Determining the Vulnerability Factors, Lures and Recruitment Methods Used to Entrap American Children Into Sex Trafficking*, 2 SOCIO. AND CRIMINOLOGY—OPEN ACCESS 1, 6 (2014).

46. Spano, *supra* note 29, at 270.

47. *Id.* at 269.

provides their basic survival needs and protection.<sup>48</sup> One survivor stated, “I was a run away[.] [H]e gave me money and a place to stay[,] then forced me into the life.”<sup>49</sup> In *United States v. Horne*, a 2018 sex trafficking case in the Eastern District of Pennsylvania, a trafficker exploited three teenage girls ages thirteen to sixteen, each of whom had substance dependencies and were experiencing homelessness when they met the trafficker.<sup>50</sup> The trafficker provided the children with a place to live in the apartments in which he trafficked them.<sup>51</sup> In exchange for providing them with housing, the children paid the trafficker profits from their exploitation.<sup>52</sup> Leaving the trafficker meant losing a place to live, thus tethering the children to the trafficker’s continued exploitation.<sup>53</sup> The trafficker ensured that the children were dependent on him by targeting those experiencing homelessness. Providing them with a place to live guaranteed the children would continue to comply with demands in order to keep a roof over their heads.

In *United States v. Christopher Hamlett*, a seventeen-year-old Connecticut teenager ran away from a placement center and was walking down the street when a trafficker drove up next to her and began speaking about the money she could make if she worked for him.<sup>54</sup> He offered her a ride and explained the commercial sex trade, stating that she could keep forty percent of her earnings.<sup>55</sup> Just a few days later he was setting up dates with sex-buyers, and while he initially gave her a percentage of the money she earned, he quickly changed course and kept all the earnings for himself.<sup>56</sup>

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48. *Id.*

49. VANESSA BOUCHE, THORN, SURVIVOR INSIGHTS: THE ROLE OF TECHNOLOGY IN DOMESTIC MINOR SEX TRAFFICKING 25 (2018); *Trafficking Terms*, SHARED HOPE INT’L, <https://sharedhope.org/the-problem/trafficking-terms/#:~:text=Stable%20%E2%80%94%20A%20group%20of%20victims,hierarchy%20of%20authority%2C%20and%20language.&text=A%20pimp%20may%20trade%20one,with%20some%20exchange%20of%20money> [https://perma.cc/CNJ3-VMGR] (last visited Apr. 13, 2023). “The game” or “the life” are defined as

[t]he subculture of prostitution, complete with rules, a hierarchy of authority, and language. Referring to the act of pimping as ‘the game’ gives the illusion that it can be a fun and easy way to make money, when the reality is much harsher. Women and girls will say they’ve been ‘in the life’ if they’ve been involved in prostitution for a while.

*Id.*

50. Government Sentencing Memorandum at 6, *United States v. Horne*, No. 2:18-cr-00392 (E.D. Pa. Aug. 5, 2020).

51. *Id.*

52. *Id.*

53. *Id.*

54. Complaint at 7, *United States v. Hamlett*, No. 3:18-cr-00024 (D. Conn. Feb. 7, 2018).

55. *Id.*

56. *Id.* at 8; see Complaint at 3, *United States v. Moore*, No. 2:19-cr-00225 (E.D. Wis.

Traffickers often recognize and exploit the unique vulnerabilities of children who have run away from home or are experiencing homelessness.<sup>57</sup> Traffickers offer to meet the child's basic survival needs, provide protection or security, and sometimes engage in romantic or emotional relationships in exchange for the child's engagement in commercial sex.<sup>58</sup>

## 2. Children Placed in Foster Care and Group Homes

Traffickers also target children in the foster care system, which is sometimes dubbed a "pipeline to prostitution."<sup>59</sup> NCMEC reported that "1 in 6 of the more than 25,000 cases of children reported missing to NCMEC in 2022 who had run away were likely victims of child sex trafficking."<sup>60</sup> When looking at child sex trafficking cases charged federally between 2016 and 2020, foster care was the second most commonly referenced vulnerability for child victims.<sup>61</sup> In fact, twenty-seven percent of children exploited for commercial sex were in foster care when recruited by their trafficker.<sup>62</sup> Around twenty-five percent of all children in foster care are over the age of thirteen, creating a perfect storm of adolescents reaching an age where they are seeking independence, romantic relationships, and financial stability: tools traffickers use to recruit them.<sup>63</sup> Additionally, some

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Aug. 31, 2018) (trafficker drove up next to a teenage girl and offered to buy her a plane ticket to California and take care of her; a few days later she ran away with him and he began trafficking her); *see also* Government Sentencing Memorandum at 6, *United States v. Horne*, No. 2:18-cr-00392 (E.D. Pa. Aug. 5, 2020) (trafficker located three homeless teenage girls, gave them a place to live and began trafficking them; one child was 13 years old); Plea Agreement at 10, *United States v. Brown*, No. 1:18-cr-00351 (D. Md. Aug. 14, 2019) (two traffickers contacted a 16-year-old runaway as she was walking down the street and immediately began trafficking her); Prosecution Version Statement of Facts at 1, *United States v. Suero et al.*, No. 2:18-cr-00103 (D. Me. Jan. 11, 2019) (trafficker contacted victim online, convincing her to run away and engage in commercial sex).

57. POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES: A ROADMAP FOR SYSTEMS AND INDUSTRIES TO PREVENT AND DISRUPT HUMAN TRAFFICKING 147 (July 1, 2018), <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf> [<https://perma.cc/W7T6-9GBX>].

58. *Love and Trafficking: How Traffickers Groom & Control Their Victims*, POLARIS PROJECT (Feb. 11, 2021), <https://polarisproject.org/blog/2021/02/love-and-trafficking-how-traffickers-groom-control-their-victims> [<https://perma.cc/85ZD-D453>].

59. Emily Selig, *Statistically Speaking: The Overrepresentation of Foster Youth in Sex Trafficking*, 38 CHILD. LEGAL RTS. J. 84 (2018).

60. *Child Sex Trafficking*, NAT'L CTR. FOR MISSING AND EXPLOITED CHILD., <https://www.missingkids.org/theissues/trafficking> [<https://perma.cc/2DAE-D9CL>] (last visited Apr. 13, 2023).

61. HUM. TRAFFICKING INST., *supra* note 11.

62. *Id.*

63. Selig, *supra* note 59.

children in the foster care system are “already familiar with the feeling of being financially used by a foster parent, [and] the foster child finds it all too easy to develop a relationship based on a similar dynamic with a trafficker.”<sup>64</sup> Further, children in the foster care system often move from family to family and “[c]onnecting with a pimp can . . . be alluring to minors who are seeking a consistent relationship.”<sup>65</sup> In fact, some “children describe their relationship with the trafficker as someone who cares for them like no one else ever has before.”<sup>66</sup>

Traffickers also target youth in foster care and group homes because the nature of these systems make it easy to manipulate a single victim into creating a revolving door of additional child victims.<sup>67</sup> Since these facilities and homes often house numerous children, it creates an environment where young people who have already had exposure to the commercial sex industry may encourage their peers to join them.<sup>68</sup> The comfort and trust that children place in one another create a dangerous pipeline for children to meet in foster care, run away together, and engage in survival sex.<sup>69</sup> For example, in *United States v. Barton*, a federal sex trafficking case in the District of Columbia in 2019, five teenage girls ran away from a residential placement facility after one of the teenagers suggested that they could make money engaging in commercial sex.<sup>70</sup> Within days of leaving the residential placement facility, two of the children met a trafficker on the street who offered protection and insight into “making money” through commercial sex.<sup>71</sup> Multiple traffickers then exploited the teenagers by forcing them to sign loyalty contracts, posting online advertisements for sex, and then transporting the children to various apartments and hotel rooms, where they coerced them into participating in “dates” with sex-buyers.<sup>72</sup>

Traffickers are economically motivated and recruit victims who they believe can garner the most profit.<sup>73</sup> This includes exploiting victims who can recruit other victims or provide the trafficker with access to additional individuals that the trafficker can exploit for commercial sex.<sup>74</sup> By recruiting one child in foster care, traffickers

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64. *Id.* at 84–85.

65. *Id.*

66. *Id.*

67. *Id.* at 38.

68. *Id.* at 84–85.

69. Selig, *supra* note 59.

70. Complaint at 8, *United States v. Barton*, No. 1:19-cr-00385 (D.D.C. July 26, 2019).

71. *Id.*

72. *Id.* at 9.

73. POLARIS, *supra* note 57, at 4.

74. *National Prevention Toolkit on Officer-Involved Domestic Violence and Human*

may gain access to any group home or foster care program that the child enters, and this recruitment may occur over a prolonged period of time, thus giving the trafficker a steady stream of victims to recruit and exploit.<sup>75</sup> For example, *United States v. Muzzall et al.*, a sex trafficking case charged in Indiana in 2020, involved two children who met at a juvenile placement facility in Indiana and became friends.<sup>76</sup> One year after meeting, one of the girls ran away from her foster care placement to stay with the friend she had met earlier, who now lived with a trafficker.<sup>77</sup> The trafficker soon exploited both children, posting sexually explicit photos and advertisements on commercial sex websites, and offering sex-buyers a “two-girl special.”<sup>78</sup> This case illustrates how recruiting one child in the foster care system often gives a trafficker access to other children with similar vulnerabilities.<sup>79</sup>

Children in foster care suffer compound vulnerabilities, as they are displaced, in an unfamiliar environment, and forced to navigate an overwhelmed system that is under-resourced.<sup>80</sup> It is no surprise that many of these children are desperate for companionship, love, stability, and basic needs, making them particularly vulnerable to a trafficker’s recruitment tactics.

