

ON FILE DOCUMENTS

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**What We Know About
Sex Trafficking, Prostitution,
and Sexual Exploitation in the U.S.**

February 2017

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What We Know About Sex Trafficking, Prostitution, and Sexual Exploitation in the U.S.

February 2017

Introduction

These fact sheets are designed to present, in one place, valid, reliable data on topics related to human trafficking and sexual exploitation in the U.S. Statistics and data in these fact sheets can be utilized with utmost confidence, as the methodologies and findings have been carefully vetted.

Why is this so important to note? In truth, generating valid, reliable, and current data is challenging. The sex industry in the U.S. is, for the most part, illegal. Those who buy and those who sell their bodies for sexual exploitation are often reluctant to admit to their behavior, and thus difficult to reach with normal research methods such as random sampling surveys. This makes it quite difficult to ascertain answers to even the most basic questions, such as “What is the scope of the sex trade? How many people in this country are trafficked for sexual exploitation?” “How many people are buying sex?”

We often see citations from outdated studies; pre-Internet, Backpage.com and Craigslist. We also see data from well-done research whose findings are wrongly extrapolated beyond the limits of the research. We often confront findings from studies that are methodologically flawed to the point where no findings should be cited, and yet they are. And of course, advocacy groups and social service providers make guesses and estimates based on their perceptions or beliefs.

All of the misguided and incorrect uses of research findings can have dire consequences for policy, and for the people who are impacted by sex trafficking and sexual exploitation. Utilizing only reputable data, being willing to say “we don’t know” when we don’t, and funding more and better research are the only ways we can overcome this fundamental problem.

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A final point to make is that we are not arbitrarily selecting from reports that support a particular policy position in these fact sheets. If we had found sound research with contrary findings, we would cite it.

We encourage you go beyond the summary of findings, into the detailed findings and discussion, and to delve into the studies themselves. All of the studies are clearly sourced within these fact sheets.

Note: These fact sheets report data primarily on women and girls. There exists evidence that boys and men and transgendered individuals are involved in prostitution and are trafficked, but this is a little-studied area, and even less information is available on these populations. It has been commonly believed that girls and women make up the majority of prostituted and trafficked people; this belief, however, is currently being challenged. We expect and hope that in the coming years there will be more research done among these often-ignored populations.

The “What We Know About...” series covers:

- The Prevalence of Sex Trafficking, Prostitution, and Sexual Exploitation in the U.S. (p. 7)
- Men Who Buy Sex in the U.S. (p. 13)
- Traffickers: Those Who Promote Sexual Exploitation in the U.S. (p. 23)
- Women and Girls Who Are Trafficked in the U.S. (p. 35)
- Characteristics of Women in the Sex Trade in the U.S. (p. 47)
- Violence Against Women in the Sex Trade in the U.S. (p. 67)

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Definitions

PROSTITUTION

Prostitution is a sexual act in exchange for money or anything of value (drugs, shelter, etc.)

TRAFFICKING FOR SEXUAL EXPLOITATION/SEX TRAFFICKING

The 2015 Justice for Victims of Trafficking Act amends the definition of the 2000 Trafficking Victims Protection Act (TVPA), defining sex trafficking as the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not obtained 18 years of age.

Coercion is defined in the TVPA: threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.

In these fact sheets we use “prostitution” interchangeably with “sex trade industry,” “sex trade,” and “commercial sexual exploitation.”

PIMP/TRAFFICKER/FACILITATOR

These terms refer to the person/s using force, fraud, or coercion for commercial sexual exploitation and collaborators who benefit financially.

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Prevalence of Sex Trafficking, Prostitution, and Sexual Exploitation in the U.S

February 2017

Overview: Issues with Prevalence Data

The bad news is...we actually have no clear idea how many individuals participate in the sex industry, nor do we know their demographics-race, sex, ethnicity, or age.

To obtain information about prevalence, researchers must construct a representative sample and then query participants in the sample. If the sample is representative, the results can then be extrapolated to the entire study population.

Because sex trafficking and sexual exploitation, including prostitution, is mostly an illegal and clandestine industry in the U.S. it is not possible to construct a representative sample of those trafficked or otherwise involved. Therefore, traditional research methods are not available to answer the prevalence question. This state of affairs has led to an impasse between those who argue that very few persons are involved in trafficking and commercial sexual exploitation, and those who assert that many are.

Most of the often-cited statistics about trafficking prevalence are estimates from advocacy groups and social service providers. These estimates are not based on any rigorous or discernable methodology. Other studies, including some based on surveys done among small samples of sex trade participants (both within and outside the U.S.), contain data from small and non-representative samples and thus are not generalizable. Some of these studies have interesting information, but do NOT provide valid data on prevalence.

Many research projects analyze arrest data to ascertain information about the number of those involved in the sex trade, including buyers, pimps, traffickers, and exploited and trafficked people. We do not cite these data because arrests represent only those cases coming to the attention of law enforcement. These data cannot provide accurate information about the large majority of those in the sex trade who do not come into contact with the police. Furthermore,

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arrests are not made on a random basis, among representative groups. The biases inherent in arrest data – for example, police are far more likely to arrest those in outdoor prostitution than indoor venues simply due to lack of resources – further compromises the representativeness of arrest data.

The good news is...recently, investigators have begun to use research strategies employed in the public health field to learn about previously hidden populations.

Findings from these new research projects can be extrapolated with confidence to the entire geographical area of the project but not beyond it. Hopefully more studies in discrete geographical areas employing these research methods will be conducted in the coming years.

We can also begin to gauge prevalence by examining data from prosecuted trafficking cases, reports to law enforcement, and national Hotline calls. This data sheet provides information from all of these sources.

The data contained in this fact sheet are based on a comprehensive survey of prevalence research reports available through September 2016, vetted by several research experts in the field.

Summary of Findings

Note: “Human trafficking” includes trafficking for sex and for labor exploitation.

1,203. The number of human trafficking investigations reported by The U.S. Attorney General between 2002 and 2012. Note: the majority of trafficking cases are not handled by federal agencies. ⁱ

7,000. Potential human trafficking victims reported to the federal government by local task forces 2008 – 2014. Note: these task forces cover only 19% of the country and these data are not nationally representative. ⁱⁱ

510 survivors in San Diego County, representing 51% of those in eight social services programs, and a court diversion program for those arrested for prostitution 2005-2015, met the legal definition of trafficking. ⁱⁱⁱ

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5,544 potential cases of human trafficking came to the attention of the National Human Trafficking Resource Center Hotline (NHTRC) in 2015. ^{iv}

1,600 victims called, emailed, or texted the National Human Trafficking Resource Center Hotline in 2015. ^v

31,659 potential human trafficking cases have been reported by the public to the National Human Trafficking Resource Center Hotline between December 2007 and December 31, 2016; the vast majority are cases involving trafficking for sexual exploitation. ^{vi}

2,652 cases of commercial sexual exploitation of children (under 18) were identified within a year (2006) in the state of New York. Note: This represents an undercount, as only seven upstate New York counties and four New York City Boroughs' law enforcement agencies and those serving children were sampled and only cases coming to the attention of agencies were captured. ^{vii}

3,714 – 8108. The estimated range of female sex trafficking victims controlled by pimps in San Diego County in 2015. This estimate is based on interviews with a small number of incarcerated pimps/facilitators and arrest records. ^{viii}

Detailed Findings and Discussion

NEW RESEARCH STUDIES

Ohio Survey of Prostituted Persons

Researchers in Ohio used respondent-driven sampling¹ to recruit individuals currently involved in the sex trade in 5 cities in Ohio to assess trafficking for

¹ RDS is a study methodology in which participants to be interviewed receive financial incentives both for their participation in the study and their recruitment of others to the study. The initial seed provides peers with referral coupons that provide contact information for the study. This is said to prevent participants from becoming reluctant to provide information about others and widens the network of individuals recruited by other methods, resulting in the recruitment of interviewees previously hidden. RDS studies

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sexual exploitation at the state level. They recruited 328 participants over a period of 6 months. Thirty-five percent entered prostitution under the age of 18, and based on this research 13% of participants in Ohio could be classified as trafficking victims.

Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio. Ohio Human Trafficking Commission Final Report.*

New York – Upstate and New York City Boroughs

Researchers surveyed a sample of 7 upstate counties and 4 New York City boroughs' law enforcement agencies and those serving children to obtain an estimate of the number of annual cases of commercial sexual exploitation of children (those under the age of 18) they had uncovered. In total, 2,652 cases were identified in a year (2006). This figure is an undercount, in that all counties were not surveyed and only cases coming to the attention of the agencies were captured.

Gagg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children. A WESTATE Report prepared for the New York State Office of Children and Family Services.*

U.S. Attorney General's Cases

The U.S. Attorney General has reported that the total number of human trafficking investigations between 2002 and 2012 is 1,203. *Note: the majority of trafficking cases are not handled by federal agencies.*

Attorney General's Annual Report to Congress and Assessment of U.S. government Activities to Combat Trafficking in Persons, 2002-2012.

Local Trafficking Task Forces Reports to Federal Government

Federally funded but locally run trafficking task forces report activity to the federal government. Between 2008 and 2014, they identified just over 7,000

cannot produce national estimates, only local or regional-level estimates confined to the boundaries in which participants were recruited.

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potential human trafficking victims. Note: these task forces cover only 19% of the country and these data are not nationally representative.

Bureau of Justice Assistance. Anti-human Trafficking Task Force Initiative.

National Human Trafficking Resource Center Hotline

Between December 2007 and June 30, 2016, 27,775 potential human trafficking cases have been reported by the public to the National Human Trafficking Resource Center Hotline. The majority are cases involving trafficking for sexual exploitation. Although the Hotline believes these cases contain a high level of indicators of human trafficking, there is no way to obtain confirmation because law enforcement often has difficulty in locating suspected victims. However, self-identified victims themselves do contact the Hotline; 24% more reached out to the Hotline for help in 2015 than in 2014. The Hotline reports that approximately 1,600 self-identified victims called, emailed, or texted in 2015. In 2015, 5,544 potential cases of human trafficking came to the attention of the Hotline.

Polaris. 2015 Statistics. Accessed at <https://traffickingresourcecenter.org/states>

San Diego County Study of Gang Involvement in Sex Trafficking

In interviews with 46 incarcerated and ten in-community traffickers, law enforcement, victims of trafficking, and school personnel in San Diego county, researchers identified 110 individual gangs in San Diego County from a wide variety of neighborhoods and racial/ethnic backgrounds that have members engaged in profiting from trafficking for sexual exploitation. In addition, researchers determined that 85% of identified traffickers were affiliated with a gang. Using a range of five to eight females trafficked per pimp, researchers arrived at a range of 11,724-20,736 victims of trafficking from this very limited and small sample.

Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

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ⁱ Attorney General's Annual Report to Congress and Assessment of U.S. government Activities to Combat Trafficking in Persons, 2002-2012.

ⁱⁱ Bureau of Justice Assistance, n.d. Anti-human Trafficking Task Force Initiative.

ⁱⁱⁱ Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

^{iv} Polaris. 2015 Statistics. Accessed at <Org/sites/default/files/2015-statistics.pdf>/
<https://Polarisproject.org>

^v Polaris. 2015 Statistics. Accessed at <Org/sites/default/files/2015-statistics.pdf>/
<https://Polarisproject.org>

^{vi} Polaris. 2016 Statistics. Accessed at <https://polarisproject.org/resources/2016-hotline-statistics>

^{vii} Gagg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTATE Report prepared for the New York State Office of Children and Family Services.

^{viii} Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

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Men Who Buy Sex in the U.S.

February 2017

Overview

To obtain information representative of all sex buyers, researchers must construct a representative sample and then query participants in the sample. If the sample is representative, the results can then be extrapolated to the entire study population.

Because prostitution is an illegal and clandestine industry in the U.S. it is not possible to construct a representative sample. Those who buy people's bodies for sexual exploitation are often reluctant to admit to their behavior, and thus difficult to reach with normal research methods such as random sampling surveys.

Therefore, research studies are done with "convenience" samples: those who've been arrested for trying to buy sex, or buyers who frequent Internet prostitution chat rooms and are willing to speak to researchers are some examples. Findings drawn from these studies can reliably represent a *part* of the whole, but are not necessarily representative of the whole. Note also that self-reported behavior may be somewhat inaccurate. For this reason, it is critical that users understand and cite the source of the findings being reported.

In addition, we do not report on the demographics of arrested buyers, who represent only those coming to the attention of law enforcement and may over-represent those buying on the street as opposed to the more hidden customers buying sex indoors, who represent the majority of the customers.

What we know is that there is no credible evidence to support the idea that paying for sex is a common or conventional aspect of masculine behavior of men in the U.S. A small proportion of men purchase sex in this country.

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Summary of Findings

PREVALENCE AND CHARACTERISTICS OF MEN PURCHASING SEX IN THE U.S.

- The practice of paying for sex during a lifetime has declined over time, from 16% of men saying they've done so (1991-2000) to 13.9% (2001 - 2010). Most recent data show only 13.9% of men 18-75 reported paying for sex in their lifetime.ⁱ
- A study covering the years 1972-2010 determined that only about one percent reported paying for sex within the previous year.ⁱⁱ
- Repeat customers arrested for trying to pay for sex surveyed in a 2005 study were more likely than non-customers to have purchased pornography and visited nude establishments. They were much less likely to be married than non-customers. There were no significant age differences between the two groups.ⁱⁱⁱ
- Internet prostitution chat room members surveyed in 2014 were older, more highly educated, and had higher incomes than men arrested for buying sex.^{iv}

ATTITUDES AND BEHAVIOR OF MEN WHO PURCHASE SEX IN THE U.S.