### 3. Children with Substance Use Disorders

Traffickers commonly target children with substance dependencies.<sup>81</sup> By offering drugs and alcohol as a means of recruitment, a trafficker can control the child’s access to these substances to compel them to provide commercial sex.<sup>82</sup> From 2016 to 2020, federal sex trafficking case data shows that seventeen percent of child victims

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*Trafficking*, FLA. STATE UNIV., <https://nationaltoolkit.csw.fsu.edu/leo/part-2/sex-trafficking> [<https://perma.cc/7TV4-ZJFN>] (last visited Apr. 13, 2023).

75. Selig, *supra* note 59, at 84–85.

76. Plea Agreement at 11, *United States v. Muzzall et al.*, No. 1:20-cr-0041 (S.D. Ind. May 21, 2020).

77. *Id.*

78. Plea Agreement at 13, *United States v. Muzzall et al.*; *see also* Sentencing Memo, *United States v. Clark*, No. 3:18-cr-00139 (W.D. Ky. Aug. 2, 2019) (three teenage girls ran away from a group home together and joined a trafficker who provided housing and drugs, while forcing them into commercial sex and starving them).

79. Alice Bohn, *Church & State: Working Together To Disrupt The Foster Care To Human Trafficking Pipeline*, CTR. FOR PUB. JUST. (Dec. 22, 2022), <https://cpjustice.org/church-and-state-working-together-to-disrupt-the-foster-care-to-human-trafficking-pipeline> [<https://perma.cc/DYT7-UNM6>].

80. *Id.*

81. *Vulnerabilities & Recruitment*, POLARIS, <https://polarisproject.org/vulnerabilities-and-recruitment> [<https://perma.cc/UP63-MHCC>] (last visited Apr. 13, 2023).

82. HUM. TRAFFICKING INST., *supra* note 11.

faced existing substance use disorders when they were recruited into trafficking, making it the third highest vulnerability for children who are exploited for commercial sex.<sup>83</sup>

Similar to the reasons for targeting children who are experiencing homelessness or living in a foster care home, traffickers also recruit children with substance dependencies because controlling a child's access to substances creates a dependency on the trafficker.<sup>84</sup> In *United States v. Cory Smith*, a case charged in Missouri in 2019, a teenager ran away from her drug treatment facility after a trafficker contacted her and promised her unlimited access to drugs.<sup>85</sup> In addition to staying true to his promise to provide her with illegal substances, he also took her partying and shopping.<sup>86</sup> However, he eventually began trafficking her, taking all of the money that she earned, and restricting her access to food and drugs as a method of control.<sup>87</sup>

This case is not unique. Another case, *United States v. Horne*, filed in 2018 in Pennsylvania, involved a trafficker who targeted teenagers with substance use disorders who were experiencing homelessness, including a thirteen-year-old victim.<sup>88</sup> All three victims testified that they were suffering from some sort of substance use when the trafficker offered them housing in “‘trap’ apartments.”<sup>89</sup> He simultaneously used these apartments to exploit and traffic the teenagers.<sup>90</sup>

It is not uncommon for children to be curious about drugs and alcohol or to have already developed substance use disorders before reaching adulthood.<sup>91</sup> Traffickers aim to find victims who are especially vulnerable to manipulation and who will be dependent on them. Dependency is one of the keys to keeping a victim in the cycle of exploitation.<sup>92</sup> Further, not only does a substance use disorder serve as an invisible tether to the trafficker's provision (or withholding) of drugs or alcohol, but often, the substance use impairs the victim's memory, making it even less likely that the trafficker will face repercussions.<sup>93</sup>

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83. *Id.*

84. POLARIS, *supra* note 81.

85. Complaint at 4, *United States v. Smith*, No. 4:19-cr-00035 (W.D. Mo. Jan. 10, 2019).

86. *Id.*

87. *Id.*

88. Government Sentencing Memorandum at 6, *United States v. Horne*, No. 2:18-cr-00392 (E.D. Pa. Aug. 5, 2020).

89. *Id.*

90. *Id.*

91. *Addiction Statistics & Resources*, VOICES FOR CHILD., <https://www.speakupnow.org/addiction-statistics-resources> [<https://perma.cc/JK7Q-SUKS>] (last visited Apr. 13, 2023).

92. POLARIS, *supra* note 57, at 120.

93. *Id.* at 121.

### *B. Most Common Vulnerabilities for Adult Victims*

When targeting adult victims, sex traffickers often seek to exploit many of the same vulnerabilities as child victims, including individuals with substance use disorders and those experiencing homelessness.<sup>94</sup> In addition, traffickers also commonly target adults who were living in the United States with irregular immigration status.<sup>95</sup> Out of all adult victims whose age was identified in federal sex trafficking cases between 2000 to 2020, only ten percent were above the age of twenty-nine years old, while fifty percent were between the ages of eighteen to twenty years old.<sup>96</sup> This highlights that despite the victims being legal adults (over the age of eighteen), many adult sex trafficking victims still fall within the umbrella of Transitional Age Youth (TAY), which includes young persons up to the age of twenty-four.<sup>97</sup> The challenges that adulthood brings often exacerbate the vulnerabilities that victims already faced as a child.

#### *1. Substance Use Disorders*

Although traffickers target both children and adults with substance dependencies, the numbers skyrocket when considering victims over the age of eighteen.<sup>98</sup> Sixty-four percent of adult sex trafficking victims in federal sex trafficking prosecutions charged between 2016 and 2020 had substance use disorders at the time they were recruited by their trafficker.<sup>99</sup> The number of trafficking victims with substance dependencies is only growing.<sup>100</sup> In the past five years, there has been an increase in the number of cases in which this vulnerability has been identified.<sup>101</sup> With 2019 showing the highest numbers to date, seventy-four percent of adult sex trafficking victims suffered from drug or substance dependencies, in comparison to forty-five percent in 2014.<sup>102</sup>

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94. HUM. TRAFFICKING INST., *supra* note 11.

95. *Id.*

96. *Id.*

97. *Id.*

98. *How Drugs and Human Trafficking Can Go Hand in Hand*, PAC. SOLSTICE, <https://www.pacificsolstice.com/blog/how-drugs-and-sex-trafficking-can-go-hand-in-hand> [<https://perma.cc/T9EY-5M2F>] (last visited Apr. 13, 2023).

99. HUM. TRAFFICKING INST., *supra* note 11.

100. *Human Trafficking Awareness Month: Human Trafficking and Addiction*, COMPREHENSIVE WELLNESS CTRS., <https://www.cwcrecovery.com/blog/human-trafficking-awareness-month-human-trafficking-and-addiction> [<https://perma.cc/F5ZH-S2S8>] (last visited Apr. 13, 2023).

101. HUM. TRAFFICKING INST., *supra* note 11.

102. *Id.*

Traffickers identify adults who struggle with substance abuse and then use the same substances as a tool to bait victims into a relationship or job.<sup>103</sup> Further, by controlling victims' access to drugs and alcohol, the trafficker creates an invisible tether, ensuring that victims must rely on the trafficker for continued access to drugs or alcohol or experience the debilitating effects of withdrawal.<sup>104</sup> For example, in a 2019 case in New Jersey, *United States v. Noriega et al.*, the trafficker identified, recruited and enticed young women with substance use dependency to stay at his residence, promising that he would provide them with a drug supply and a place to live.<sup>105</sup> Over time, he aggravated their drug addiction by forcing the victims to use more addictive drugs at higher doses.<sup>106</sup> To receive more drugs, the women had to engage in commercial sex.<sup>107</sup> Victims would continue to work for the trafficker in order to support their substance dependencies and avoid severe withdrawal symptoms.<sup>108</sup> This is one example out of many cases where traffickers exploit victims' substance dependencies to both recruit and maintain control over their victims.<sup>109</sup>

Exploitation of substance dependencies is one of the clearest examples of how traffickers seek to exploit a victim's vulnerability for their profit. Traffickers feed addiction and threaten victims with the physical and mental suffering that comes from withdrawal to guarantee that they are too fearful, fragile, foggy, and dependent to leave their traffickers.<sup>110</sup> Victims exposed to this cycle of abuse are

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103. POLARIS, *supra* note 57, at 120.

104. *Id.*

105. Indictment at 3, *United States v. Noriega et al.*, No. 2:19-cr-00939 (D.N.J. Dec. 12, 2019).

106. *Id.*

107. *Id.*

108. *Id.* at 5.

109. See Press Release, U.S. ATT'Y'S OFF. FOR THE S. DIST. OF N.Y., U.S. Attorney Announces Charges Against 11 Defendants For Sex Trafficking And Related Offenses (Feb. 27, 2019), <https://www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-11-defendants-sex-trafficking-and-related> [<https://perma.cc/6LXM-E5B8>] (fifteen traffickers ran a sex trafficking ring that targeted victims who were addicted to drugs and withheld narcotics until women performed sex acts); see also Press Release, U.S. ATT'Y'S OFF. FOR THE DIST. OF MD., Illegal Alien Facing Federal Indictment for Sex Trafficking of a Minor and Related Charges (July 26, 2019), <https://www.justice.gov/usao-md/pr/illegal-alien-facing-federal-indictment-sex-trafficking-minor-and-related-charges> [<https://perma.cc/84JZ-P7EA>] (trafficker targeted recruitment of narcotic addicts and encouraged the victims to recruit other addicts); Press Release, U.S. ATT'Y'S OFF. FOR THE DIST. OF MD., Delaware Man Sentenced to 25 Years in Federal Prison for Sex Trafficking a 15-Year-Old Girl (May 31, 2019), <https://www.justice.gov/usao-md/pr/delaware-man-sentenced-25-years-federal-prison-sex-trafficking-15-year-old-girl> [<https://perma.cc/5MP7-23WH>] (trafficker provided adult and minor victims with crack cocaine, forcing them into debt that they had to pay off through commercial sex).