- From a 2008 study of Chicago sex buyers:
 - 43% of buyers stated that if men pay for sex, the women should do anything they ask.^v
 - 13% of buyers said they would rape a woman if they knew they could get away with it and 19% said they had raped a woman.^{vi}
 - Nearly half of sex buyers have paid for sex with women they knew to be under the control of a pimp or trafficker.^{vii}
- Buyers in online chat rooms in Illinois admitted to being violent or aggressive to women in prostitution; recognize the harm they and pimps/traffickers do to women but continue to buy sex despite the harm; recognize the extreme youth of some prostituted women but are not deterred from buying (raping) underage children.^{viii}

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Detailed Findings and Discussion

HOW MANY MEN BUY SEX IN AMERICA? (PREVALENCE)

The practice of paying for sex has declined over time.

Relatively current survey research demonstrates there is no credible evidence to support the idea that paying for sex is a common or conventional aspect of masculine behavior of men in the U.S.

General Social Survey

The General Social Survey (GSS), conducted by the national Opinion Research Center, queried a nationally representative sample of U.S. households between 2001 through 2010 (4,581 men). Interviewees were asked whether they ever had sex for pay in their lifetime and whether they had paid for sex within the last year.

- Only 13.9% of men aged between 18 and 75 sampled during this period reported having paid for sex during their lifetime. About one percent reported having done so during the previous year.
- Of the men sampled by the survey in an earlier period, between 1991 and 2000, 16.1% reported buying sex within their lifetime, but they were less likely to have paid for sex during the previous year (0.6%). These findings indicate that the percentage of men who pay for sex has declined over time in the United States. Older men sampled between 1991 and 2000 were less likely than younger men to have paid for sex during the previous year. Those who had served in the military were slightly more likely than men who did not to report having paid for sex during the previous year and during their lifetime, indicating that buying sex was a behavior that took place while in a military context.

Smith, T.W., Marsden, P.V., & Hout, M. *General Social Survey, 1972-2010*. Data can be accessed at <http://gss.norc.org/>

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CHARACTERISTICS, ATTITUDES, AND BEHAVIOR OF MEN WHO BUY SEX IN THE U.S.

To answer the question about buyers' characteristics, attitudes, and behaviors definitively, it would be necessary to construct a nationally or locally representative sample of customers. Given the illegal and relatively clandestine nature of the sex industry, obtaining such a sample is not possible.

Instead, researchers have surveyed samples of customers to which they have access, many of them volunteers. Although findings cannot be extended beyond the sample, the information about some of the customers buying sex is useful in gaining an accurate picture of one part of the sex industry. In general, research with customers who buy sex has not been a priority for prostitution researchers. We are indebted to Martin Monto at the University of Portland for a great deal of the information that we do have about some of the customers.

Repeat Buyers in Three Cities Compared to 2005 Reported Non-Buyers Nationally

Monto has compared attributes of 1,672 men arrested for trying to buy sex on the streets in three U.S. cities (San Francisco, Las Vegas, and Portland, OR) with those in the General Social Survey (GSS) between 1993 and 1996. National sample members (GSS) were sorted, depending on whether they had reported ever purchasing sex. This study is limited in that those arrested on the streets in the three cities may not be representative of all the men who buy sex on the streets or in other venues, and questioning them after arrest may have shaped their responses.

When repeat customers in the arrested sample were compared with non-customers in the national sample, they were no more likely to have served in the military, to have been sexually assaulted as children, or to have sexually assaulted women. Repeat customers were more likely to have purchased pornography and twice as likely to have visited nude establishments than non-customers. Repeat users were much less likely to be married than non-customers but were no younger than non-customers.

Monto M., & McRee, J. (2005). *A Comparison of the Male Customers of Female Street Prostitutes with National Samples of Men*. *International Journal of Offender Therapy and Comparative Criminology*, 49(5), 505-29.

Repeat Buyers Compared to Prostitution Review Chat Room Buyers 2015

Using updated data from the General Social Survey (4,581) Monto later compared these men with his data set of arrested customers (1,817) and with a convenience sample of men solicited on 43 discussion boards of the prostitution review website TER (584 participants). Note: These 584 chat room buyers cannot

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represent the general universe of men who buy sex. This sample is limited to those with a computer, literacy skills, and the interest in being part of a chat room. They also appear to be frequent users, which means they represent only a segment of the customers.

This analysis demonstrates large differences among the Internet sample and the rest. The men participating in Internet prostitution chat rooms are older, (more likely to be between 50-59 years of age) and have higher educational attainment and higher salaries. Forty-three percent earned more than \$120,000 a year. They are more likely to be married, whereas arrested offenders are unmarried and younger. However, there are limitations in that these men are part of an online community that endorses prostitution as a legitimate form of sexual activity, and men participating in on-line forums may be only a subset of male customers.

Monto, M. & Milrod, C. (2014). *Ordinary or Peculiar Men? Comparing the Customers of Prostitutes With a Nationally Representative Sample of Men*. *International Journal of Offender Therapy and Comparative Criminology* 58(7), 802-820.

ATTITUDES OF MALE BUYERS

Three recent research studies document buyers' attitudes about the sex trade and those who sell sex. Like most studies in this field, findings are limited because researchers can work only with samples of volunteer participants who may not represent the entire universe of men who buy sex. Those who answer advertisements seeking research participants may differ from the general population of buyers. They certainly, however, represent a subset of buyers whose attitudes should influence our views of the sex industry as a whole.

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Buyer Interviews, Chicago 2008

Researchers interviewed 113 self-reported male buyers face-to-face, recruited in advertisements in free publications and on Craigslist. Of these, 53% were frequent customers, buying weekly, monthly, or several times a month. Their comments indicated the degree to which many objectified prostituted women and believed that those women gave up all human rights to dignity and freedom from harm.

Attitudes and Behavior	Men Who Purchase Sex
Purchased sex to obtain acts they felt uncomfortable asking of their partner or which their partner refused to engage in, including oral and anal sex.	46%
If men pay for sex, the women should do anything they ask.	43%
Would rape a woman if they knew they could get away with it	13%
Admitted to raping a woman	19%
Believed the majority of women in prostitution had experienced some type of childhood sexual abuse	57%
Thought the majority had entered prostitution before the age of 18	32%
Thought they had bought sex from women who were trafficked from other countries.	20%
Have seen women with a pimp	75
Knowingly bought a woman in prostitution who was under pimp/trafficker control.	40

**TRIGGER WARNING. VERBATIM COMMENTS FROM BUYERS INCLUDED BELOW
MAY BE DISTURBING TO SOME READERS.**

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"She has no rights because you are paying for a sex act- she gives up the right to say no."

"...she gave up her rights when she accepted my money."

"Prostitutes are like a product, like cereal. You go to the grocery, pick the brand you want, and pay for it. It's business."

"She feels a lot of force between her legs, because I'm not going to be lenient. I'm going to give her everything I've got. You can pound them, she don't mind."

"Something at your job makes you mad, you can't beat your wife, you can't beat your kids, and so you go out and have sex to take your frustration out."

"I almost killed a hooker because she tried to run off with my money and I wasn't going to let her. I used the blunt side of the knife. She tried to leave the car. We struggled for awhile. I wanted to scare her, so I put the blunt side of the knife to her throat. Somehow there was blood, and she gave the money back. I left her lying down in the street. I didn't even want the money no more."

Durchslag, R. & Goswami, S. (2008). *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex*. Accessed at <http://media.virbcdn.com/files/40/FileItem-149406-DeconstructingtheDemandForProstitution.pdf>

Analysis of Illinois Prostitution Chat Room Posts

One researcher has monitored posts made on the USA Sex Guide, an online chat room for frequent customers. 1,684 posts made between June 1, 2010 and August 31, 2010 for sites in Illinois were analyzed.

Among the key findings from this analysis:

Many men admit to being violent or aggressive toward the women in prostitution.

"Once with a petite little spinner abt 40 who told be [sic] no bj [blowjob], but then I simply insisted firmly 'yes. You suck.' and I grabbed her head and

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she didn't resist. That was one of the wildest mp [massage parlor] experiences I've had because I completely face fucked her to where she puked on the floor twice and would clean it up then come back to me where I would fuck her face silly again. I even had her licking my asshole that time...I think I gave her .80."

The majority of the posts express contempt for prostituted women and girls, often referring to them as "meat" or "merchandise."

(A user attaches a photo of a prostituted woman) "Where's the prime meat? Why does it seem that this is all there is left on the streets of Rockford?"

"At [strip club] all I found were large slabs of beef. Smallest girl must have been at least 35 lbs over weight."

They mention the extreme youth of some of the girls, cautioning they may not be "legal" but they continue the encounter and say they will return to buy more sex with this individual and recommend her to others.

"BTW saw my Latino friend out on 120 again last week. I'd be careful with this one. I think she only comes out for a short time to get some quick cash for her high. She's awful young. Be safe!"

All recognize the harm being done to the women by customers and pimps/traffickers but they continue to buy sex in spite of the harm.

"I tell her to come outside to my car so I can get a look at her. She has a nice bod so I go for it and tell her I'm only [sic] doing \$60 and she was cool w it. CBJ cowgirl mish doggie then I was out. She had glasses on when I asked [sic] her to take them off she had two black eyes. Ridiculous."

They observe and describe pimps and traffickers who are with the girls and women.

"I'm off to her apartment. She jumps in but leaves the door open. 'I have a favor to ask.' 'Can I give the 'contribution' (my term not hers) to X#*x&& (her significant other, whom I wouldn't name here)?' She'll wait in the car and he'll come and get it. What the fuck can I say? I'm literally in the driver's seat if not figuratively. I've seen her 'other' before and he don't scare me no how (intentional poor English). He's a little wigger wanna-be [a male Caucasian, often suburban, who emulates African American hip-hop culture and style]. Ok I sezz. He steps out of the shadows of her door way and does that little hunched shoulders grab his pee-pee walk that all good wiggers work so hard to perfect. She hands him the dead presidents and shuts the door. Off we go..."*

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Time after time the men describe women who did not appear to want to be there and resisted performing the sex act. Yet the men persisted and often punished them for their attitudes with violence and aggression.

"There is a new lady there. I could not understand her name. She is older, looks ok, but everything else was bad. She did not want to be there doing this at all. That was evident. The massage was bad, extras were bad, nothing good about it. I am going to stay away for a while. Looks 7, Body 6, English 2, Massage 3, Extras 2, Attitude [sic] 2"

Janson, L. (2013). "Our Great Hobby:" An Analysis of Online Network for Buyers of Sex in Illinois. Accessed at <http://media.virbcdn.com/files/b7/a87546ef7331b5da-OurGreatHobby.pdf>

ⁱ Smith, T.W., Marsden, P.V., & Hout, M. General Social Survey, 1972-2010. Data can be accessed at <http://gss.norc.org/>

ⁱⁱ Smith, T.W., Marsden, P.V., & Hout, M. General Social Survey, 1972-2010. Data can be accessed at <http://gss.norc.org/>

ⁱⁱⁱ Monto M., & McRee, J. (2005). A Comparison of the Male Customers of Female Street Prostitutes with National Samples of Men. *International Journal of Offender Therapy and Comparative Criminology*, 49(5), 505-29.

^{iv} Monto, M. & Milrod, C. (2014). Ordinary or Peculiar Men? Comparing the Customers of Prostitutes With a Nationally Representative Sample of Men. *International Journal of Offender Therapy and Comparative Criminology* 58(7), 802-820.

^v Durchslag, R. & Goswami, S. (2008). Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex. Accessed at www.caase.org/

^{vi} Durchslag, R. & Goswami, S. (2008). Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex. Accessed at www.caase.org/

^{vii} Durchslag, R. & Goswami, S. (2008). Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex. Accessed at www.caase.org/

^{viii} Janson, L. (2013). "Our Great Hobby:" An Analysis of Online Network for Buyers of Sex in Illinois. Accessed at www.caase.org.

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What We Know About Sex Traffickers and Pimps

in the U.S.

February 2017

Overview

To obtain information representative of all traffickers for sexual exploitation, researchers must construct a representative sample and then query participants in the sample. If the sample is representative, the results can then be extrapolated to the entire study population.

Because trafficking for sexual exploitation is an illegal and clandestine industry in the U.S. it is not possible to construct a representative sample. Therefore, research studies are done with “convenience” samples.

We have three sources of information about sex traffickers. First, court cases can be analyzed for valuable information about perpetrators. Second, traffickers can be located and interviewed. Third, trafficking victims can provide information about perpetrators.

We do not present information about the race of traffickers, in samples of prosecuted or identified cases. These are cases that come to the attention of law enforcement. They cannot provide accurate information about the large majority of pimps and traffickers who do not come into contact with the police. Furthermore, arrests are not made on a random basis, among representative groups. For a variety of reasons police may have greater access to minority traffickers and pimps, given the greater scrutiny occurring in inner-city neighborhoods. Therefore, the data are unlikely to be representative, and may in fact be significantly racially biased. Drawing conclusions from these data is inadvisable.

Findings in this fact sheet are limited to the research samples; because they are in no way representative, their conclusions cannot be extended to the entire population of traffickers.

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Summary of Findings

- While the vast majority of human traffickers, and pimps and sex traffickers are male, a significant minority (15% - 32%) are female, according to several recent studies.^{i ii iii}
- Human traffickers exist in all age groups. Several studies report a mean age of perpetrators of 37/38.^{iv v} One study of human traffickers found that 77% of perpetrators were 18-34.^{vi}
- Multiple research studies have found that a significant percentage of sex traffickers (3 - 36%) of juveniles are family members of the victim.^{vii viii ix x}
- Several studies also found that juvenile sex trafficking victims (27 - 60%) are also frequently trafficked by their boyfriends.^{xi xii xiii}
- Many pimps in one study (32 - 58%) used force as a means to control victims of sexual exploitation.^{xiv}
- A 2016 study in San Diego County provided several key findings about pimps and traffickers in that county.
 - Psychological coercion (social and emotional isolation, induced emotional exhaustion, and degradation, including humiliation, denial of the victim's power, and name-calling), and economic coercion (taking 50% or more of prostituted person's earnings) were primary means sex traffickers employ for controlling victims.^{xv}
 - Pimps reported an average income of \$670,625.^{xvi}
 - Researchers determined that middle schools and high schools were significant/frequent places for recruiting girls who become victims of sexual exploitation, and not just in low-income neighborhoods.^{xvii}
- While pimps interviewed in Chicago have been reported to control between two and 30 victims,^{xviii} one San Diego study found an average number of victims/survivors a pimp controlled was 4.5.^{xix}
- Pimps frequently begin trafficking and prostituting people at a young age. In one 2016 study, 37% began when they were younger than 18.^{xx} Another study done in Chicago reported the average age of entry into pimping was 22.48.^{xxi}
- Those who choose to pimp and traffic others for sexual exploitation often have backgrounds that include physical and sexual abuse, drug and alcohol addiction, and family members who were in the sex trade.^{xxii xxiii} *Please see detailed findings for more specifics.*

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Detailed Findings and Discussion

LEGAL CASES

Department of Justice Data

In 2011 the U. S. Department of Justice reported on the characteristics of 2,515 suspected cases of human trafficking investigated between January 2008 and June 2010 by federally funded human trafficking task forces. The vast majority (82%) involved trafficking for sexual exploitation.

- In cases confirmed as human trafficking, 488 perpetrators were identified.
- Most confirmed human trafficking suspects were male (81%). 81% of all female suspects were involved in in trafficking for sexual exploitation rather than labor trafficking.
- 77% of suspects were between the ages of 18 and 34. Two percent were 17 or younger, and 30% between 18 and 24.
60% of all suspects were U.S. citizens or permanent U.S. residents. Sixty-six percent of suspects in trafficking for sexual exploitation were U.S. citizens or permanent residents.

Banks, D. & Kyckelhahn, T. (2011). Characteristics of Suspected Human Trafficking Incidents, 2008-2010. Special Report, U.S. Department of Justice, Bureau of Justice Statistics.

Examination of Human Trafficking Court Cases

Researchers examined U.S. human trafficking court cases (both state and federal) resulting in a conviction or a plea bargain between January 2006 and December 2011 throughout the U.S., identifying the cases through a number of Internet data bases. One hundred and sixteen cases were examined, involving 382 perpetrators. Sixty-five percent of the cases involved transnational trafficking, with the remainder regional or local.

- The mean age of the perpetrators was 38.43.
- 68% were male, and 32% female. Females occupied core roles in 47% of the cases.

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- 302 perpetrators, or 79%, were involved in a network with three or more perpetrators. Networks could include brothel owners who used one main contact to procure women, and rings co-led by perpetrators.
- Researchers found that the victim was likely to be trafficked by someone from within her (his) own community (93%), regardless of whether she (he) was trafficked regionally or transnationally.
- 44% of perpetrators used violence on the victim. Ninety-five percent used coercion and or threats of violence.

Denton, E. (2016). *Anatomy of Offending: Human Trafficking in the United States, 2006-2011*. *Journal of Human Trafficking* 2(1): 32-62.

Survey of Law Enforcement Agencies

Through mail surveys of 2,598 law enforcement agencies throughout the U.S., researchers established that there were 1,450 arrests of juveniles by these entities for prostitution-related offenses in 2005. In follow-up research, surveyors obtained information on 711 cases in the sample. The victim sample was exclusively female. Almost half of the juveniles were 16 or 17 years old; 46% were 14 and 15 years old.

- 57% of these cases involved a pimp, called a third-party enforcer.
- Information was available for 97 perpetrators. Eighty-five percent were male and 15% female.
- 3% were a family member.
- 14% were acquaintances.
- 82% were facilitators, including pimps, acquaintances, and family members of the victims.

Mitchell, K., Finkelhor, D., & Wolak, J. (2010). *Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study*. *Child Maltreatment*: 18-36.

Characteristics of Convicted Traffickers in Oregon

Researchers examined records of 28 males with an arrest, charge, and or conviction for domestic trafficking for sexual exploitation between 2004 and 2015, the records compiled while they were on community supervision in Multnomah County, Oregon. Although this is in no way a representative sample of perpetrators, this study highlights the frequent use of violence by this one group of traffickers.

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Of the perpetrators:

- 37 was the mean age.
- 61% were dropouts during high school; of these 59% later obtained a GED.
- 18.5% experienced physical abuse as children.
- 26% experienced childhood sexual abuse.
- 41% were removed from their parents' home as a child.
- 33% began trafficking between the ages of 14 and 17, 63% were 18 and older. Four percent began in preadolescence.
- 11% reported family involvement in the sex trade industry, often a parental figure, but this information was unknown in the majority of the cases. The majority (96%) had not sold their own bodies.
- 22% had known gang involvement, although this category had a large number of unknowns related to gang involvement.
- 71% had a documented history of intimate partner violence.
- 46% had a documented history of perpetrating forcible rape.

Gotch, K. (2016). *Preliminary Data on a Sample of Perpetrators of Domestic Trafficking for Sexual Exploitation: Suggestions for Research and Practice*. *Journal of Human Trafficking*, 2(1): 99-109/

New York – Upstate and New York City Boroughs

Researchers surveyed a sample of seven upstate counties and four New York City boroughs' law enforcement agencies and those serving children to obtain an estimate of the number of annual cases of commercial sexual exploitation of children (those under the age of 18) they had uncovered. In total, 2,652 cases were identified in a year. This figure is an undercount of the total number of cases in New York, in that not all counties were surveyed and only cases coming to the attention of the agencies were captured.

Researchers did, however, obtain information about the perpetrators and there were wide differences between upstate New York counties and New York City.

- 16% of the sample of trafficked minors were trafficked by parents, parents' partners, or family members. The figure in New York City was seven percent.
- 24% in New York City and 58% in upstate New York were trafficked by an adult friend or acquaintance.
- 1% in New York City and 22% in upstate New York were trafficked by a minor friend or acquaintance.
- 75% in New York City and 28% in upstate New York were trafficked by an adult stranger. None were trafficked by a minor stranger.

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- Force was used in 58% of the cases in New York City and 32% of the cases in upstate New York.

Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family Services.

INTERVIEWS WITH PIMPS

Interviews with Ex-Pimps in Chicago

Interviews with 25 ex-pimps in the Chicago metropolitan area in 2009-10, another non-representative sample of volunteers, as in the Oregon research cited above, revealed similar childhood experiences of those who were trafficked for sexual exploitation.

- 72% were male and 28% were female.
- 61% of the males and 71% of the women had no high school degree.
- The average age at onset of pimping/trafficking was 22.48
- The average numbers of years of pimping was 15.6, with a range of 4-28 years.
- 56% of the men and 100% of the women sold sex prior to pimping. The average onset of selling sex was 14.4 years for the women and 16 years for the men.
- The number of women trafficked at any given time was two - 30. The total number of women trafficked over the years was a minimum of 4,135.
- 20% were addicted to alcohol while pimping and 16% were addicted to drugs.
- 88% experienced physical abuse while growing up.
- 76% experienced childhood sexual assault, with the average age of onset nine and a half years.
- 88% experienced domestic violence in the home.
- 84% experienced drugs and alcohol abuse in the home while growing up.
- 60% had family members involved in the sex trade.
- 84% use alcohol as a child, with the average age of onset 12.5 years.
- 24% had been committed to foster care.
- 48% ran away from home due to physical or sexual abuse.

Raphael, J., & Myers-Powell, B. *From Victims to Victimiziers: Interviews with 25 Ex-Pimps in Chicago*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law.

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San Diego County Study of Gang Involvement in Sex Trafficking

In interviews with 46 incarcerated and ten in-community traffickers, law enforcement, victims of trafficking, and school personnel in San Diego county, researchers identified 110 individual gangs in San Diego County from a wide variety of neighborhoods and racial/ethnic backgrounds that have members engaged in profiting from trafficking for sexual exploitation. In addition, researchers determined that 85% of identified traffickers were affiliated with a gang.

- Traffickers in this study made, on average, \$670,625 annual income, and controlled four and a half victims/survivors, on average.
- The most common form of coercion used by traffickers was economic coercion (taking 50% or more of prostituted person's earnings), followed by psychological coercion (*social and emotional isolation, induced emotional exhaustion, and degradation, including humiliation, denial of the victim's power, and name-calling*), and chemical coercion (supplying or forcing drugs). Only 12% of traffickers reported using physical or sexual violence as a coercion method.
- Facilitators/traffickers were classified into four broad categories, based on how they, themselves, identified their roles:
 - 1) Enforcer/Contractors (67% of traffickers) were most common. They reject the 'pimp' label and claim to act mostly as drivers, and security against buyers' violence and rape. They also claim to split revenue with the prostituted women.
 - 2) Traditional traffickers (28%) were most likely to refer to themselves as 'pimp.' They see the label as a sign of status. They are most likely to claim to keep all or most of the money made by the prostituted woman.
 - 3) Vicious/Violent traffickers (four percent) use tactics of extreme physical and psychological control to wrest the maximum financial quotas. They were most likely to recruit minors.
 - 4) Organized Trafficking Groups (OTGs) were the fourth type of sex-trafficking facilitator identified in San Diego. OTGs are structured as clandestine, closed networks, run by a small core group of individuals. Examples include a multinational "black book" ring that trades in adults and minors; a child prostitution ring controlling both domestic and international individuals; a residential brothel trafficking children from the Philippines; and a MS-13 clique operating as a closed group that traffics individuals - minors and adults from southern Mexico. None of the study's interviewees

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admitted to being involved in OTGs, but numerous interviewees gave details indicating specific knowledge of such activities.

Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

INTERVIEWS WITH TRAFFICKING VICTIMS ABOUT THEIR TRAFFICKERS

Chicago Victims of Sexual Exploitation Discuss Those Who Trafficked Them

Researchers interviewed 100 young women up to the age of 25 who were under the control of a pimp/trafficker at the time of the survey in 2007.

- 23% said they considered their pimp their boyfriend.
- 10% said they were recruited by a family member.
- 19% were recruited by friends.
- 12% were recruited by a pimp.

Raphael, J. & Ashley, J. (2008). *Domestic Sex Trafficking of Chicago Women and Girls. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law, and the Illinois Criminal Justice Information Authority.*

Youth in Homeless Shelters in New York

Interviews were conducted with 185 youth in the Covenant House Crisis Center and drop in programs in New York City between the ages of 18-23.

- 12% were trafficked for sexual exploitation.
- Of these, 36% were trafficked by their immediate families. 27% were trafficked by boyfriends.

Bigelsen, J. & Vuotta, S. (2013). *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York.*

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Ohio Victims Trafficked Under 18 Years Old

Researchers surveyed 115 individuals who became involved in the sex trade when under the age of 18. Of the subset who were trafficked:

- 9.6% were trafficked by a male member of a foster family.
- 7% were trafficked by a male family member who did not sell himself.
- 18.3% were trafficked by a male friend who did not sell himself.
- The majority of trafficked people were recruited by a female who acted like a friend.
- Of the 25 people who were trafficked by force, 60% were trafficked by a boyfriend and 18.3% by a male friend.

Williamson, C., & Perdue, T. (2012). *Domestic Sex Trafficking in Ohio*. A report of the Ohio Human Trafficking Commission.

ⁱ Banks, D. & Kyckelhahn, T. (2011). *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*. Special Report, U.S. Department of Justice, Bureau of Justice Statistics.

ⁱⁱ Denton, E. (2016). *Anatomy of Offending: Human Trafficking in the United States, 2006-2011*. *Journal of Human Trafficking* 2(1): 32-62.

ⁱⁱⁱ Mitchell, K., Finkelhor, D., & Wolak, J. (2010). *Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study*. *Child Maltreatment*: 18-36.

^{iv} Gotch, K. (2016). *Preliminary Data on a Sample of Perpetrators of Domestic Trafficking for Sexual Exploitation: Suggestions for Research and Practice*. *Journal of Human Trafficking*, 2(1): 99-109/

^v Denton, E. (2016). *Anatomy of Offending: Human Trafficking in the United States, 2006-2011*. *Journal of Human Trafficking* 2(1): 32-62.

^{vi} Banks, D. & Kyckelhahn, T. (2011). *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*. Special Report, U.S. Department of Justice, Bureau of Justice Statistics.

^{vii} Mitchell, K., Finkelhor, D., & Wolak, J. (2010). *Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study*. *Child Maltreatment*: 18-36.