110. POLARIS PROJECT, *supra* note 58.



often unable to recall the circumstances of their exploitation with clarity making it even more unlikely that these cases are prosecuted and allowing traffickers to exploit this vulnerability with impunity.<sup>111</sup>

## 2. *No Legal Status*

According to the data, the second most common vulnerability that traffickers target when recruiting adult victims is a lack of legal status in the United States.<sup>112</sup> Of the sex trafficking prosecutions charged between 2016 and 2020, twenty-one percent of adult victims reported undocumented status.<sup>113</sup> In addition, of all criminal sex trafficking cases between 2016 and 2020 that identified adult foreign national victims, forty-four percent included threats of deportation and forty-two percent included immigration documents being withheld as methods of coercion.<sup>114</sup> Many victims in this position do not speak English fluently and are further isolated because of the language barrier, unable to ask for help, and completely reliant on their trafficker for survival.<sup>115</sup> In fact, thirty-six percent of adult foreign national victims in sex trafficking prosecutions charged between 2016 and 2020 had a limited ability to speak or understand English.<sup>116</sup> In 2018 alone, there were twelve victims with a limited ability to speak or understand English.<sup>117</sup> The data shows that victims without legal status are some of the most vulnerable to exploitation for commercial sex.<sup>118</sup> Sex trafficking cases between 2016 and 2020 revealed that foreign national victims were nearly twice as likely as U.S. citizen and Lawful Permanent Resident (LPR) victims to have more than one vulnerability, in addition to lacking legal status.<sup>119</sup>

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111. *Understanding Human Trafficking*, POLARIS PROJECT, <https://polarisproject.org/understanding-human-trafficking> [<https://perma.cc/5T2A-M9MQ>] (last visited Apr. 13, 2023).

112. *Victims of Human Trafficking and Other Crimes*, U.S. CITIZENSHIP AND IMMIGR. SERVS., <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes> [<https://perma.cc/D9WN-QW7E>] (last visited Apr. 13, 2023).

113. HUM. TRAFFICKING INST., *supra* note 11.

114. *Id.*

115. Associated Press, *N.H. couple detained for northern New England sex-trafficking operation*, BOSTON.COM (Jan. 23, 2019), <https://www.boston.com/news/local-news/2019/01/23/couple-detained-sex-trafficking> [<https://perma.cc/FAK8-QEX3>].

116. HUM. TRAFFICKING INST., *supra* note 11.

117. *Id.*

118. *What is Human Trafficking?*, U.S. DEP'T OF JUST., <https://www.justice.gov/humantrafficking/what-is-human-trafficking> [<https://perma.cc/AZX5-8L5A>] (last visited Apr. 13, 2023).

119. HUM. TRAFFICKING INST., *supra* note 11.

Some traffickers target undocumented foreign national victims living in the United States who, due to their lack of legal status, face challenges in finding employment, securing housing, and gaining access to other basic necessities.<sup>120</sup> Similar to the vulnerabilities described in the *Runaways and Children Experiencing Homelessness* section of this Article, the lack of access to basic needs makes undocumented adults especially at risk for exploitation.<sup>121</sup> For example, in *United States v. Bonilla-Hernandez*, a case charged in Virginia in 2018, traffickers targeted Latina women who were living in the United States with irregular immigration status, spoke little to no English, and were struggling to find employment.<sup>122</sup> The traffickers targeted women from across the East Coast, including New York and Pennsylvania, and would “ship” the women via train to Union Station in Washington, D.C., to be exploited for commercial sex in Northern Virginia.<sup>123</sup> Out of fear of being deported, and desperately in need of cash, the women worked to increase the traffickers’ profits in the hope that they would receive some small compensation at the end of each week.<sup>124</sup> Traffickers recognize the immense pressure undocumented persons in the United States face and take advantage of it.<sup>125</sup>

Traffickers also target foreign national victims who are seeking to come to the United States and often use the fees associated with smuggling or visa applications to trap victims in debt, forcing the victims to engage in commercial sex to pay it off.<sup>126</sup> In some cases, the trafficker promises the victim a fraudulent job in the United States and, upon arrival, the victim is instead forced into sex work.<sup>127</sup> In fact, eighty-seven percent of adult victims in federal sex trafficking prosecutions charged between 2016 to 2020 reported being offered

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120. BALES & LIZE, *supra* note 28, at 22.

121. *See id.*

122. Press Release, U.S. ATT’Y’S OFF. FOR THE E. DIST. OF VA., *Illegal Alien Sentenced for Sexually Exploiting Women in Northern Virginia* (Apr. 12, 2019), <https://www.justice.gov/usao-edva/pr/illegal-alien-sentenced-sexually-exploiting-women-northern-virginia> [<https://perma.cc/2UBN-W8UF>].

123. *Id.*

124. *Id.*

125. DORIS BUDDENBERG, U.N. OFF. ON DRUGS AND CRIME, *AN INTRODUCTION TO HUMAN TRAFFICKING: VULNERABILITY, IMPACT AND ACTION* 75 (2008), [https://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf) [<https://perma.cc/BM5Q-LTJ8>].

126. *Id.*

127. BUDDENBERG, *supra* note 125, at 91; *see Human Trafficking: Modern Enslavement of Immigrant Women in the United States*, AM. CIV. LIBERTIES UNION, <https://www.aclu.org/other/human-trafficking-modern-enslavement-immigrant-women-united-states> [<https://perma.cc/K2CZ-NJN9>] (last visited Apr. 13, 2023).

a fraudulent job offer as a method of recruitment.<sup>128</sup> Other victims paid for help getting across the border, with the understanding that once they arrived in the United States they would be free.<sup>129</sup> Instead, once they enter the United States, they are told there is an additional debt to pay and are forced to provide commercial sex to pay off the always accumulating debt.<sup>130</sup> For example, in *United States v. Montes et al.*, a sex trafficking case charged in Texas in 2017, involved dozens of members and associates of the Southwest Cholos street gang in Houston who were charged with smuggling and trafficking foreign national women from Mexico and Central America.<sup>131</sup> The traffickers recruited the foreign national women by offering to smuggle them into the United States and promising an opportunity to work in a restaurant to pay off their smuggling debt.<sup>132</sup> After arriving in Texas, however, the victims were instead forced to provide commercial sex at several brothels controlled by the gang and run out of several apartments throughout Houston.<sup>133</sup> The women, now in the country without legal immigration status and indebted to the traffickers for their smuggling fees, remained tethered to the traffickers and unable to leave.<sup>134</sup> In addition to threats and acts of violence against the victims, the traffickers, who had knowledge of where the victims lived in their home countries, threatened victims' families if they refused to provide commercial sex.<sup>135</sup>

Regardless of the scheme used to recruit victims, irregular immigration status makes a foreign national extremely vulnerable, and traffickers know this when they offer undocumented individuals an opportunity to work in the United States.<sup>136</sup> Transporting a victim to the United States or identifying immigrants who are desperate for work, is just the first step. Traffickers confiscate immigration documentation, threaten to call the police, and utilize many other scare tactics to isolate the victims and maintain control.<sup>137</sup> For example, of all adult foreign national sex trafficking victims identified in sex

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128. HUM. TRAFFICKING INST., *supra* note 11.

129. Press Release, U.S. ATT'Y'S OFF. FOR THE S. DIST. OF TEX., 22 Alleged Gang Members Indicted for Multiple Violent Crimes (Nov. 8, 2017), <https://www.justice.gov/usao-sdtx/pr/22-alleged-gang-members-indicted-multiple-violent-crimes> [<https://perma.cc/Z8RV-ZN4G>].

130. *Id.*

131. U.S. ATT'Y'S OFF. FOR THE S. DIST. OF TEX., *supra* note 129; Indictment, *United States v. Montes et al.*, No. 4:17-cr-00651 (S.D. Tex. Oct. 28, 2020).

132. Indictment, *United States v. Montes et al.*, No. 4:17-cr-00651 (S.D. Tex. Oct. 28, 2020).

133. *Id.*

134. *Id.*

135. *Id.*

136. POLARIS, *supra* note 57, at 72.

137. HUM. TRAFFICKING INST., *supra* note 11.

trafficking cases charged from 2016 to 2020, eighty percent were found to have had their pay withheld, seventy-five percent were found to have threats made against their children or family members, sixty-eight percent were found to have had threats of physical violence made against themselves, and fifty-one percent were found to have been physically isolated by the trafficker as a method of coercion.<sup>138</sup> Undocumented adults may face the additional challenge of not only needing to provide for themselves, but also supporting a family—either in the United States or in their home country.<sup>139</sup> Without a support system, legal paperwork, or knowledge of the English language, many victims feel they have no other choice but to perform the tasks demanded by the trafficker.<sup>140</sup>

### 3. *Homelessness*

Homelessness makes adult victims especially susceptible to sex trafficking, as a lack of shelter and stability leaves victims and their families more vulnerable to exploitation.<sup>141</sup> The severity of homelessness among adult trafficking victims is clear, as eleven percent of adult victims in federal sex trafficking cases from 2016 to 2020 were identified as homeless.<sup>142</sup> It should be noted that eighty-four percent of these victims also struggled with a drug or substance use disorder, highlighting that in addition to grappling with housing insecurity, these victims are navigating layered vulnerabilities.<sup>143</sup>

Just as with child victims, adult victims of trafficking are often coerced into engaging in commercial sex by traffickers who exploit their basic needs such as shelter, food, protection, or transportation.<sup>144</sup> In addition to the challenges that children experiencing homelessness face, adult victims may experience increased pressure due to limited services available for adult trafficking victims, especially if the victim has children to provide for as well.<sup>145</sup> Thus, when a victim of trafficking does escape their trafficker or makes the decision to leave, they are left with few options for alternative housing.<sup>146</sup> Human trafficking shelters and the beds available for victims are

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138. *Id.*

139. BALES & LIZE, *supra* note 28, at 114.

140. POLARIS, *supra* note 57, at 73.

141. *Id.* at 145.