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viii Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family Services.

ix Raphael, J. & Ashley, J. (2008). *Domestic Sex Trafficking of Chicago Women and Girls*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law, and the Illinois Criminal Justice Information Authority.

x Bigelsen, J. & Vuotta, S. (2013). *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*.

xi Bigelsen, J. & Vuotta, S. (2013). *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*.

xii Raphael, J. & Ashley, J. (2008). *Domestic Sex Trafficking of Chicago Women and Girls*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law, and the Illinois Criminal Justice Information Authority.

xiii Williamson, C., & Perdue, T. (2012). *Domestic Sex Trafficking in Ohio*. A report of the Ohio Human Trafficking Commission.

xiv Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family Services.

xv Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

xvi Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

xvii Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

xviii Raphael, J., & Myers-Powell, B. *From Victims to Victimizers: Interviews with 25 Ex-Pimps in Chicago*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law.

xix Carpenter, A. C. and Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. San Diego, CA: University of San Diego and Point Loma Nazarene University. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

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^{xx} Gotch, K. (2016). Preliminary Data on a Sample of Perpetrators of Domestic Trafficking for Sexual Exploitation: Suggestions for Research and Practice. *Journal of Human Trafficking*, 2(1): 99-109/

^{xxi} Raphael, J., & Myers-Powell, B. *From Victims to Victimiziers: Interviews with 25 Ex-Pimps in Chicago*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law.

^{xxii} Raphael, J., & Myers-Powell, B. *From Victims to Victimiziers: Interviews with 25 Ex-Pimps in Chicago*. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law.

^{xxiii} Gotch, K. (2016). Preliminary Data on a Sample of Perpetrators of Domestic Trafficking for Sexual Exploitation: Suggestions for Research and Practice. *Journal of Human Trafficking*, 2(1): 99-109/

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**What We Know About
Victims of Trafficking for Sexual Exploitation in the U.S.
February 2017**

Overview

We have information about victims of sex trafficking, but generalizations cannot be made because none of the research was done among representative samples. However, the characteristics of victims in these various samples are often similar in their vulnerabilities. They often, for example became victims of commercial sexual exploitation at a young age, and have frequently experienced abuse in their families of origin.

When a number of research studies converge on similar findings about characteristics of victims/survivors of sex trafficking, it can be appropriate to summarize them into a general finding, so long as the user is mindful to clarify that the statement is not conclusively true. It is the difference between stating “Three studies done in New York found that prostituted women typically experienced abuse in their families of origin,” versus “Research shows that the majority of prostituted women experienced abuse in their families of origin.” The former is an accurate statement. The latter is not.

A word about statements on the “average age of entry” that are often bandied about as if they were conclusive – they are NOT. We often see the blanket statement made, “The average age of entry into prostitution is 14 (or 12, or 15).” Any blanket statement like this is incorrect because we do not have empirical data to support this conclusion.

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Why? Because every single study that asks sexually exploited people when they were first prostituted or exploited is done among a convenience sample. Researchers ask girls who are in homeless shelters. Or women who are incarcerated. None of those samples are representative of the universe of those who are sexually exploited in this country. Each of those studies is biased by the ages and types of people who are questioned.

One research study, for example, found that the median age of entry into prostitution was 14. However, the sample was comprised of girls all under the age of 16. Another study of women under 25 found the average age of entry was 16. When research samples have older women in them, then the age of entry tends to be higher. It is simply a question of math.

There are some data indicating that juveniles in this country are trafficked. The most reliable of that data are summarized here. However, we simply cannot extrapolate from these, or any other convenience samples, to an overall fact about the average age of entry into prostitution.

Summary of Findings

Children are trafficked for sexual exploitation in this country, and many adults who are sexually exploited first became exploited while they were children.

- A 2007 study in New York found that 16% of upstate NY girls trafficked for sexual exploitation were 13 or younger. Four percent of those in New York City were 13 or younger.ⁱ
- In a study done among 112 Ohio children who became involved in the sex trade while under the age of 18, 12% were sold before age 12 and 26% between the ages of 16 and 17.ⁱⁱ
- Minors in San Diego county in a program for first time prostitution offenders, across several years, began being trafficked at an average age of 14.5. For adults in the same program, the average age of entry was 17.8.ⁱⁱⁱ

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- Several studies found that survivors of trafficking for sexual exploitation are likely to have experienced conditions that may have made them more vulnerable to being trafficked, including (but not limited to):
- History of childhood abuse and neglect (85-89% in New York)^{iv}
- History of sexual abuse by family members (40% in Ohio)^v
- Placement in foster care (50 -75% in New York^{vi}; 28% in San Diego^{vii})
- Homelessness (55% in San Diego)^{viii}
- Having run away from home at least once (63% in Ohio)^{ix}

Children and adults who are trafficked for sexual exploitation commonly experience violence at the hands of their pimps and the men who buy them.

- A 2007 Chicago study of 100 prostituted women 25 and younger found that 48% had been punched, 47% had been raped, 63% experienced threats of harm.^x
- Among 107 survivors of trafficking ages 14-60 from eleven major U.S. cities, 92.2% reported being the victim of at least one of 12 forms of physical violence (threatened with a weapon, shot, strangled, burned, kicked, punched, beaten, stabbed, raped or penetrated with a foreign object). Many survivors suffered more than half of these experiences; respondents reported an average of 6.25 of the 12 forms of violence.^{xi}
- Forty-two percent of those first sold for sex under the age of 18 in Ohio, according to a 2012 study, had been victims of customer-related or pimp-related violence and had been to the emergency room at least once as a result.^{xii}
- Victims of sexual exploitation ages 12-18 in one study had high rates of physical abuse, involvement with child protective services, running away from home, multiple drug use, alcohol abuse, and a history of sexual violence, with higher rates as compared with those who were not trafficked but were victims of child sexual abuse.^{xiii}
- Survivors of trafficking for sexual exploitation ages 14-60, interviewed for a 2012 study reported experiencing numerous mental and psychological conditions.^{xiv} These included:
 - Depression (88.7%)

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- Anxiety (76.4%)
- Nightmares (73.6%)
- Flashbacks (68%)
- Feelings of shame or guilt (82.1%)
- Post-Traumatic Stress Disorder (54.7%)
- Suicide attempts (41.5%)
- A substantial number of survivors interviewed for that study suffered from other psychological disorders, including bipolar, multiple personality, and borderline personality disorders.

Detailed Findings and Discussion

New York – Upstate and New York City Boroughs

Researchers surveyed a sample of 7 upstate counties and 4 New York City boroughs' law enforcement agencies and those serving children to obtain an estimate of the number of annual cases of commercial sexual exploitation of children (those under the age of 18) they had uncovered. In total, 2,652 cases were identified in a year. This figure is an undercount, in that all counties were not surveyed and only cases coming to the attention of the agencies were captured.

Important differences were noted between the urban (New York City) and rural (upstate) case samples.

- Girls in upstate counties were younger. Girls aged 13 or younger comprised four percent in New York City and 16% upstate were girls; over half in New York City and one-third upstate were girls 16 or 17 years old.
- For half of the upstate children, the age at the time of the first sexual exploitation was 11 years of age or younger. None of the New York City children were known to be exploited at this age; the most frequent age in New York City was 14-15 (43%).
- The most frequent age group of girls exploited in upstate counties was ten to 11 (43%).

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- The victims had histories of child abuse and neglect. In New York City, 85% had prior child welfare involvement, while upstate, 89% had child welfare involvement.
- Over two-thirds in New York City and 54% upstate were known to be the subject of a child abuse/neglect investigation.
- Three-quarters in New York City and nearly half of upstate girls had experienced placement in foster care. Over half in New York City and 44% upstate had a juvenile placement, defined to include stays in detention facilities.

Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family services.

Ohio Survey of Prostituted Persons

In a sample of 115 individuals who became involved in the sex trade in Ohio while under the age of 18, 12% were sold before age 12 and 26% between the ages of 16 and 17.

Of these, 40% were victims of family sex abuse. Those trafficked for commercial sexual exploitation suffered higher rates of sexual abuse than did other victims of abuse reported in Ohio.

- 24% were victims of physical abuse in their families
- 33% had a close family member in the sex trade
- 63% had run away from home once or more than once

Forty-two percent of those first sold under the age of 18 had been victims of customer-related or pimp-related violence and had been to the emergency room at least once as a result. Twenty-six percent had been hit and 21% beaten; ten percent had been stabbed; almost 15% had been held against their will by someone; 14% had been held at gunpoint, and nine percent at knife point. Almost half (49%) had been diagnosed with a mental health issue.

Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio*. Ohio Human Trafficking Commission Final Report.

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Chicago Victims of Sexual Exploitation Discuss Those Who Trafficked Them

In 2007, 100 girls up to the age of 25 who were currently under the control of a pimp/trafficker were interviewed in Chicago. The young women reported high levels of coercion and violence from their traffickers.

- 29% said they were provided drugs to encourage addiction, and 23% reported drugs withheld by the pimp to coerce them. Sixty-one percent experienced threats to end the romantic relationship and 63% experienced threats of harm.
- 43% reported they could not leave without physical harm and an additional 20% were unsure if they could leave without physical harm. Thirty-seven percent were not allowed to leave and visit friends and family. Forty percent said their pimp watched them when they were not trading sex with customers and another 20% were not sure if they were watched.

The young women also experienced high levels of violence from their traffickers.

- 48% had been punched
- 26% spanked
- 43% kicked; and
- 47% were raped

Weapons used by pimps included fists (71%), knives (eight percent), guns (38%), matches and cigarettes (32%).

Raphael, J. & Ashley, J. (2008). *Domestic Sex Trafficking of Chicago Women and Girls. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law, and the Illinois Criminal Justice Information Authority.*

San Diego County Study of Gang Involvement in Sex Trafficking

Researchers interviewed 302 adult victims of trafficking for sexual exploitation who were in a prostitution first time offender program. An additional 321 minors in the program were noted, but were not interviewed. Information was also gleaned from the standardized intake forms of 167 human trafficking survivors (140 were survivors of trafficking for sexual exploitation) served by eight different non-profits who offer direct services to victims of human trafficking.

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Among the first time arrestees for prostitution in this sample, researchers concluded that 50% met the federal definition for classification as victims of human trafficking.

There was a strong correlation between this victimization and current or previous homelessness (55%) as well as having been in foster care (28%).

The average age of entry into prostitution for adults in the first time offender program was 17.8. Among minors, the average age of entry into prostitution was 14.5. Researchers combined these into an overall average age of entry of 16.1 years old.

Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

Characteristics of Patients in Pediatric ERs Suspected of Sexual Exploitation

Researchers identified characteristics of patients in three pediatric emergency departments who were thought to be suspected victims of child sexual exploitation. Twenty-seven children aged 12-18 were identified and compared with a group of 57 who were victims of childhood sexual assault.

Victims of sexual exploitation had high rates of physical abuse, involvement with child protective services, running away from home, multiple drug use, alcohol abuse, and a history of sexual violence, with higher rates as compared with those who were not trafficked. For example 69.9% had a history of drug use as compared with 19.2% of the control group. 30.8% had a history of violence connected with sex as compared with 3.8% of the control group.

Notably, 46% of the trafficked children had been to a medical provider with the past two months, providing an opportunity for intervention.

Varma, S., Gillespie, S., McCracken, C. & Greenbaum, V. (2015.) *Characteristics of Child Commercial Sexual Exploitation and Sex Trafficking Victims Presenting for Medical Care in the United States*. *Child Abuse & Neglect* 44, 98-105.

Focus Groups With Survivors of Sex Trafficking Ages 14-60

Researchers conducted focus groups with 107 participants in eleven U.S. cities including Chicago, St. Louis, Washington, D.C., Los Angeles, San Francisco and more; all domestic survivors of sex trafficking ranging in age from 14 to 60 in 2012. Participants reported numerous psychological and mental conditions,

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including depression (88.7%), anxiety (76.4%), nightmares (73.6%), flashbacks (68%), and feelings of shame or guilt (82.1%).

A substantial number of survivors suffered from other psychological disorders, including bipolar, multiple personality, and borderline personality disorders. 41.5% had attempted suicide and 54.7% suffered from Post-Traumatic Stress Disorder.

Survivors were asked whether they had been threatened with a weapon, shot, strangled, burned, kicked, punched, beaten, stabbed, raped or penetrated with a foreign object. Nearly all (92.2%) reported being the victim of at least one form of physical violence and many survivors suffered more than half of these experiences; respondents reported an average of 6.25 of the 12 forms of violence. Substance abuse was also rampant. 84.3% used alcohol, drugs, or both during their captivity and more than a quarter (27.9%) said that forced substance use was a part of their trafficking experience. Alcohol, marijuana, and cocaine were the most common substances.

Lederer, L. & Wetzel, C. (2014). *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*. *Annals of Health Law* 23, 61-91.

Child Welfare Involvement Among Trafficking Survivors

Rights4Girls compiled the following findings from several research reports. Sources for each statistic are below.

Accessed at <http://rights4girls.org/wp-content/uploads/r4g/2015/02/CW-DCST-Dec-2015-new-logo.pdf>

- “In 2013, 60% of the child sex trafficking victims recovered as a part of an FBI nationwide raid from over 70 cities were children from foster care or group homes.”^{iv}
- * In 2012, Connecticut reported 88 child victims of sex trafficking. Eighty-six were child welfare involved, and most reported abuse while in foster care or residential placement.^v
- * In 2012, Los Angeles County, California reported that of the 72 commercially sexually exploited girls in their Succeed Through Achievement and Resilience (STAR) Court Program. 56 were child-welfare involved. (STAR is a program offering alternatives to detention for girls arrested for involvement in prostitution or other forms of commercial sexual exploitation. It provides a range of comprehensive services and support designed to allow minor to be supported as victims vs criminals)^{vi}

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- In 2013, 85% of trafficking victims in New York had prior child welfare involvement.^{vii}
- In Alameda County, California, a one-year review of local CSEC (Commercial Sexual Exploitation of Children) victim populations found that 53% had lived in a group home, and 83% had previously run away from home.^{viii}

iv "Finding and Stopping Child Sex Trafficking." NPR, August 1, 2013. Available at <http://www.npr.org/templates/story/story.php?storyId=207901614>

v Connecticut Department of Children and Families, *A Child Welfare Response to Domestic Minor Sex Trafficking* (2012).

vi Kate Walker, California Child Welfare Council, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California* (2013), p. 10.

vii House Ways and Means Hearing on "Protecting Vulnerable Children: Preventing & Addressing Sex Trafficking of Youth in Foster Care" Representative Louise M. Slaughter Human Resources Subcommittee Testimony October 23, 2013, available at <http://waysandmeans.house.gov/hearing-onpreventing-and-addressing-sex-trafficking-of-youth-in-foster-care/>

viii *Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth (MISSEY), MISSEY Data Report (June 2009).*"

Trafficking Cases Investigated by Federally Funded Task Forces

Of confirmed human trafficking cases investigated by federally-funded task forces between 2008 and 2010, 54% of victims were 17 years of age or younger and 31% were between the ages of 18 and 24.

All but a handful of victims were U.S. nationals.

Banks, D. & Kyckelhahn, T. (2011). *Characteristics of Suspected Human Trafficking Incidents, 2008-2010. Special Report, U.S. Department of Justice, Bureau of Justice Statistics.*

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Potential Trafficking Cases Reported to National Human Trafficking Resource Center Hotline

In 2016 a total of 7,572 unique cases of potential human trafficking were reported to the hotline. Of these:

- 30% of potential victims were minors
- 29% of victims were U.S. citizens or legal permanent residents

Polaris. (2017). 2016 Statistics.

ⁱ Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family services.

ⁱⁱ Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio*. Ohio Human Trafficking Commission Final Report.

ⁱⁱⁱ Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

^{iv} Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family services.

^v Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio*. Ohio Human Trafficking Commission Final Report.

^{vi} Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. (2007). *New York Prevalence Study of Commercially Sexually Exploited Children*. A WESTAT Report prepared for the New York State Office of Children and Family services.

^{vii} Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

^{viii} Carpenter, A. & Gates, J. (2016). *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. Accessed at <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>

^{ix} Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio*. Ohio Human Trafficking Commission Final Report.

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^x Raphael, J. & Ashley, J. (2008). *Domestic Sex Trafficking of Chicago Women and Girls. A Report from the Schiller DuCanto & Fleck Family Law Center, DePaul University College of Law, and the Illinois Criminal Justice Information Authority.*

^{xi} Lederer, L. & Wetzel, C. (2014). *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities. Annals of Health Law 23, 61-91.*

^{xii} Williamson, C., Perdue, T., Belton, L., & Burns, O. (2012). *Domestic Sex Trafficking in Ohio. Ohio Human Trafficking Commission Final Report.*

^{xiii} Varma, S., Gillespie, S., McCracken, C. & Greenbaum, V. (2015.) *Characteristics of Child Commercial Sexual Exploitation and Sex Trafficking Victims Presenting for Medical Care in the United States. Child Abuse & Neglect 44, 98-105.*

^{xiv} Lederer, L. & Wetzel, C. (2014). *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities. Annals of Health Law 23, 61-91.*

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What We Know About Characteristics of Women and Girls in the Sex Industry February 2017

Overview

In this fact sheet we provide information garnered from research with women and girls in prostitution. These research studies, and this fact sheet, do not differentiate between trafficked and non-trafficked individuals. We have devoted a separate fact sheet, titled “What We Know About Victims of Trafficking for Sexual Exploitation in the U.S.” to research done among trafficking victims; primarily those under 18 when they were first exploited.

None of the findings can be construed to be true for the universe of women and girls in the sex trade industry in the U.S. for the simple reason that none of the research was done among representative samples. However, the characteristics of victims in these various samples are often similar, and there are no reliable data that contradict what these studies have found.

The facts and findings we have are based only on the “tip of the iceberg.” We can only measure what and who we can see. Who is missing from most of the research findings? We are missing, for example, those involved in some parts of the “indoors” sex trade, such as phone sex and call-out prostitution. In addition, people who are so controlled by a pimp/trafficker that they cannot be interviewed, are not represented.

Bear in mind, then, that the numbers of people involved in the sex trade are greater – by how much we cannot know – than what research reports. And the characteristics we report for those involved in the sex trade – like age of entry – might be somewhat different if we were able to interview more people who are involved in the least accessible parts of the industry.

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A word about statements on the “average age of entry” that are often bandied about as if they were conclusive – they are NOT. We often see the blanket statement made, “The average age of entry into prostitution is 14 (or 12, or 15).” Any blanket statement like this is incorrect because we do not have empirical data to support this conclusion.

Why? Because every single study that asks sexually exploited people when they were first prostituted or exploited is done among a convenience sample. Researchers ask girls who are in homeless shelters. Or women who are incarcerated. None of those samples are representative of the universe of those who are sexually exploited in this country. Each of those studies is biased by the ages and types of people who are questioned.

One research study, for example, found that the median age of entry into prostitution was 14. However, the sample was comprised of girls all under the age of 16. Another study of women under 25 found the average age of entry was 16. When research samples have older women in them, then the age of entry tends to be higher.

There are some data indicating that juveniles in this country are trafficked. The best of that data is summarized here. However, we simply cannot extrapolate from these, or any other convenience samples, to an overall fact about the average age of entry into prostitution.

Summary of Findings

AGE OF ENTRY INTO THE SEX TRADE

Many research studies show large percentages of participants entering the sex trade before they are 18 years of age.

- 3% of women in a Chicago study first exchanged sex for money before they were 11 years old. An additional 33% did so between the ages of 12-15.ⁱ
- Several studies have found that girls of color enter the sex trade at an earlier age than white girls in research samples.^{ii iii}
- Research has found that a majority of individuals in the sex trade have been victims of childhood sexual assault. In 21 studies on prostitution, the lowest percentage of women found to have been sexually abused as children is 33%.

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with a high of 84%. Please refer to the fact sheet “What We Know About Victims of Trafficking” for specific findings.

- For comparison, multiple research studies support the finding that the prevalence of childhood sexual abuse of girls in the general U.S. population is 9.6%.^{iv} Thus, the prevalence of childhood sexual abuse in samples of prostituted females is three to nine times higher than that of the general population.

CHILDHOOD SEXUAL ASSAULT AND PROSTITUTION

The link between childhood sexual assault and entering prostitution is clear. However, many child sex abuse victims do not become involved in prostitution. Several studies have found that childhood sexual assault is not an independent predictor of initiation into the sex trade.

- Research suggests that running away from home, or homelessness, may be an intervening variable, combining with early childhood sexual assault to create the conditions for prostitution entry.
 - One study determined that a significantly greater proportion of prostituted youth who were sexually abused could be classified as runaways (87% compared to 61% of sexually abused youth who were not prostituted).^v

HOMELESSNESS AND PROSTITUTION

Indeed, several studies have found that those who entered the sex trade at a younger age were more likely to have run away from home or been homeless than those who entered the sex trade as adults.^{vi vii}

- Several studies confirm links between childhood sexual abuse, being homeless, and involvement in the sex trade, often as a way to procure money for food, shelter, and drugs.^{viii ix}
- Among homeless adolescents in one study, researchers found that gay males and heterosexual females were the most likely teens to engage in “survival sex.”^x N.B. *There is very little reliable data on transgender people, and little on gay and lesbian people at this time.*

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SUBSTANCE ABUSE AND PROSTITUTION

Multiple research studies confirm that drug and alcohol use, abuse, and addiction are quite common among those in the sex trade industry. ^{xi xii}

- Research also confirms that drug/alcohol use and abuse can both precede a woman's entry into the sex trade, and develop as a consequence of involvement in the sex trade. In other words, some people enter the sex trade to pay for drugs; others consume drugs to cope with their involvement in the sex industry. ^{xiii}
- Those who enter the sex trade as juveniles have been found, in multiple studies, to start drug use at a younger age than those who enter as adults. However, juveniles were found to start *after* they entered the sex trade, whereas adult drug users in the sex trade began drug use *prior* to entering the industry. ^{xiv xv}
- There has been some speculation as to whether drug use is more prevalent among those who are involved in the sex trade in the streets, versus those who are involved in indoor venues. Although on the whole there is very little research, a few studies indicate that substance abuse in indoor venues may be as much of a problem as it is on the street. ^{xvi xvii xviii}

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Detailed Findings and Discussion

AVERAGE AGE OF ENTRY

It will never be possible to answer the question about the average age of entry into the sex trade in the U.S., since we cannot construct a representative sample. Many research studies are done among young people who are in custody or in social services programs, because they are "convenient:" we can find and interview them. This is one reason why the average age of entry cited in many research studies is 12-14. An average age of 14 can come from a sample of girls 16 or younger; since the sample is made up of quite young people, it will be lower than the average age of entry in samples containing older girls and women.

Nonetheless, it is important to note that all research studies show large percentages of participants entering the sex trade before they are 18 years of age.

Women Who Entered Prostitution Prior to 18

Those entering the sex trade as juveniles appear to start very young. When researchers questioned women, all of whom had begun in prostitution before age 18, they found that almost two-thirds began their regular involvement when they were fifteen years old or less. Over a third were between the ages of 11 and 13, and another third were between 14 and 15.

Nixon et. al. (2002). The Everyday Occurrence: Violence in the Lives of Girls Exploited through Prostitution Violence against Women 8 (9): 1016-43.

Juveniles in Prostitution

In a sample of 44 juveniles ranging in age from 13 to 18 years of age in prostitution, 89% were 16 or younger when they began.

Nadon et. al. (1998). Antecedents to Prostitution: Childhood Victimization. Journal of Interpersonal Violence 13 (2), 206-221.

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Women in the Sex Trade in Chicago

Research with a sample of 222 women in the sex trade industry in Chicago found that three percent reported they first exchanged sex for money before they were 11 years of age. Almost 33% first exchanged sex for money between the ages of 12 and 15.

Raphael & Shapiro (2002). Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study Report, Chicago, 2002.

RACE/ETHNICITY

In several research samples, findings showed that girls of color began in the sex trade earlier than others in the sample.

African American women in Cook County Jail

African American women in one Cook County jail sample entered prostitution earlier than the other women in the sample.

McClanahan et. al. ((1999). Pathways into Prostitution among Female Jail Detainees. Psychiatric Services 50(2): 1606-13.

Victoria, British Columbia Research

Researchers in Victoria, B.C. found that the female respondents' median age of entry was 18 years, with that of Aboriginal women still younger at the median age of 17.

Benoit, C. & Millar, A. (2001). Dispelling Myths and Understanding Realities: Working, Conditions, Health Status, and Exiting Experiences of Sex Workers. Report, Victoria, B.C., 2001.

Women Who Entered Prostitution Prior to 18

Although there were no differences in the average age of entry in prostitution in another Canadian sample, Aboriginal respondents were significantly more likely to be involved in prostitution for longer lengths of time.

Nixon et. al. (2002). The Everyday Occurrence: Violence in the Lives of Girls Exploited through Prostitution Violence against Women 8 (9): 1016-43.

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ENTERING THE SEX TRADE AS AN ADULT VS AS A CHILD

Researchers have also found differences between adult women who first traded sex as a juvenile and those who began as adults.

Women in the Sex Trade in Chicago

In a sample of 222 adults currently in prostitution in metropolitan Chicago, “early starters,” those who first traded sex before the age of 15, were more likely to have run away from home, used drugs or alcohol as a teen, grown up with someone who was involved in prostitution, been involved in a wider range of prostitution activities, have greater health problems as adults, and were less likely to graduate from high school.

Raphael & Shapiro (2002). Sisters Speak Out: The Lives and needs of Prostituted Women in Chicago. Research report.

Minneapolis Study of Women in the Sex Trade

In research with 103 respondents in Minneapolis, the median age of juvenile “starters” in the sex trade was 15 years of age and for adult “starters” it was 22 years of age. Juvenile “starters” were more likely to have reported running away from home and to have used drugs at an earlier age. Participants who first traded sex as adults were 3.44 times more likely to have used drugs prior to first trade compared with those who first traded sex as youth, indicating that involvement in the sex trade for the older starters may have been prompted by the need for money to buy drugs.

Martin, et. al. (2010). Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a juvenile Versus as an Adult. Violence Against Women 16 (11) 1252-1269.

Vancouver, Canada Research

In a sample of almost 200 women in Vancouver, the average age of entry into the sex trade was 16.98 years of age.

Leonard Cler-Cunningham,(2001). Violence against women in Vancouver’s Street Level Sex Trade and the Police Response, report,

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CHILDHOOD SEXUAL ASSAULT AND PROSTITUTION

Women Involved in Street Prostitution, 2003

In a sample of 43 women involved or formerly involved in prostitution on the streets recruited via multiple methods (word of mouth, enrolled in an intervention program, and incarcerated), 74% reported experiencing childhood sexual abuse. For eight women, molestation began during infancy or before age three.

Dalla et. al. (2003). "You Just Give Them What They Want and Pray They Don't Kill You." *Violence Against Women* 9(11): 1367-1394.

Miami Research with Prostituted Women

In a large sample of 294 prostituted women on Miami's streets, 70.4% were sexually abused as children.

Kurtz et. al. (2004). *Sex Work and "Date" Violence*. *Violence against Women*, 10(4): 357-385.

Women in Street Prostitution, Washington, D.C.

Forty four percent of a sample of 100 women in street prostitution in Washington, D.C. reported unwanted sexual contact as children.