142. HUM. TRAFFICKING INST., *supra* note 11.

143. *Id.*

144. *Id.*

145. POLARIS PROJECT, SHELTER BEDS FOR HUMAN TRAFFICKING SURVIVORS IN THE UNITED STATES 5, <https://www.ccasa.org/wp-content/uploads/2014/01/Shelter-Beds-For-Human-Trafficking-Survivors.pdf> [<https://perma.cc/69XW-A7S6>] (last visited Apr. 13, 2023).

146. *Id.*

limited in every city, and even more scarce in rural areas.<sup>147</sup> The number of available shelter beds solely for human trafficking victims across the country is sparse, with many shelters disqualifying certain victims based on age, gender, legal status, or previous criminal history.<sup>148</sup> For example, some domestic violence shelters will not take in trafficking victims because they want to reserve the space for victims of domestic violence or do not have services specifically designed for trafficking victims' specialized needs.<sup>149</sup> Even if a victim can enter a shelter, the majority of programs limit the amount of time a victim can stay, thus only providing housing for a short period before rendering the victim homeless once again.<sup>150</sup>

Traffickers recognize the desperation victims face when experiencing homelessness and use these opportunities to exploit their vulnerability, often working strategically to recruit victims who have recently left shelters, rehabilitation programs, and detention facilities.<sup>151</sup> For example, in *United States v. Wyatt*, a sex trafficking case in Wisconsin in 2018, a trafficker instructed his victims to recruit women and children out of detention facilities.<sup>152</sup> As a result, a woman who did not previously know the trafficker immediately called him after being let out of jail because she had nowhere to go and no money.<sup>153</sup> She had been told by another victim that the trafficker could help her get back on her feet.<sup>154</sup> By providing basic resources for the victim, traffickers create a relationship where the victim is dependent on the trafficker for daily needs.<sup>155</sup> This dynamic makes it easier for a trafficker to coerce the victim into complying with his or her demands.<sup>156</sup>

Traffickers target individuals experiencing homelessness by exploiting the victim's basic survival needs, the traffickers use this vulnerability to keep the victims in a cycle of dependency.<sup>157</sup>

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147. *Id.* at 8.

148. *Id.* at 7.

149. *Id.* at 2.

150. FREEDOM NETWORK TRAINING INST., HOUSING OPTIONS FOR SURVIVORS OF HUMAN TRAFFICKING 3, <https://freedomnetworkusa.org/app/uploads/2020/07/Housing-Options-for-Survivors-of-Trafficking-Final.pdf> [<https://perma.cc/6M8M-UGHK>] (last visited Apr. 13, 2023).

151. POLARIS, *supra* note 57, at 148.

152. Plea Agreement at 15, *United States v. Wyatt*, No. 2:18-cr-00085 (W.D. Wis. June 7, 2019).

153. *Id.* at 16.

154. *Id.*

155. POLARIS, *supra* note 57, at 145.

156. *Id.*

157. Karen Romero, *The Intersection of Human Trafficking and Homelessness*, National Alliance to End Homelessness, NAT'L ALL. TO END HOMELESSNESS (Jan. 15, 2020), <https://endhomelessness.org/blog/the-intersection-of-human-trafficking-and-homelessness> [<https://perma.cc/4G7X-BZTP>].

### C. Additional and Compound Vulnerabilities

There are many additional vulnerabilities outside of the ones highlighted above, and the reality is that these vulnerabilities do not exist in a vacuum. Federal sex trafficking cases charged between 2016 and 2020 highlighted that twenty percent of all adult victims suffered from financial debt, eleven percent had been previously trafficked, eight percent suffered a history of domestic violence, child sexual abuse, and/or neglect, and one percent were formerly incarcerated.<sup>158</sup> Additionally, most of these victims experienced overlapping vulnerabilities, making them more likely targets.

A 2019 sex trafficking case in the District of Vermont, *United States v. Folks et al.*, illustrates tactics traffickers employ to recruit and exploit victims with compounding vulnerabilities.<sup>159</sup> In *Folks*, the trafficker identified and recruited children who had run away from home, adults experiencing homelessness, and children and adults suffering from opioid addictions.<sup>160</sup> Most of these victims also experienced physical and sexual abuse as children and lacked security in their homes.<sup>161</sup> The trafficker promised them love and stability, but instead forced them into commercial sex by withholding drugs, and physically and sexually assaulting the women.<sup>162</sup> As can be seen from this narrative, the trafficker exploited numerous vulnerabilities to recruit and control the victims, including using their runaway status, homelessness, drug dependencies, and histories of trauma against them.

In conclusion, victims rarely fit into just one category of vulnerabilities, and all of their risk factors are exploited by traffickers to recruit and maintain control over their victims. Unlike the myths purported by conspiracy theorists, very few human traffickers abduct affluent white women unknown to the trafficker. Instead, traffickers more commonly target females from low-income communities of color, who have experienced some level of trauma, abuse, or relational insecurity in the past.<sup>163</sup> The analysis of twenty years

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158. HUM. TRAFFICKING INST., *supra* note 11.

159. Press Release, U.S. ATT'Y'S OFF. FOR THE DIST. OF VT., Convicted Sex Trafficker Brian Folks Sentenced to Over 22 Years in Prison (Sept. 21, 2020), <https://www.justice.gov/usao-vt/pr/convicted-sex-trafficker-brian-folks-sentenced-over-22-years-prison> [<https://perma.cc/JR8J-G5KJ>].

160. *Id.*

161. *Id.*

162. *Id.*

163. BALES & LIZE, *supra* note 28, at 20–22; see RIGHTS4GIRLS, DOMESTIC CHILD SEX TRAFFICKING AND BLACK GIRLS 1, <https://rights4girls.org/wp/wp-content/uploads/r4g/2019/05/Black-Girls-DCST-May-2019-1.pdf> [<https://perma.cc/GZ5B-G3G2>] (last visited Apr. 13, 2023); POLARIS, THE LATINO FACE OF HUMAN TRAFFICKING AND EXPLOITATION

of trafficking prosecution data makes it clear that sex traffickers target individuals with certain vulnerabilities, as they are able to capitalize on those vulnerabilities to recruit, exploit, and maintain control over the victims.<sup>164</sup>

### III. RECRUITMENT TACTICS OF TRAFFICKERS

Contrary to what conspiracy theorists suggest, the most common method of recruitment into human trafficking is not abduction.<sup>165</sup> Instead, traffickers utilize technology, trust, and promises of opportunity to tempt and trap victims into exploitative situations.<sup>166</sup> Extensive review of federal sex trafficking prosecutions reveals numerous recruitment and grooming techniques used by traffickers in the United States.<sup>167</sup> It also shows that online recruitment, pre-existing relationships, and fraudulent job offers are the most pervasive methods of recruitment.<sup>168</sup> Recruitment tactics in federal prosecutions may fall into more than one of these categories.

#### A. Online Recruitment

As the use of the internet and smartphones has become a regular part of day-to-day life, it is not surprising that modern technology has become a tool for traffickers to recruit victims.<sup>169</sup> Traffickers often use the internet to establish relationships with potential victims with the goal of recruiting them into commercial sex work.<sup>170</sup> Numerous studies have connected increased social media and internet activity to the likelihood that a person will be trafficked.<sup>171</sup> One

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IN THE UNITED STATES 2, <https://polarisproject.org/wp-content/uploads/2020/04/EXECUTIVE-SUMMARY-The-Latino-Face-of-Human-Trafficking-and-Exploitation-in-the-United-States.pdf> [<https://perma.cc/AQ43-HFTL>] (last visited Apr. 13, 2023).

164. HUM. TRAFFICKING INST., *supra* note 11.

165. *Id.*

166. *Id.*

167. NAT'L DIST. ATT'YS ASS'N, NATIONAL HUMAN TRAFFICKING PROSECUTION BEST PRACTICES GUIDE 19 (2020), <https://vrnclearinghousefiles.blob.core.windows.net/documents/NDAA-National%20Human%20Trafficking%20Prosecution%20Best%20Practices%20Guide%20White%20Paper.pdf> [<https://perma.cc/22BY-3CGZ>].

168. HUM. TRAFFICKING INST., *supra* note 11.

169. See RYAN KUNZ, MEREDITH BAUGHMAN, REBECCA YARNELL & CELIA WILLIAMSON, OHIO ATT'Y GEN. HUM. TRAFFICKING COMM'N, SOCIAL MEDIA & SEX TRAFFICKING PROCESS 3, <https://www.utoledo.edu/hhs/htsj/pdfs/smr.pdf> [<https://perma.cc/5LVA-H2UP>] (last visited Apr. 13, 2023).

170. *Id.*; see also Complaint at 5, United States v. Lyons, No. 3:20-cr-00049 (W.D. Ky. Apr. 23, 2020) (trafficker met minor male victims on Grindr dating application, met with victims and engaged in sexual acts that the trafficker recorded); POLARIS, *supra* note 57, at 17.

171. See POLARIS, *supra* note 57, at 18.

study showed that certain online behaviors were major predictors of someone becoming a victim of trafficking; including online dating, online gambling, and communicating with strangers.<sup>172</sup>

Case narratives demonstrate that essentially every social networking website or application has been used to contact and recruit victims.<sup>173</sup> Polaris, the non-profit that runs the U.S. National Human Trafficking Hotline, reported that from January 2015 to December 2017 it received information that at least 845 victims were recruited on internet platforms, with some of the most popular sites being Facebook, Instagram, Snapchat, Kik, dating sites, and Craigslist.<sup>174</sup> Another anti-trafficking non-profit, Thorn, found that in 2015, fifty-five percent of the victims interviewed had met their trafficker online through a website, text, or phone application.<sup>175</sup> In fact, forty-six percent of child sex trafficking victims identified in federal cases filed or pending in 2020 were recruited online.<sup>176</sup> These applications and websites are not only used to communicate with victims, but also serve as a marketing tool for traffickers to portray glamorous lifestyles.<sup>177</sup> From building connections, to marketing a lavish lifestyle that victims could only dream of, sex traffickers utilize the Internet for mass-scale recruiting and to gather information about victims to use against them later.<sup>178</sup>

### 1. Advertising Extravagant Lifestyles

A common recruitment strategy that traffickers employ is posting misleading information online that romanticizes their trafficking scheme and the lives of the victims that are being forced into sex work.<sup>179</sup> Traffickers often make grandiose promises to potential

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172. Aimee D. Miller, *Human Sex Trafficking: Individual Risk Factors for Recruitment, Trafficking, and Victimization on the Internet* 62 (2014) (M.A. thesis, Cal. State Univ.) (ProQuest).

173. POLARIS, *supra* note 57, at 17.

174. *Id.* at 19.

175. BOUCHE, *supra* note 49, at 6.

176. HUM. TRAFFICKING INST., *supra* note 11. This percentage is based on victims for whom recruitment information was available.

177. *See, e.g.*, Complaint at 14, *United States v. Blakemore*, No. 3:19-cr-00531 (N.D. Tex. Sept. 10, 2019) [hereinafter *Blakemore*].

178. Erica Fink & Laurie Segall, *Pimps hit social networks to recruit underage sex workers*, CNN MONEY (Feb. 27, 2013, 7:30 AM), <https://money.cnn.com/2013/02/27/technology/social/pimps-social-networks/index.html> [<https://perma.cc/9H5N-EZZJ>].

179. *See* Press Release, U.S. ATT'Y'S OFF. FOR THE DIST. OF D.C., Maryland Man Convicted of Sex Trafficking by Force, Fraud, and Coercion (Mar. 17, 2020), <https://www.justice.gov/usao-dc/pr/maryland-man-convicted-sex-trafficking-force-fraud-and-coercion> [<https://perma.cc/3XQS-GNDK>] (trafficker coerced at least five victims to join trafficking scheme by posting on social media purporting a life of luxury, false promises, fantastic success, financial comfort, and security).



victims in order to lure them into human trafficking, and online platforms have made it easier to market this falsehood to large audiences.<sup>180</sup> The online forum allows traffickers to post pictures of cash, cars, mansions, and designer clothing in order to entice users, while also providing private messaging services where the traffickers can modify their marketing strategy based on what the individual victim needs or desires.<sup>181</sup> Traffickers “typically use a variety of psychological methods of manipulation to persuade recruits to conduct sex work, such as flashing money around, seducing them, entering into romantic relationships, convincing them that they may as well make money if they’re already having sex, or having other female employees sell the idea.”<sup>182</sup> The desire for financial stability, coupled with limited education, contributes “to a victim’s vulnerability, as he or she may lack the basic knowledge to refute the trafficker’s representations of reality.”<sup>183</sup>

If a trafficker is already in control of victims, the trafficker may rope them into the recruitment strategy by forcing them to portray falsehoods about their “lavish and wonderful” lives.<sup>184</sup> A 2019 Texas case is especially illuminating as to the ways in which traffickers use the internet to facilitate trafficking.<sup>185</sup> In *United States v. Blakemore*, the trafficker made extensive promises in order to recruit women, targeting victims who needed financial stability by promising a lavish lifestyle.<sup>186</sup> Law enforcement estimates that his trafficking scheme was so successful that over a period of seven years the trafficker controlled more than 100 women.<sup>187</sup> To entice the victims the trafficker often posted pictures of Bentleys, diamond necklaces, and smiling women dressed in designer clothing on his social media accounts.<sup>188</sup> He would share photos of various women and congratulate them on their Brazilian butt lifts and breast enhancement surgeries.<sup>189</sup> The trafficker curated victims’ social media accounts to

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180. *See id.*

181. *See id.*

182. Matthew Johnson, *The Hustle: Economics of the Underground Commercial Sex Industry*, URB. INST., <https://apps.urban.org/features/theHustle/index.html> [<https://perma.cc/R37P-64UA>] (last visited Apr. 13, 2023).

183. GERSHUNI, PESCHKE & BALISOVA, *supra* note 23, at 75.

184. Blakemore, *supra* note 177, at 14.

185. *Id.*

186. *Id.*

187. *Id.* at 4.

188. *Id.* at 14; Kaley Johnson & Nichole Manna, *Accused leader of Fort Worth 'large-scale' sex trafficking ring faces federal charges*, FORT WORTH STAR-TELEGRAM (Sept. 11, 2019), <https://www.star-telegram.com/news/local/crime/article234969862.html> [<https://perma.cc/9299-TSET>].

189. Johnson & Manna, *supra* note 188.

portray an extravagant lifestyle.<sup>190</sup> On his personal Instagram page he wrote, “Get a glimpse of the life of these Macknificent ladies!” proudly marketing his chosen pimp name, Macknificent.<sup>191</sup> He encouraged his victims to get a “Macknificent” tattoo to prove this loyalty.<sup>192</sup> The scheme included trafficking victims across at least twelve different states.<sup>193</sup> The trafficker used online advertisement websites and social media to coerce victims to join him and also to sell the victims for sex.<sup>194</sup> The promise of increased economic opportunity attracted victims who knew nothing about the commercial sex industry, as well as adults who had engaged in commercial sex before.<sup>195</sup>

These cases highlight that sex traffickers are creative and thoughtful about how to best utilize online spaces and paint a picture of a desirable lifestyle. Promoting a false narrative is only the first step in the trafficker’s recruitment strategy, however, as they must use this opportunity to build a relationship that allows the victim to believe that their over-the-top promises can and should be trusted.

## 2. *Building Social Media Relationships*

Victims can become especially vulnerable when they share personal information online. Traffickers use the information on social media profiles to identify the victim’s age, location, educational background, home environment, relationship status, support system (or lack thereof), desires, and needs.<sup>196</sup> This personal information is then used to groom victims and deceive them into believing that the trafficker is someone they can trust and rely on.<sup>197</sup>

In fact, forty-three percent of all victims identified in federal sex trafficking prosecutions charged between 2016 and 2020 were recruited through an online platform.<sup>198</sup> Specifically, sixty-five percent of victims in sex trafficking cases prosecuted in 2020 who were recruited on a website or through an internet application were recruited on Facebook.<sup>199</sup> The second most cited platform was Snapchat, which

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190. Blakemore, *supra* note 177, at 6.

191. Johnson & Manna, *supra* note 188.

192. Blakemore, *supra* note 177, at 4.

193. *Id.* at 5.

194. *Id.* at 13; Johnson, *supra* note 182.

195. Blakemore, *supra* note 177, at 13; Johnson, *supra* note 182.

196. Mary Graw Leary, *Fighting Fire with Fire: Technology in Child Sex Trafficking*, 21 DUKE J. GENDER L. & POLY 289, 310–11 (2014).

197. Nastassia C. Baxter, *Pimp Chatter: Examining Online Pimp Recruitment Techniques* (2017) (M.A. thesis, University of Colorado) (ProQuest).

198. HUM. TRAFFICKING INST., *supra* note 11.

199. *Id.*

encompassed twelve percent of sex trafficking victims in sex trafficking prosecutions in 2020.<sup>200</sup> Finally, eight percent of sex trafficking victims cited being recruited on the application Kik, eight percent cited the dating app Grindr, four percent cited Instagram, and four percent cited MeetMe.<sup>201</sup>

Children are especially susceptible to this coercion and are more likely to participate in high-risk activities online.<sup>202</sup> A 2014 study demonstrated that seventy-one percent of children posted where they attended school and where they lived, and fifty-three percent posted about their interests.<sup>203</sup> Additionally, children are more likely to accept friend requests from strangers who seem interesting to them, or simply because they want to increase the number of connections they have on the platform to appear popular.<sup>204</sup> Another study found that out of 40,000 surveyed school-aged children, twenty-five percent had livestreamed with a stranger at some point.<sup>205</sup>

Once traffickers have learned personal information about a victim, they can use this material to make the victim feel special and establish an intimate relationship that the victim believes is genuine.<sup>206</sup> Traffickers aim to nurture a victim's trust so that they can coerce the victim to meet them in person, begin a physical relationship with them, or engage in commercial sex at their direction.<sup>207</sup> While this grooming process happens in various ways, studies show that traffickers are increasingly using online platforms and technologies to foster deeper connections with victims, whether it be through text or social media messages, phone calls, or video calls.<sup>208</sup> Encrypted private messaging on social media platforms has made it increasingly difficult for law enforcement or parents to identify signs of trafficking because these conversations happen privately and are difficult to trace.<sup>209</sup> Before the widespread use of technology, a trafficker could not "walk into a young girl[']s [or adult's] bedroom and establish a relationship that will enable him to traffic her.