Valera et. al. (2001). *Perceived Health Needs of Inner-City Street Prostitutes: A Preliminary Study*. *American Journal of Health Behavior* 25 (1): 50-59.

Adolescents Involved in Prostitution

Sixty eight percent of 45 adolescents involved in prostitution were sexually abused in childhood.

Nadon et. al. (1998). *Antecedents to Prostitution: Childhood Victimization*. *Journal of Interpersonal Violence* 13(2): 206-221.

Florida Women Involved in Street Prostitution

Sixty nine percent of a sample of 102 women in prostitution on the streets in Florida said they had been sexually abused as children.

Arnold et. al. (2001). *Perpetrators as Victims: Understanding Violence by Female Street-Walking Prostitutes*. *Violence and Victims* 16(2): 145-59.

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Adolescents Involved in Prostitution

Researchers compared the characteristics of 45 female adolescents in the sex trade with 37 female adolescents not in prostitution, recruited from similar racial and family socio-economic backgrounds. Sixty-eight percent of those in the sex trade industry were victims of childhood sexual abuse, while 57% of those not in prostitution had been affected by childhood sexual abuse. This is a small difference. In both groups the perpetrator of the abuse was reported to be a family member. The average age of onset of the victimization was 7.8 years for the prostituted girls and 6.6 years for those not in the sex trade. However, a significantly greater proportion of prostituted youth could be classified as runaways (87% of prostituted youth compared to 61% who were not). Running away, or homelessness, may be an intervening variable, combining with early childhood sexual assault to create the conditions for prostitution entry.

Nadon et. al. (1998). *Antecedents to Prostitution: Childhood Victimization*. *Journal of Interpersonal Violence* 13 (2): 206-221.

HOMELESSNESS AND PROSTITUTION

The connections between prostitution and homelessness are self-evident. Homeless individuals may trade sex for money, food, shelter, alcohol, or drugs. While on the streets they may also be prey to pimps and traffickers who recruit them into the sex trade, or to customers who proposition them for paid sex.

N.B. Research in this area does not produce necessarily accurate results. Researchers usually obtain access to youth on the streets or in youth shelters. Those under the control of a pimp/trafficker will not be available to researchers at these locations. The figures produced by this research thus cannot be said to be in any way definitive.

In-Depth Interviews With Homeless Youth in the Midwest

Forty homeless youth in several Midwestern states participated in in-depth interviews in homeless youth shelters and on the streets. Seven youths (18%), all female, in the study had direct experience with trading sex for food, shelter, money, or drugs. Six of the young girls were coerced or pressured to trade sex by boyfriends or female friends.

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Tyler & Johnson (2006). *Trading Sex: Voluntary or Coerced? The Experiences of Homeless Youth*. *Journal of Sex Research* 43: 208-216.

In quite a few studies, between 10% and 20% of homeless youth interviewed in social services settings or on the street have been found to have traded or been selling sex. Two research examples suffice here to demonstrate the finding.

Research with 372 Homeless Youth

A total of 372 homeless youth were interviewed, half male and a median of 17 years of age, in Seattle. Eleven percent of the adolescents reported trading sex at least once.

Tyler et. al. (2001). *The Effects of a High-Risk Environment on the Sexual Victimization of Homeless and Runaway Youth*. *Journal of Research on Adolescence*, 16(4):151-176.

Homeless Young Adults in Three Midwestern Cities

One hundred forty-four homeless young adults were interviewed in three Midwestern cities. Sixteen percent reported selling sex and 32% had friends who have done so.

Tyler & Beal (2010). *The High-Risk Environment of Homeless Young Adults: Consequences for Physical and Sexual Victimization*. *Violence & Victims* 25(1):101-15.

Researchers have also confirmed earlier findings about the relationship between childhood sexual assault, homelessness, and sex trade involvement.

Interviews With Homeless Females in the Midwest

Interviews with 361 homeless females were interviewed in the Midwest. The median age at the first time they ran away was 14 years. Thirty-two percent had been sexually abused while still living at home. Researchers found that young women from sexually abusive family backgrounds were likely to have spent a greater portion of their time on the streets as compared to their non-abused counterparts. Young women who were previously sexually abused were also more likely to have engaged in trading sex. Age by itself positively predicted sex trading; older adolescents were more likely to have traded sex for food, shelter, money, or drugs compared to their younger counterparts.

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Tyler et. al. (2000). *The Effects of Early Sexual Abuse on Later Sexual Victimization among Female Homeless and Runaway Adolescents*. *Journal of Interpersonal Violence*, 15: 235-250.

Correlation Between Runaway Episodes and "Survival Sex"

In another research study Tyler et. al. found that participation in the sex trade correlated with a great number of runaway episodes for homeless youth.

Tyler et. al. (2001). *The Effects of a High-Risk Environment on the Sexual Victimization of Homeless and Runaway Youth*. *Journal of Research on Adolescence*, 16 (4): 151-176.

Female Homeless and Runaway Youth - 2004

Three hundred sixty-one female homeless and runaway adolescents from five Midwestern cities were interviewed in a 2004 research report. Thirty-two percent said they had been sexually abused by adult caretakers. Those abused were more likely to run away from home at an earlier age and spent more time on the street. They were also more likely to trade sex for food, money, shelter, and drugs.

Chen et. al. (2004). *Early Sexual Abuse, Street Adversity, and Drug Use among Female Homeless and Runaway Adolescents in the Midwest*. *Journal of Drug Issues* 34(1): 1-21.

Montreal Female Youth Living on the Streets

In a study of 330 female street youth in Montreal, in a sample that contained both those in the sex trade and those not, large percentages of those not in the sex trade were victims of childhood sexual assault (63%). In this sample, childhood sexual assault was not an independent predictor of initiation into the sex trade. However, being on the street younger than 16 years old predicted prostitution involvement.

Weber et. al. (2004). *Predictors of Initiation into Prostitution among Female Street Youths*. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, 81(4): 584-595.

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Homeless Adolescents in Eight Midwestern Cities

A large sample of 428 homeless adolescents on the streets and in shelters, ranging from 16-19 years old, were interviewed. Researchers found that gay males and heterosexual females were most likely to engage in survival sex. For each year of increase in age, the likelihood of engaging in survival sex increased 1.5 times. Having been sexually abused by a caretaker, and having spent time directly on the streets, each increased the likelihood by two times. Gay, lesbian, and bisexual runaways were more likely to have been sexually abused by caretakers than were heterosexual runaways.

Whitbeck et. al. (2004). *Mental Disorder, Subsistence Strategies, and Victimization among Gay, Lesbian, and Bisexual Homeless and Runaway Adolescents*. *Journal of Sex Research*, 41(4): 329-342.

Trafficking and Prostitution Among Homeless Youth in New Orleans

Among a convenience sample of 99 homeless youth ages 18-24 who were present at a shelter in New Orleans over four months in 2014 - 25% had participated in the sex trade. Eleven percent of the sample had been trafficked for sex.

Murphy, Laura T, Taylor, Rae, Bolden, Christian L. (2015). *Trafficking and Exploitive Labor Among Homeless Youth in New Orleans, Modern Slavery Research Project, Loyola University, New Orleans*

Trafficking and Prostitution Among Homeless Youth In New York City

Among a sample of 174 homeless youth aged 18-23 who attended a New York crisis center or drop in programs, researchers found that 20.1% had been trafficked for sex (12%) or prostituted (12%).

Bigelsen, Jayne, et.al. (2013) *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*.

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SUBSTANCE ABUSE AND PROSTITUTION

Only very small percentages of participants did not use alcohol or drugs while engaged in prostitution, in research samples with women in the sex trade industry.

There are two research issues to bear in mind when considering these findings.

First, it is important to remember that most research with girls and women in prostitution occurs with individuals in street venues, as it is difficult and often impossible to obtain access to those who operate indoors. A few research studies with women in indoor venues do find similar addiction to alcohol and drugs. Furthermore, obtaining access to girls and women in the sex trade industry under control of a pimp/trafficker is difficult, so these research samples may underrepresent these individuals.

A second research issue involves sequencing: do women and girls become involved in prostitution to make money to support a pre-existing addiction, or do they turn to alcohol and other drugs after being active in the sex trade industry to cope with the trauma related to prostitution? Research has well established the existence of both scenarios.

Drug Use by Prostituted Women on the Street in Miami

In research with 294 women on the street in Miami, researchers found that 78% used crack, 37.4% cocaine, and 20.1% heroin. Alcohol was used by 75% of the women.

Kurtz et. al. (2004). Sex Work and "Date" Violence. Violence against Women 10(4): 357-385.

Drug Use Among Women in the Minneapolis Sex Trade

In research with 117 women in Minneapolis, 87% of those who started in the sex trade before the age of 18 and 80% who began at 18 years or older were drug users.

Martin et. al. (2010). Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a Juvenile Versus as an Adult. Violence against Women 16 (11): 1252-1269.

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Chicago Women in the Sex Trade

In a Chicago study of 222 women in the sex trade, 100% of the women used drugs and alcohol while on the streets.

Raphael & Shapiro (2003). *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study*. Report, Chicago.

Women Involved in Street Prostitution, 2003

Among a smaller sample (43 individuals) of women in the Midwest, 95% reported routine drug use.

Dalla (2000). *Exposing the "Pretty Woman" Myth: A Qualitative Examination of the Lives of Female Streetwalking Prostitutes*. *Journal of Sex Research* 37(4): 344-53.

Phoenix - Research with Females in Diversion Program

Research with 389 female attendees of a city-sponsored diversion program for adults arrested for prostitution in Phoenix, Arizona between the years 2004 and 2006 found that 41% were using crack/cocaine, 39.8% alcohol, and 29% other substances, including speed and heroin. These individuals were involved in a variety of indoor and outdoor prostitution venues.

Clarke et. al. (2012). *Age at Entry into Prostitution: Relationship to Drug Use, Race, Suicide, Education Level, Childhood Abuse, and Family Experiences*. *Journal of Human Behavior in the Social Environment* 22 (3). [No pages-this is an online publication]

African-American Women Addicted to Crack Cocaine

Researchers interviewed 203 urban African-American women in two drug treatment programs in two large metropolitan cities. All of the women were addicted to crack cocaine but not all were active in the sex industry, enabling researchers to compare the drug use of both groups. They found that the women in prostitution were more severely addicted than those who were not prostituted, and they were using a greater number of drugs to cope with experiences associated with prostitution, specifically feelings of guilt and sexual distress.

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Young et. al. (2000). *Prostitution, Drug Use, and Coping with Psychological Distress*. *Journal of Drug Issues* 30(4): 789-800.

Research studies establish the existence of two scenarios: women and girls become involved in prostitution to make money to support a pre-existing addiction. In addition, women turn to alcohol and other drugs after being active in the sex trade industry to cope with prostitution.

Jailed Women in Chicago

Researchers with a large sample of female jail detainees in Chicago between 1991 and 1993 concluded that drug abuse was as likely to follow the onset of prostitution as it was to precede it.

McClanahan et. al. (1999). *Pathways into Prostitution among Female Jail Detainees*. *Psychiatric Services* 50(12): 1606-13.

Women Involved in Street Prostitution, 2003

In a sample of 43 women in prostitution on the streets in a midsized Midwestern city, 95% were addicted to drugs, mostly alcohol and crack cocaine. 39% reported that they had turned to prostitution to support an established drug habit; nearly one in five (19.5%) said prostitution entry and drug abuse occurred simultaneously.

Dalla (2000). *Exposing the "Pretty Woman" Myth: A Qualitative Examination of the Lives of Female Streetwalking Prostitutes*. *The Journal of Sex Research* 37(4): 344-353.

Chicago Women in the Sex Trade

In research with 222 women in Chicago engaged in the sex trade in a variety of indoor venues as well as outdoors researchers asked whether the women had stepped up drug usage during prostitution. The overwhelming majority increased drug usage during their time in the sex trade.

Raphael & Shapiro (2003). *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study*. Report, Chicago.

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Exotic Dancers in Baltimore

Researchers in Baltimore interviewed 25 exotic dancers and 15 staff members in a Baltimore strip club. One third of the dancers said that drug use played a pivotal role in their initiation of dancing - a desperate solution for funding their drug addictions. The majority did not use drugs when they began to dance.

Lilleston et. al. (2015). *Exotic Dance in Baltimore: From Entry to STI/HIV Risk. Women & Health* 55 (5). [on-line-no pages]

SUBSTANCE ABUSE IN PROSTITUTION: JUVENILE VS ADULT ENTRY

Drug Use Among Women in the Minneapolis Sex Trade

In interviews with 117 individuals in the sex trade, investigators found that participants who first traded sex as adults were 3.44 times more likely to have used drugs prior to first sex trade compared with those who first traded sex as youth. Juvenile starters first used drugs, on average, at an earlier age than adult starters did, but they tended to first use drugs *after* entering the sex trade. They conclude that drug use did not generally lead to sex trading for juvenile starters.

Martin et. al. (2010). *Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a Juvenile Versus as an Adult. Violence against Women* 16 (11): 1252-1269.

Phoenix - Research with Females in Diversion Program

Researchers who investigated 389 female attendees at a Phoenix, Arizona diversion program who were arrested for prostitution corroborated the finding. For early starters, age of entry and prostitution involvement were roughly similar, while for older starters, there was a ten-year difference between first drug use (18 years) and prostitution entry (28 years).