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200. *Id.*

201. *Id.*

202. Leary, *supra* note 196, at 310.

203. *Id.* at 311.

204. Fink & Segall, *supra* note 178.

205. Jarrod Sadulski, *Human Traffickers Use Social Media to Target Children*, AM. MIL. UNIV. EDGE (Apr. 17, 2020), <https://inpublicsafety.com/2020/04/human-traffickers-use-social-media-to-target-children> [<https://perma.cc/Z4GH-E7N8>].

206. Baxter, *supra* note 197.

207. Victoria Vanderschaaf, *Spotlight on: How the Internet Facilitates Underage Victimization in Human Trafficking*, 34 CHILD. LEGAL RTS. J. 135, 136 (2013).

208. BOUCHE, *supra* note 49, at 27.

209. David Barney, *Trafficking Technology: A Look at Different Approaches to Ending Technology-Facilitated Human Trafficking*, 45 PEPP. L. REV. 747, 760–61 (2018).

However, through the Internet, a pimp can now communicate with anyone.”<sup>210</sup> As an example, in *United States v. Gillas*, a federal sex trafficking case in Alaska in 2020, a sixteen-year-old girl began communicating with an out-of-state trafficker over GoogleChat.<sup>211</sup> After the trafficker had spent time developing a relationship with the teenager, he began instructing her to commit sexual acts with other children, obtain payment, and send him video proof she had completed the tasks.<sup>212</sup> Despite never meeting the victim in person, this trafficker was able to control the victim and her actions through their online relationship.<sup>213</sup> Traffickers utilizing an online forum to develop a relationship is not uncommon, and easy access to technology makes this form of communication convenient for traffickers to have constant, impactful, and difficult-to-detect interactions with victims.<sup>214</sup> In fact, a 2018 Thorn study found that out of 259 victims, forty-two percent trusted their trafficker within one month of meeting them and another twenty-eight percent trusted their trafficker within four months of meeting.<sup>215</sup>

In order to build trust with victims and lure them into trafficking schemes, traffickers may dedicate a significant amount of time to communicating with the victim, using more than one social media platform.<sup>216</sup> A case that highlights the interchangeable use of internet platforms is *United States v. Madison*, which was charged in California in 2020.<sup>217</sup> Here, a young girl met her trafficker on Facebook and communicated with him through Snapchat, Instagram, Gmail, and other social media platforms for at least four months, during which time he built her trust and promised her success.<sup>218</sup> In one Snapchat message he wrote, “[j]ust know this if you let me and you trust me and listen an [sic] do what I [sic] say I can turn you into a female you never thought you can be I believe in you . . . .”<sup>219</sup> The trafficker advertised sex with the girl using social media platforms

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210. Vanderschaaf, *supra* note 207, at 136–37.

211. Complaint at 4, *United States v. Gillas*, No. 3:20-cr-00086 (D. Alaska July 28, 2020).

212. *Id.* at 8–9.

213. *Id.*; see also Press Release, U.S. ATTY’S OFF. FOR THE DIST. OF KAN., Montgomery County Man Pleads Guilty To Sexually Exploiting Minors (Dec. 17, 2019), <https://www.justice.gov/usao-ks/pr/montgomery-county-man-pleads-guilty-sexually-exploiting-minors> [<https://perma.cc/U5UJ-WZZJ>] (trafficker posed as teenager online, offering minor females money and marijuana to send sexually explicit videos; later the trafficker threatened to make victims’ videos public unless they continued cooperating with him).

214. Vanderschaaf, *supra* note 207, at 136.

215. BOUCHE, *supra* note 49, at 27.

216. *Id.* at 26.

217. Complaint at 3, *United States v. Madison*, No. 3:20-cr-01228 (S.D. Cal. Apr. 20, 2020).

218. *Id.* at 3–4, 7.

219. *Id.* at 4.

and websites like Backpage.com.<sup>220</sup> This trafficker used social media to continue communicating with the young girl even once law enforcement was involved, and over time convinced her to rejoin him and continue engaging in commercial sex.<sup>221</sup>

Developing relationships is often the crux of a trafficker's recruitment strategy, and technology facilitates this objective. Streamlining their tactics, traffickers can contact an unlimited number of potential victims and work towards misleading them into exploitative relationships.<sup>222</sup> While many trafficker-victim relationships begin online, the majority of victims do eventually meet their trafficker in person.<sup>223</sup> Thus, online recruitment is usually only the beginning of a larger exploitative scheme.

### *B. Pre-existing Relationships*

Trafficker-victim relationships can develop and present in various ways, including those where the victims knew their traffickers before patterns of exploitation began.<sup>224</sup> Traffickers can be parents, relatives, schoolteachers, coaches, religious leaders, friends, classmates, boyfriends, girlfriends, or another person who has gained the trust of the victim.<sup>225</sup> The nature of these complex relationships allows traffickers to coerce and exploit their victims.<sup>226</sup>

#### *1. Family Members*

Parents, and other relatives, traffic children from their own family for various reasons, from desperation to financial gain to sexual gratification.<sup>227</sup> Case narratives indicate that vulnerabilities such as economic struggle, an inability to provide basic necessities, and substance use, have led family members to sell their own children for sex.<sup>228</sup> Some family members may be approached by a third-party trafficker who is aware that the person is "under economic pressure and ripe for exploitation, or they may be deprived and willing co-conspirators."<sup>229</sup> In fact, of all child victims identified as

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220. *Id.*

221. *Id.* at 7.

222. Fink & Segall, *supra* note 178.

223. BOUCHE, *supra* note 49, at 27.

224. HUM. TRAFFICKING INST., *supra* note 11.

225. BOUCHE, *supra* note 49, at 24.

226. *Id.* at 26.

227. Leary, *supra* note 196, at 312.

228. *Id.*

229. *Id.* (citation removed).

having a pre-existing relationship with their recruiter in federal sex trafficking cases charged between 2016 and 2020, twelve percent identified the exploiter as a parent.<sup>230</sup> For example, in a case charged in Ohio in 2020, *United States v. Porter et al.*, the trafficker provided parents who had substance dependencies with illicit drugs and, in return, demanded that they sexually abuse their own children on camera or allow the trafficker to abuse the children himself.<sup>231</sup> One couple took their child to the trafficker twice a week for five years in exchange for prescription pills.<sup>232</sup>

Family members also may exploit their children for sexual gratification or in order to gain status in pedophilic circles and on websites.<sup>233</sup> Pedophilic communities often require users to produce child sexual abuse imagery or provide a child to molest.<sup>234</sup> One survivor of familial trafficking stated that their trafficker told them that this was “what all little girls and boys do for their parents.”<sup>235</sup> In *United States v. Gillas*, a case charged in Alaska in 2020, a mother involved in a Bondage Discipline Sadism Masochism (BDSM) fetish website community introduced her sixteen-year-old daughter to a sixty-five-year-old man, with knowledge that the man would traffic her child and engage in BDSM practices.<sup>236</sup> This case involved incest and the production of child sexual abuse material, also known as child pornography.<sup>237</sup>

Beyond the immediate traumatization caused by familial trafficking, studies show that “[r]ecurring victimization by those in positions of trust bred distorted views of self-worth, love, and security” in victims, resulting in additional vulnerabilities that may lead a child to be trafficked again by another person.<sup>238</sup>

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230. HUM. TRAFFICKING INST., *supra* note 11. This statistic is based on all child sex trafficking victims named in federal prosecutions between 2000 to 2020, who had a pre-existing relationship with their trafficker.

231. Press Release, U.S. ATT’Y’S OFF. FOR THE S. DIST. OF OHIO, Nine arrested, charged federally in connection to human trafficking operation involving drugs exchanged for sexual access to children (June 24, 2020), <https://www.justice.gov/usao-sdoh/pr/nine-arrested-charged-federally-connection-human-trafficking-operation-involving-drugs> [<https://perma.cc/JZ56-2APW>].

232. *Id.*

233. Michael H. Keller & Gabriel J.X. Dance, *The Internet Is Overrun With Images of Child Sexual Abuse. What Went Wrong?*, N.Y. TIMES (Sept. 29, 2019), <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html> [<https://perma.cc/HS8W-HZJW>].

234. *Id.*

235. BOUCHE, *supra* note 49, at 8 (emphasis omitted).

236. Complaint at 10, *United States v. Gillas*, No. 3:20-cr-00086 (D. Alaska July 28, 2020).

237. *Id.* at 10–11.