Clarke et. al. (2012). *Age at Entry into Prostitution: Relationship to Drug Use, Race, Suicide, Education Level, Childhood Abuse, and Family Experiences. Journal of Human Behavior in the Social Environment* 22 (3). [No pages: this is an online publication]

Women Arrested or Convicted for Prostitution Offenses

One hundred and six women either serving time or awaiting trial for prostitution offenses were interviewed in a northeastern city jail. The median age for first

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paid sex was 18, but the median age for heroin use was 18.5, and 20 years for cocaine, indicating that serious drug addiction occurred after involvement in prostitution.

Norton-Hawk. Drugs and Prostitution: A Complex Equation. Unpublished paper.

SUBSTANCE ABUSE AND PROSTITUTION IN INDOOR VENUES

As most research has been done with women engaged in street prostitution, the question is often asked whether substance abuse is as major a problem for women and girls working indoors - in escort agencies, massage parlors, and strip clubs. Although on the whole there is very little research, a few studies indicate that substance abuse in indoor venues may be as much of a problem as it is on the street.

Women Arrested or Convicted for Prostitution Offenses

Norton-Hawk found that the heroin-addicted women in her sample were more likely to have engaged in an indoor venue of the sex industry, such as stripping or escort services. Heroin-addicted women generally said that the reason they first sold sex was to finance their drug addiction, but the researcher found a difference between Whites and the African-Americans, the latter who turned to drugs only after being involved in prostitution.

Norton Hawk. Drugs and Prostitution: A Complex Equation. Unpublished paper.

Chicago Women in the Sex Trade

In a sample of 222 women in the sex trade in Chicago, no women involved in escort services or the streets *never* used drugs or alcohol during their involvement in the sex trade. Only 4.7% of exotic dancers were free of these substances during prostitution. On the contrary, the majority of women engaged in exotic dancing, escort services and street prostitution increased the frequency and/or the number of different substances used during their involvement.

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Use During...	Exotic Dancing	Street Prostitution	Escort
No drugs/alcohol	4.7%	0%	0%
Same drugs, more frequently	27.9%	25.7%	42.9%
More kinds of drugs	9.3%	14.9%	3.6%
More kinds of drugs, more frequently	18.6%	58.4%	46.4%
No change in drug/alcohol use	16.3%	4%	3%
Same drugs, less frequently	11.6%	0%	3.6%
Fewer drugs, less frequently	4.7%	0%	3.6%
Fewer kinds of drugs	2.3%	1%	0%

Raphael & Shapiro (2003). *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study*. Report, Chicago.

Exotic Dancers in Baltimore

Of the 25 exotic dancers and 15 staff members in a Baltimore strip club, marijuana was used by over one-third of the dancers and 20% of staff. One-fifth of the dancers and ten percent of staff reported current use of heroin or crack/cocaine.

Sherman et. al. (2011). *More than a Dance: The Production of Sexual Health Risk in the Exotic Dance Clubs in Baltimore, USA*. *Social Science & Medicine* 73: 475-481.

Mustang Ranch, NV Brothel Research

In her research at Mustang Ranch, a legal Nevada brothel, one researcher found that all the women were addicted to drugs, with "quite a few" embarking on their substance abuse once at the ranch.

Albert (2001). *Brothel: Mustang Ranch and Its Women*. New York: Random House.

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- i Raphael & Shapiro (2002). *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study Report*, Chicago, 2002.
- ii McClanahan et. al. ((1999). *Pathways into Prostitution among Female Jail Detainees*. *Psychiatric Services* 50(2): 1606-13.
- iii Benoit, C. & Millar, A. (2001). *Dispelling Myths and Understanding Realities: Working, Conditions, Health Status, and Exiting Experiences of Sex Workers*. Report, Victoria, B.C., 2001.
- iv Finkelhor, et. al. (2005). *The Victimization of Children and Youth: A Comprehensive, National Survey*. *Child Maltreatment* 10(1): 5-25.
- v Nadon et. al. (1998). *Antecedents to Prostitution: Childhood Victimization*. *Journal of Interpersonal Violence* 13 (2): 206-221.
- vi Raphael & Shapiro (2002). *Sisters Speak Out: The Lives and needs of Prostituted Women in Chicago*. Research report.
- vii Martin, et. al. (2010). *Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a juvenile Versus as an Adult*. *Violence Against Women* 16 (11) 1252-1269.
- viii Tyler et. al. (2000). *The Effects of Early Sexual Abuse on Later Sexual Victimization among Female Homeless and Runaway Adolescents*. *Journal of Interpersonal Violence*, 15: 235-250.
- ix *Early Sexual Abuse, Street Adversity, and Drug Use among Female Homeless and Runaway Adolescents in the Midwest*. *Journal of Drug Issues* 34(1): 1-21.
- x Whitbeck et. al. (2004). *Mental Disorder, Subsistence Strategies, and Victimization among Gay, Lesbian, and Bisexual Homeless and Runaway Adolescents*. *Journal of Sex Research*, 41(4): 329-342.
- xi Kurtz et. al. (2004). *Sex Work and "Date" Violence*. *Violence against Women* 10(4): 357-385.

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^{xii} Martin et. al. (2010). *Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a Juvenile Versus as an Adult*. *Violence against Women* 16 (11): 1252-1269.

^{xiii} McClanahan et. al. (1999). *Pathways into Prostitution among Female Jail Detainees*. *Psychiatric Services* 50(12): 1606-13.

^{xiv} Martin et. al. (2010). *Meaningful Differences: Comparison of Adult Women Who First Traded Sex as a Juvenile Versus as an Adult*. *Violence against Women* 16 (11): 1252-1269.

^{xv} Clarke et. al. (2012). *Age at Entry into Prostitution: Relationship to Drug Use, Race, Suicide, Education Level, Childhood Abuse, and Family Experiences*. *Journal of Human Behavior in the Social Environment* 22 (3). [No pages: this is an online publication]

^{xvi} Norton Hawk. *Drugs and Prostitution: A Complex Equation*. Unpublished paper.

^{xvii} Raphael & Shapiro (2003). *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago: A Research Study*. Report, Chicago.

^{xviii} Albert (2001). *Brothel: Mustang Ranch and Its Women*. New York: Random House.

Violence Against Women in the Sex Trade

February 2017

Overview

In this fact sheet we provide information garnered from research with women and girls in prostitution. These research studies, and this fact sheet, do not differentiate among trafficked and non-trafficked individuals.

None of the findings can be construed to be true for the universe of women and girls in the sex trade industry in the U.S. for the simple reason that none of the research was done among representative samples. However, the characteristics of victims in these various samples are often similar, and there are no reliable data that contradict what these studies have found.

The facts and findings we have are based only on the “tip of the iceberg.” We can only measure what and who we can see. Who is missing from most of the research findings? We are missing, for example, those involved in some parts of the “indoors” sex trade, such as phone sex and call-out prostitution. As well, people who are so controlled by a pimp/trafficker that they cannot be interviewed, are not represented.

There are over 25 reliable research studies documenting the violence done to women in street prostitution. We have cited the most recent and those with the largest sample sizes. We are not summarizing all of the studies because the findings are so similar.

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Summary of Findings

Research has conclusively demonstrated that women selling sex on the streets experience unimaginably high levels of violence.

- Several studies have found that 50-72% of women in street prostitution have experienced severe violence at the hands of buyers, pimps/traffickers, and police officers.^{i ii}
- PTSD (Post-Traumatic Stress Disorder) rates among samples of prostituted women are also quite high. One study done in Washington DC found 42% met the criteria for PTSD diagnosis.ⁱⁱⁱ
- Women in prostitution experience many forms of violence including being beaten, threatened with a weapon, and rape.^{iv v}
 - A New York study found that being homeless increased the likelihood of women in prostitution experiencing violence.^{vi}
- Research done in Chicago found that moving prostitution indoors does not make prostitution “safe.” The severity of violence in indoor venues in this study was high, and in some types of violence even higher than for street prostitution.^{vii}
 - 50% of escorts and 64% of those prostituted in the streets had *ever* experienced forced sex while involved in the sex trade, according to one study.
 - Similar percentages – 21-22% – of both escorts *and* those who were involved in street prostitution experienced forced sex ten or more times while involved in the sex trade.

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Detailed Findings and Discussion

VIOLENCE IN STREET PROSTITUTION

There are more than 25 reliable research studies documenting the violence done to women in street prostitution in the U.S. We have cited the most recent and those with the largest sample sizes. We are not summarizing all of the studies because the findings are so similar. They do not expand or deepen the overall findings on this topic.

Miami Survey of Drug-Involved Women

In a research sample of 315 drug-involved females selling sex on the streets in Miami, Florida, 41.5% had encountered a violent customer in the past year, and 21% within the past month. 25% said they had been beaten in the last year, 14% had been threatened with a weapon, and 13% had been raped. 15% had jumped from cars and 24% ran away from violent dates.

Surratt et. al. (2004). *Sex Work and Drug Use in a Subculture of Violence. Crime & Delinquency*, 50(1): 43-59.

Adult Women Involved in Street Prostitution

In a sample of 43 women on the streets 18 years and older, 72% relayed incidents of severe abuse suffered at the hands of their partners, clients, and/or pimps. Many reported having been beaten with objects, threatened with weapons, and abandoned in remote regions. Rape was commonly reported, and seven percent described being victims of gang rape.

Dalla et. al. (2003). "You Just Give Them What They Want and Pray They Don't Kill You." *Violence against Women* 9(11): 1367-1394

Washington, D.C. Survey of Street Involved Prostituted Women

In a sample of 100 women on the streets of Washington, D.C., 42% met the criteria for PTSD. Sixty one percent reported being physically assaulted, nearly 80% reported being threatened with a weapon, and 44% had been raped in prostitution, with 60% of these rapes by customers.

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Valera et. al. (2001). *Perceived Health Needs of Inner-City Street Prostitutes: a Preliminary Study*. *American Journal of Health Behavior* 25 (1): 50-59.

Survey of Drug-Using Women in Harlem

This PTSD finding was corroborated in a study of 346 drug-using women in New York City's East and Central Harlem, where it was found that women in prostitution had higher mean scores of psychological distress measured by two mental health indexes than those who were not involved.

Women in the prostitution sub-sample of drug using women had higher distress scores than did samples of psychiatric in-and-outpatients.

El-Bassel et. al. (1997). *Sex Trading and Psychological Distress among Women Recruited from the Streets of Harlem*. *American Journal of Public Health* 97 (1): 66-70.

Researchers have also found correlations of violence and history of childhood sexual assault and drug use.

Miami Survey of Drug-Involved Women

In one sample of 325 females selling sex in Miami, Florida, researchers found that the severity of childhood abuse history was consistently associated with more incidents of violence of all types in the past year.

Surratt et. al. (2004). *Sex Work and Drug Use in a Subculture of Violence*. *Crime & Delinquency* 50(1): 43-59.

New York City Street-Based Prostituted Women

In a sample of 106 women selling sex on the streets in New York City, more than 50% experienced physical or sexual abuse from customers. Being homeless significantly increased the risk of being abused by customers, and childhood physical abuse and childhood sexual abuse were both significantly associated with sexual abuse by customers, although current physical abuse from

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customers was not. Injection drug use was positively associated with abuse from customers.

El-Bassel et. al. (2001). Correlates of Partner Violence among Female Street-Based Sex Workers: Substance Abuse, History of Childhood Abuse, and HIV Risks. Aids Patient Care and STDS (15(1): 41-51.

VIOLENCE IN INDOOR PROSTITUTION VENUES

Over the past 25 years, researchers have established that women and girls in prostitution experience violence from buyers, pimps/traffickers, and police officers. As researchers have more access to those selling sex on the streets, some have questioned whether these same levels of violence occur in indoor prostitution venues, where conditions are thought by some to be safer.

Existing research on women in the sex trade in indoor venues demonstrates that there is violence, but it can be of a different nature.

Comparison of Violence in Various Prostitution Venues - Chicago

A research sample of 222 women in prostitution in Chicago is one of the few research projects able to compare violence experiences across prostitution venues. There were some notable differences in the prevalence of the types of violence experienced in different venues. For example:

- Those selling sex on the streets had the greatest prevalence of being slapped, punched, hair pulled, kicked, clothes ripped, and threatened with a weapon.
- Being pinched and having something thrown at the women were most often experienced in exotic dancing.
- Being spanked was most prevalent in escort services.
- Rates of violence were significant in some indoor venues.
- However, researchers found that 50% of women in escort services in this study reported forced sex. And slightly over half of the women working as exotic dancers had been threatened with a weapon.

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Percent Ever Experienced	Escort	Exotic Dancing	Own Residence	Street Prostitution
Forced sex	50.0	23.3	37.5	64.4
Punched	39.3	23.3	21.8	70.3
Threatened with weapon	39.3	51.2	16.7	79.2
Threatened with rape	39.3	48.8	37.5	55.4
Something thrown at them	28.6	62.8	16.7	52.5

The chart below looks at some of the findings regarding the frequency with which women working in the sex trade experienced various types of violence in different venues.

Significant percentages of those who worked in indoor venues experienced violence frequently (10 or more times).

Looking at the frequency of the violence, 21% of women in escort services stated they had forced sex more than ten times, virtually the same percentage for women in the streets and in their own private homes.

Percent Experienced 10+ Times	Escort	Exotic Dancing	Own Residence	Street Prostitution
Forced sex	21.4	7.0	20.8	21.8
Punched	17.9	9.3	8.3	32.7
Threatened with weapon	7.1	7.0	0	19.8
Threatened with rape	7.1	11.6	12.5	14.9
Something thrown at them	14.3	14.0	8.3	23.8

Raphael & Shapiro (2004). *Violence in Indoor and Outdoor Prostitution Venues*. *Violence against Women* 10(2): 126-139.