238. BOUCHE, *supra* note 49, at 8.

## 2. *Romance*

Victims' relationships with their traffickers are often complex, and what begins as a legitimate relationship might later lead to an exploitative situation.<sup>239</sup> Thirty-three percent of adult victims in federal sex trafficking prosecutions charged between 2016 and 2020 had a romantic relationship with their recruiter.<sup>240</sup> With romance, intimacy, and love being a foundation of the original relationship, victims frequently report feeling they must remain loyal and trustworthy, even once the trafficker begins to exploit them.<sup>241</sup> When considering the vulnerabilities that traffickers target most often, as laid out in Part II, it is unsurprising that the victims do not want to lose their partner, even if this person asks them to engage in commercial sex. Even once the exploitation begins, the victim may feel they are still receiving love, safety, security, and attention, all of which the victim might be afraid to lose.<sup>242</sup>

## 3. *Classmates and Mutual Friends*

Traffickers often use people they have already victimized and coerced into the sex trade to recruit additional victims, who may be more trusting of a friend, peer, or classmate, than a stranger.<sup>243</sup> Of all child victims in federal sex trafficking prosecutions filed between 2016 to 2020 who had a pre-existing relationship with the person who recruited them into trafficking, forty-one percent stated either a mutual friend or classmate recruited them.<sup>244</sup> There are numerous ways a trafficker may employ this tactic, directing a victim to recruit others at schools, mass transit stops, foster care, shopping malls, or online.<sup>245</sup> In fact, “[r]eports have found that ‘increasing numbers of university and high school students are using social media to recruit their fellow students—some younger than 18 years old—into situations of sex trafficking.’”<sup>246</sup> It is clear that children are less likely to be wary of another child, and more willing to follow them towards the promise of a better life—and traffickers use this to their advantage.<sup>247</sup> For example, in the 2017 Texas case *United States v. Davis*,

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239. Baxter, *supra* note 197, at 20.

240. HUM. TRAFFICKING INST., *supra* note 11.

241. Baxter, *supra* note 197, at 1.

242. *Id.*

243. Rosenblatt, *supra* note 45, at 10.

244. HUM. TRAFFICKING INST., *supra* note 11.

245. Rosenblatt, *supra* note 45, at 14.

246. Baxter, *supra* note 197, at 34 (citation omitted).

247. See Press Release, U.S. ATT’Y’S OFF. FOR THE S. DIST. OF FLA., Miami Resident

a trafficker's relationship with a high school girl quickly turned into a sex trafficking pyramid scheme, where the trafficker would encourage the girl to recruit other high school students into working for him by showing them stacks of money and telling them how great life was with her trafficker.<sup>248</sup> The victim helped recruit at least four other teenagers to join the scheme on behalf of the trafficker, who would reward his victims for new recruits.<sup>249</sup> Here, the original victim's genuine friendships at school were weaponized by the trafficker.<sup>250</sup>

Traffickers also utilize technology to exploit pre-existing friendships between the victims, as they have access to each other's social media accounts, geolocation trackers, and personal lives, all of which can be used to keep tabs on victims.<sup>251</sup> For example, if a victim determines they want to leave the trafficking scheme, the trafficker may threaten to hurt another one of his victims who is a friend, threaten the victim's family, or spread lies that embarrass and shame the victim into staying.<sup>252</sup>

### *C. Falsifying Opportunities and Romance*

Many traffickers are deceitful in their recruitment of sex trafficking victims.<sup>253</sup> Two of the most common schemes that can be seen in sex trafficking cases across the country involve offering fraudulent employment opportunities and misleading a victim into believing they have a romantic relationship with the trafficker.<sup>254</sup> These schemes are used to build trust with victims, and often leave victims more vulnerable because of the reliance they placed in the fraud.

#### *1. Fraudulent Job Offers*

Traffickers often use fraudulent job offers as a recruitment strategy to lure victims into trafficking schemes.<sup>255</sup> Thirty-seven percent of all adult victims in federal sex trafficking prosecutions

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Sentenced to Life in Prison for Sex Trafficking a Minor, Producing Child Pornography and Witness Tampering (Dec. 2, 2019), <https://www.justice.gov/usao-sdfl/pr/miami-resident-sentenced-life-prison-sex-trafficking-minor-producing-child-pornography> [<https://perma.cc/VSY2-GRG7>] (victim met trafficker through mutual friend and trafficker tricked the victim into believing that he loved her and wanted to marry her).

248. Complaint at 4–6, *United States v. Davis*, No. 3:17-cr-00017 (S.D. Tex. Mar. 17, 2017).

249. *See id.* at 3–7.

250. *Id.* at 5.

251. POLARIS, *supra* note 57, at 26.

252. *Id.*

253. *Id.* at 20.

254. *Id.*

255. FEEHS & CURRIER WHEELER, *supra* note 9, at 45.



charged between 2016 and 2020 reported being induced into trafficking by being offered a fraudulent job.<sup>256</sup> There are examples in many industries of victims being lured into fraudulent or nonexistent jobs, from restaurants, to massage parlors, to modeling, to domestic work, and even strip clubs—where the victim had no expectation of engaging in commercial sex.<sup>257</sup> Some traffickers target foreign victims, offering an opportunity to come to the United States.<sup>258</sup> As discussed in Part II, these victims are especially vulnerable due to their lack of legal status.<sup>259</sup> An example of the lengths a trafficker will go to recruit victims is *United States v. Hernandez et al.*<sup>260</sup> In this 2019 Florida case, the traffickers recruited young women from Spain, Colombia, Venezuela, and other Central and Latin American countries.<sup>261</sup> The traffickers reserved and paid for plane tickets, completed immigration paperwork, coached victims about what to say to customs officials, and then had complete control over the victims once they were picked up from the airport.<sup>262</sup> In another case, *United States v. Avelenda*, which was charged in California in 2011, a seventeen-year-old El Salvadoran teenager answered a newspaper advertisement for a job working as a caretaker, cook, and domestic worker in the United States.<sup>263</sup> The job posting promised

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256. HUM. TRAFFICKING INST., *supra* note 11.

257. *Id.*

258. AM. CIV. LIBERTIES UNION, *supra* note 127.

259. See Press Release, U.S. ATT'Y'S OFF. FOR THE CENT. DIST. OF CAL., San Gabriel Valley Woman Faces Federal Charges of Running Sex Trafficking Operation that Targeted Immigrant Women (Sept. 29, 2020), <https://www.justice.gov/usao-cdca/pr/san-gabriel-valley-woman-faces-federal-charges-running-sex-trafficking-operation> [<https://perma.cc/4M8H-RFVG>] (trafficker recruited immigrant women, coercing them with a massage parlor job and later forcing them to prostitute, and then threatened immigration and law enforcement consequences if they refused); see also Press Release, U.S. ATT'Y'S OFF. FOR THE S. DIST. OF TEX., Three Men Get 27–30 Years in Prison for Roles in International Sex Trafficking Conspiracy (Aug. 16, 2016), <https://www.justice.gov/usao-sdtx/pr/three-men-get-27-30-years-prison-roles-international-sex-trafficking-conspiracy> [<https://perma.cc/829J-HLSG>] (for nine years traffickers brought adult and minor victims from Latin America and Mexico into the United States, and transported them to various apartments for the purpose of engaging in sex); Press Release, U.S. ATT'Y'S OFF. FOR THE E. DIST. OF N.Y., Five Defendants Convicted of Sex Trafficking, Alien Smuggling and Money Laundering (Mar. 14, 2020), <https://www.justice.gov/usao-edny/pr/five-defendants-convicted-sex-trafficking-alien-smuggling-and-money-laundering> [<https://perma.cc/Q4XH-WJ7S>] (traffickers illegally smuggled young girls from Mexico into the United States, where they were forced to work as prostitutes in New York City and beyond).

260. Press Release, U.S. ATT'Y'S OFF. FOR THE S. DIST. OF FLA., Florida Man Sentenced to 10 Years in Prison for Operating Extensive Prostitution Enterprise (Aug. 31, 2016), <https://www.justice.gov/usao-sdfl/pr/florida-man-sentenced-10-years-prison-operating-extensive-prostitution-enterprise> [<https://perma.cc/KC5W-L2LH>].

261. *Id.*

262. *Id.*

263. Complaint at 16–17, *United States v. Avelenda*, No. 2:11-cr-00949 (C.D. Cal. Sept. 21, 2011).

the opportunity to learn English, earn money, and travel.<sup>264</sup> The sixty-five-year-old trafficker arranged for the teenager to be illegally smuggled into the United States.<sup>265</sup> Upon arrival, the trafficker was immediately abusive, physically and verbally attacking the victim if she did not complete her domestic work to his satisfaction.<sup>266</sup> He did not allow her to leave the house and threatened to kill her if she ever tried to run away.<sup>267</sup> In addition to requiring domestic work, the trafficker also forced the victim to sleep in the same bed as him, have sex with him, and perform sexual acts on video.<sup>268</sup> As this case demonstrates, traffickers recruit foreign victims into fraudulent job offers in the United States, knowing that once victims arrive undocumented, they will be increasingly vulnerable.

Other traffickers may focus on U.S. citizens desperate for money, fame, or stability. Traffickers “troll the Internet looking to recruit individuals who may be interested in a modeling career or something similar, while others use the websites explicitly for recruitment purposes.”<sup>269</sup> A 2019 California case involving four traffickers demonstrates how quickly a modeling fantasy can turn into a sex trafficking nightmare.<sup>270</sup> In *United States v. Pratt et al.*, traffickers posted advertisements seeking models and offering payment of \$5,000.<sup>271</sup> Victims who answered the advertisement arrived on the site and were told the job was really for adult films.<sup>272</sup> In order to persuade the women to participate, the traffickers convinced them they could remain anonymous and that their videos would not be posted on the internet.<sup>273</sup> Some of the victims were pressured into signing documents without reviewing them and then threatened with legal action or public exposure if they failed to perform. Some were also not permitted to leave the shooting locations until the videos were made.<sup>274</sup> The traffickers lied to the victims and did post the videos on the internet, generating more than \$17 million in revenue.<sup>275</sup>

Finally, there are certain trafficking schemes that are capable of manipulating both U.S. citizens and foreign nationals into believing

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264. *Id.* at 17.

265. *Id.* at 16–17.

266. *Id.* at 17–18.

267. *Id.* at 16.

268. *Id.* at 18, 19.

269. Baxter, *supra* note 197, at 19 (citation omitted).

270. Complaint Affidavit at 1, *United States v. Pratt et al.*, No. 3:19-cr-04488 (S.D. Cal. Oct. 10, 2019).

271. *Id.* at 1–2.

272. *Id.*

273. *Id.* at 2.

274. *Id.* at 10.

275. *Id.* at 3.

they are joining a business venture, only to find out it involves sex trafficking. In the 2019 Texas case *United States v. Tu et al.*, two traffickers advertised masseuse jobs online and coerced victims from all over the United States and world to travel to Texas for positions that did not exist.<sup>276</sup> Some victims traveled from as far as Australia and China.<sup>277</sup> Once the traffickers picked the women up from the airport, their documentation was taken away and the women were brought to an apartment where they were forced to live and engage in commercial sex acts.<sup>278</sup> The traffickers required the victims to turn over all of their earnings, and additionally made them pay a rental space fee of \$20 per day, using any tip money the victims collected outside of their base earnings.<sup>279</sup> This scheme coerced the victims to participate in a high volume of commercial sex to ensure they made some money at the end of each day through tips.<sup>280</sup> Similarly, in a 2018 Maine case *United States v. Li et al.*, traffickers tricked at least twenty-seven Chinese nationals into moving to Maine from China and locations in the United States under the guise of a job offer.<sup>281</sup> The victims in these cases left their lives behind for a financial opportunity that turned out to be fraudulent, but it is clear from the case narrative that the traffickers specifically targeted these women because of their economic distress and desperation for a chance to make a living.<sup>282</sup>

Fraudulent job offers allow traffickers to immediately identify victims who are economically vulnerable and willing to take risks for financial opportunity.<sup>283</sup> Traffickers use economic instability, coupled with other vulnerabilities, not only to entice a victim to join a trafficking scheme, but to keep them trapped.

## 2. Deceitful Romance

Traffickers prey on victims' desires for love, friendship, and a relationship.<sup>284</sup> Whether a victim previously felt neglected or abused by their family or a partner, or generally feels alone, the trafficker fills this void by providing a sense of care.<sup>285</sup> This strategy can be

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276. Factual Basis, *United States v. Tu et al.*, No. 4:19-cr-00243 (E.D. Tex. Jul. 6, 2020).

277. *Id.* at 1.

278. *Id.* at 2.

279. *Id.*

280. *Id.*

281. See Associated Press, *supra* note 115.

282. *Id.*

283. POLARIS, *supra* note 57, at 20.

284. Baxter, *supra* note 197, at 1.

285. See *id.*

seen in the language traffickers use to recruit victims.<sup>286</sup> One 2010 study analyzed recruitment messages sent by traffickers and found that fifty-one percent offered something, nineteen percent promised a mutual benefit, fifteen percent complimented the victim's appearance, and seven percent promised happiness or inquired about the victim's well-being.<sup>287</sup> Especially for a child "coming from an abusive home where there has only been unsafe fatherly [or other familial] affection," it can be difficult for the child to know the difference "between safe and unsafe love."<sup>288</sup> Traffickers use this to their advantage, posing as a protector and a father figure, in order to win the victim's trust.<sup>289</sup> Once this dependence is established, traffickers use their influence to demand or guilt victims into engaging in the commercial sex trade.<sup>290</sup> One survivor stated, "I was groomed very well at the beginning and then my abuser switched on me in a very mean and cruel way and at that time I thought that I loved him and then it came to the point where I was deathly afraid of him."<sup>291</sup>

A common phrase used in the anti-trafficking field to describe a trafficker who uses romance or "finessing" to coerce a victim is "Romeo Pimp" or "lover boy."<sup>292</sup> These traffickers are known for "manipulating the victim through showing love, affection, friendship, or kindness," at least in the beginning of their relationship with the victim.<sup>293</sup> Case narratives and qualitative interviews of victims show that regardless of the initial introduction into a relationship, "Romeo Pimps" usually become violent or abusive.<sup>294</sup> The relationships fostered with victims is a clear recruitment tactic. They begin by misleading a victim into believing they are in a loving relationship, then convince the victim that they can leave their previous life behind, or that they can rely on their new partner for basic necessities like food, shelter, and protection.<sup>295</sup> Once the victim is reliant on them, the trafficker recruits them into sex trafficking.<sup>296</sup> By the time a trafficker coerces the victim into engaging in commercial sex, victims often cannot "leave due to fear, shame, self-blame, loyalty,

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286. *Id.* at 49.

287. *Id.* at 34.

288. Rosenblatt, *supra* note 45, at 13.

289. *Id.*

290. *Id.*

291. BOUCHE, *supra* note 49, at 23.

292. Baxter, *supra* note 197, at 37; GERSHUNI, PESCHKE & BALISOVA, *supra* note 23, at 78; SHARED HOPE INT'L, *supra* note 49, at 2.

293. Baxter, *supra* note 197, at 1.

294. *Id.* at 39.

295. *See id.* at 12.

296. *Id.*

hopelessness, isolation, and dependence, among other things.”<sup>297</sup> Traffickers count on victims feeling this way and prime them to make it difficult to leave the situation, as one trafficker described:

If it’s a new girl trying to get on my team, I have sex with them first because I know I can get in they [sic] head. Once I make love to them, or what they think is love, know what I’m saying, I really don’t have no feelings behind it. I just be thinking about money. That’s my main thing is money, so I be like, I have sex with them. It was like I mind-fucked ’em. I was in they [sic] head. And then after that, they just start giving me whatever I need. They give me all they [sic] money. They cater to me, they spoiled me. All of them did this for me. And even though I know it was kind of wrong for putting them through that because they ain’t have to do it—but they chose to. I didn’t make them. I didn’t force them. It just ended up happening like that.<sup>298</sup>

It is not uncommon for victims to describe building a relationship with their trafficker in person or online, and then meeting with them under the illusion that they are uniting with a romantic partner or joining a business arrangement that will result in their own financial independence.<sup>299</sup> Traffickers are:

carefully building the rapport and intimacy needed to entice victims into a false sense of trust. The next phase is often “boyfriending”—manipulations such as feigned romantic interests, extreme flattery, promises of gifts or other financial assistance, assurance that they, and they alone can care for the potential victim, or even perceived salvation from domestic violence or child sexual abuse.<sup>300</sup>

As an example, in the 2019 California case *United States v. Koko*, a fifteen-year-old victim ran away from home to meet with a trafficker who she had met just two weeks earlier at a YouTube video shoot.<sup>301</sup> In the two weeks before she ran away, the trafficker had sex with the child victim every single day, built a trusting relationship with

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297. *Id.* (citation omitted).

298. *Id.* at 1 (citation omitted).

299. POLARIS, *supra* note 57, at 20.

300. *Id.* at 18.

301. Complaint at 3–4, *United States v. Koko*, No. 3:18-cr-03035 (S.D. Cal. May 23, 2018) [hereinafter *Koko* Complaint]. For another example of how traffickers quickly establish relationships with their targets, see Complaint, *United States v. Flemming*, No. 4:19-cr-00109 (E.D. Mo. Mar. 12, 2019) (trafficker recruited a minor victim from dating website and she ran away from home to meet him; he began pimping out another minor shortly after they met on a messaging site).

her, and told her that he could help her earn money performing sex acts.<sup>302</sup> Once the victim did run away from home, the trafficker immediately began trafficking her for sex and taking all of the money that she earned.<sup>303</sup>

Traffickers make fraudulent promises of opportunity, love, wealth, and protection, which certain individuals are particularly susceptible to, given their pre-existing vulnerabilities.<sup>304</sup> Beyond offering a romantic partnership for the victim, traffickers are often selling the idea of a support system and some semblance of a family, as the victim could be one of many victims, and may end up recruiting victims themselves.<sup>305</sup>

### CONCLUSION

Human trafficking plagues our nation and the world, but myths and misconceptions about who the victims are and how they are recruited into sexual exploitation have clouded the truth and this continues to negatively impact anti-trafficking efforts.<sup>306</sup> Data shows that victims of sex trafficking are disproportionately women and children of color, who come from low-income communities, and suffer intersectional challenges that make them increasingly vulnerable.<sup>307</sup> As expert exploiters, sex traffickers recognize these vulnerabilities and target victims who are desperate. Whether a victim is in need of shelter, food, economic opportunity, love, stability, or a host of other needs, traffickers seek to fulfill these needs at the cost of their victims engaging in commercial sex. Recognizing vulnerability as opportunity, traffickers modify their recruitment strategies to cater to a victim's survival needs and hope for a better life. We can only prevent human trafficking if we understand which populations are most vulnerable to traffickers, why they are vulnerable, and how they are being recruited. We hope that this Article is a step towards advancing real solutions to this complex issue.

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302. Koko Complaint, *supra* note 301, at 4.

303. *Id.* at 3–4.

304. POLARIS, *supra* note 57, at 20.

305. *See id.* at 148.

306. *See supra* Part I (discussing how misinformation damages the effectiveness of anti-trafficking efforts).

307. USC GOULD SCH. OF L. INT'L HUM. RTS. CLINIC, OVER-POLICING SEX TRAFFICKING: HOW U.S. LAW ENFORCEMENT SHOULD REFORM OPERATIONS 32 (2021), <https://humanrightsclinic.usc.edu/2021/11/15/over-policing-sex-trafficking-how-u-s-law-enforcement-should-reform-operations> [<https://perma.cc/XRB4-QS47>].