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Women in Strip Clubs – Minneapolis

Research with 18 women who worked in strip clubs in the Minneapolis/St. Paul area found that 100% of the women were physically abused in the clubs, ranging from three to 15 times, with a mean of almost eight occurrences in the course of their involvement in exotic dancing. Forty four percent reported that men in the clubs threatened to hurt them. The violence included attempted vaginal penetration with fingers (61%), penetration with objects (33%), and attempted rape (17%).

Holsopple (1999). *Stripclubs According to Strippers: Exposing Workplace Sexual Violence*. In Hughes and Roche (Eds). *Making the Harm Visible: Global Sexual Exploitation of Women and Girls, Speaking out and Providing Services* (pp.252-276). Kingston, RI: Coalition against Trafficking in Women.

These findings were corroborated by Maticka-Tyndale et. al. (2000). *Exotic Dancing and Health*. *Women & Health* 31: 87-108 and Wesley (2002). *Growing Up Sexualized: Issues of Power and Violence in the Lives of Female Exotic Dancers*. *Violence against Women* 8 (10): 1186-1211.

ⁱ Dalla et. al. (2003). "You Just Give Them What They Want and Pray They Don't Kill You." *Violence against Women* 9(11): 1367-1394

ⁱⁱ Valera et, al. (2001). *Perceived Health Needs of Inner-City Street Prostitutes: a Preliminary Study*. *American Journal of Health Behavior* 25 (1): 50-59.

ⁱⁱⁱ Valera et, al. (2001). *Perceived Health Needs of Inner-City Street Prostitutes: a Preliminary Study*. *American Journal of Health Behavior* 25 (1): 50-59.

^{iv} Surratt et. al. (2004). *Sex Work and Drug Use in a Subculture of Violence*. *Crime & Delinquency*, 50(1): 43-59.

^v Valera et, al. (2001). *Perceived Health Needs of Inner-City Street Prostitutes: a Preliminary Study*. *American Journal of Health Behavior* 25 (1): 50-59.

^{vi} El-Bassel et. al. (2001). *Correlates of Partner Violence among Female Street-Based Sex Workers: Substance Abuse, History of Childhood Abuse, and HIV Risks*. *Aids Patient Care and STDS* (15(1): 41-51.

^{vii} Raphael & Shapiro (2004). *Violence in Indoor and Outdoor Prostitution Venues*. *Violence against Women* 10(2): 126-139

Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims

Overview

"You will do anything to feel like his everything. And he promises you everything. And the things he convinces you to do, they don't seem that bad if afterwards he shows you how much he loves you.... And as long as your profits meet expectations, you will have what you've wanted your whole life: Love."
 – from the spoken word poem, "America's Daughters," written by a Polaris client¹

The International Labor Organization estimates that there are 4.5 million victims of sex trafficking worldwide.² While the prevalence of sex trafficking in the United States is still unknown, we do know that women, children, and men are being sold for sex against their will in cities and towns in all 50 states. A shocking number of these victims are citizens of the United States. In 2014, the Urban Institute studied the underground commercial sex economy in eight U.S. cities and estimated that this illicit activity generated between \$39.9 million and \$290 million in revenue depending on the city.³ According to the study, pimps in one city earned an average of \$32,833 per week. It is within this economy that sex trafficking thrives, and with this potential for earnings, sex trafficking is considered a low-risk, high-reward endeavor.

The situations that sex trafficking victims face vary dramatically. Many victims become romantically involved with someone who then forces or manipulates them into prostitution. Others are lured in with false promises of a job, such as modeling or dancing. Some are forced to sell sex by their parents or other family members. They may be involved in a trafficking situation for a few days or weeks, or may remain in the same trafficking situation for years.

These people can become trapped and may fear leaving for myriad reasons. These include psychological trauma, shame, emotional attachment to the pimp, drug addiction, or physical threats to themselves or their children's safety. Under federal law, if these individuals are performing commercial sex through force, fraud, or coercion, or are induced into commercial sex while under the age of 18, they are victims of sex trafficking.⁴

While communities have begun to build better responses to the needs of this vulnerable population, services are still desperately needed to help the women, girls, men, and boys who often lack access to services and help. We must also look at what is necessary to disrupt trafficking networks to prevent people from becoming victims in the first place.

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Polaris has identified nearly 6,000 sex trafficking cases involving U.S. citizen survivors through operating the National Human Trafficking Resource Center (NHTRC) hotline and the BeFree Textline, and through providing long-term services and case management to survivors of human trafficking in Washington, DC and New Jersey. In the process, we have learned a great deal about what makes people vulnerable to recruitment by pimps, the locations where they are forced to sell sex, how their traffickers control them, and their level of access to opportunities for assistance.

We hope that this information will help communities better understand how traffickers operate so that we can put them out of business, keep them from harming more people, and help survivors find the services they need.

Methodology

The data in this report is based on information about sex trafficking cases involving U.S. citizen victims which was provided to the NHTRC, BeFree Textline, or Polaris's Client Services staff. In 2014, the NHTRC and BeFree received reports of 1,611 potential sex trafficking situations involving U.S. citizens or legal permanent residents.⁵ These cases offer general information about the nature of sex trafficking. In addition, Polaris analyzed accounts from 292 survivors who directly contacted the NHTRC or BeFree Textline in 2014 and provided more detailed information about their experiences. These accounts supplement the information collected from 141 U.S. citizen sex trafficking survivors who began receiving services from our social services offices between 2011 and 2014.

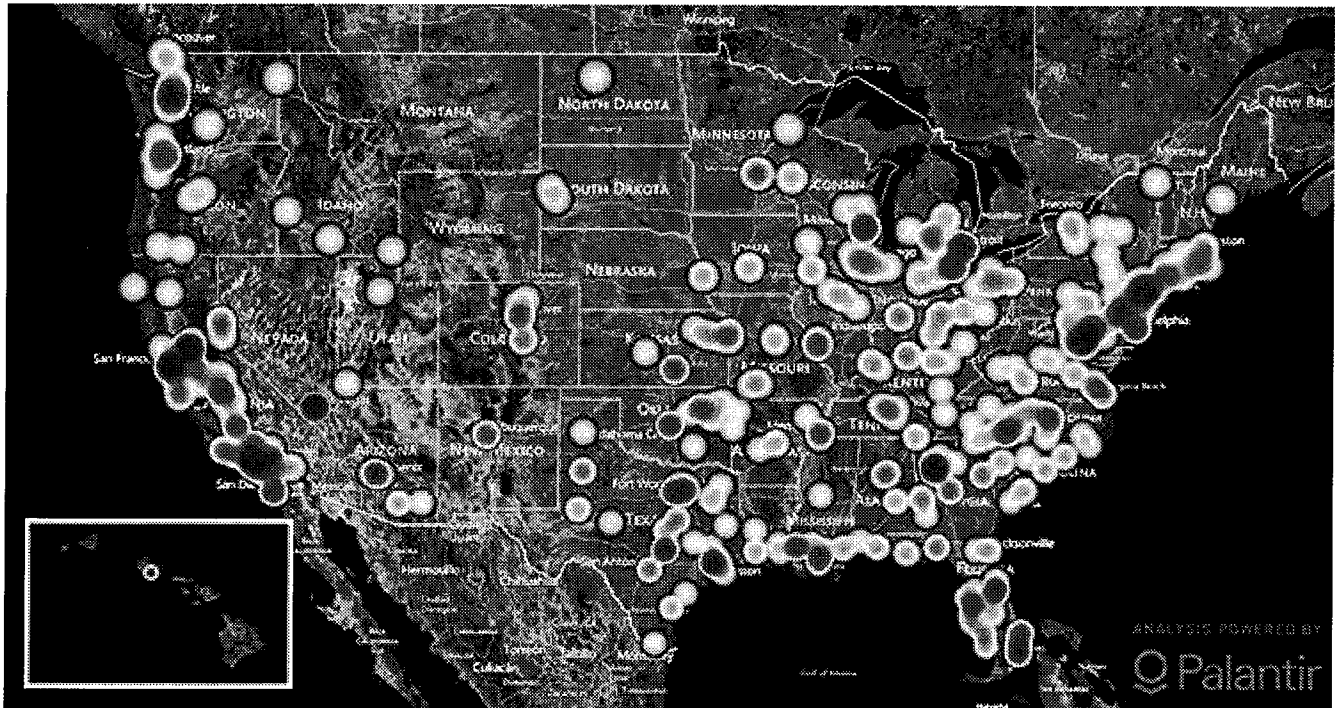
The information contained in this document was obtained through Polaris's regular interactions with survivors through the NHTRC hotline, BeFree Textline, and Polaris's direct Client Services programs and is not the result of a systematic survey. As survivors told their stories, Polaris staff noted key elements of each account and this information provided the basis for this document. Individuals contacting the NHTRC and BeFree Textline were asked to share only as much information as they were comfortable providing, and Polaris and the NHTRC have public statements about how information collected is used. Similarly, Client Services staff explained to every client that general, non-identifying information they provided may be shared for educational purposes. Clients who were not

fluent in English were provided this information by an interpreter who was fluent in the client's native language. Polaris's clients and individuals contacting the NHTRC and BeFree Textline can decline to provide any piece of information and we will still serve them to the best of our ability. (Please see Appendix on p. 10 for more information on our privacy policies.)

The NHTRC, Polaris BeFree Textline, and Polaris Client Services programs are not research-oriented programs. Instead, the staff of these programs are focused on helping trafficking survivors obtain security and achieve success. Because of this, survivors were not asked a set of standardized questions and only provided information that was deemed relevant to their interactions with Polaris staff. As such, the data points in this document represent only the number of survivors who chose to disclose a particular piece of information and should not be considered a comprehensive statement on the total number of survivors who qualify for a particular category. The number of survivors who disclosed specific pieces of information would likely have been significantly higher if Polaris staff had systematically asked a standardized set of questions to each survivor. The statistics presented in this document cannot be compared to the findings of more academic studies which included systematic studies. Our analysis focused on key elements of experience which Polaris has historically found to be significant in trafficking situations. Additionally, Polaris is unable to authenticate details of survivor accounts.

Despite these limitations, the information garnered from the stories of these survivors provides context and insight into the realities of sex trafficking in America. While not exhaustive in scope, the inclusion of particular details within a survivor's account indicates the elements of experiences considered most significant to that survivor and are important for informing policy, service provision, prevention campaigns, and disruption activities. This document is an opportunity to amplify the voices of survivors, both those who are comfortable with speaking publicly or with researchers and those who prefer to engage only with service providers.

Figure 1: Location of Sex Trafficking Cases involving U.S. Citizens Reported to NHTRC and BeFree (2014)



*This map only reflects cases in which the location of the potential trafficking was known. Some cases may involve more than one location and are not reflected in this map.

Figure 2: Survivor Demographics (NHTRC and BeFree Textline U.S. Citizen Sex Trafficking Cases)*; N=1,611

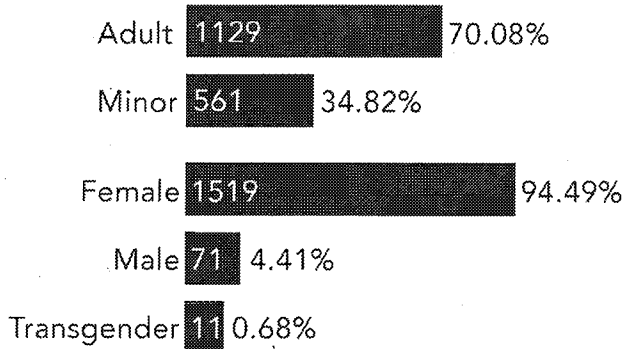
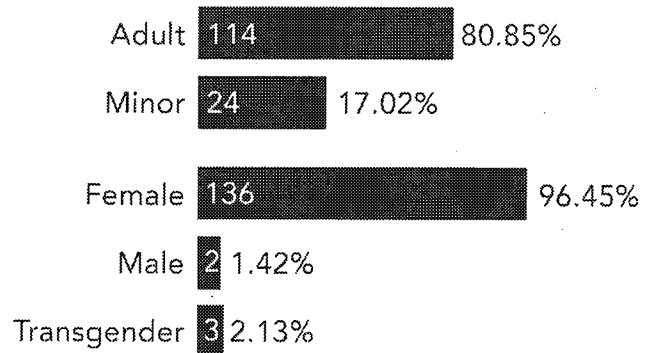


Figure 3: Survivor Demographics (Polaris Client Services U.S. Citizen Sex Trafficking Cases); N=141



*These statistics are non-cumulative. Cases may involve multiple victims and include female, male, and transgender individuals, foreign nationals and U.S. citizens, adults and minors. In some cases, demographic information is not reported. This table shows the number of cases referencing trafficking in which the labeled populations were involved, not the total number of individuals involved in the trafficking situations.

Recruiting the Vulnerable

"Brittany met a man at her local mall who offered her a job at his restaurant. Instead of working as a waitress, Brittany was forced to sell sex in a hotel room."

– from *Polaris Survivor Stories*

Traffickers profit from finding and recruiting people to exploit. Often, traffickers identify and leverage their victims' vulnerabilities in order to create dependency. They make promises aimed at addressing the needs of their target in order to impose control. They may make elaborate promises of a place to live, a job, or gifts of clothing and jewelry. Controllers may also act as romantic pursuers and initially offer love and support in order to gain their victim's trust. While television and film plots have frequently depicted traffickers as kidnapping their victims and forcing them into prostitution, these situations are rare in comparison to the number of victims recruited through other means.

In speaking with Polaris staff, survivors pointed to sustained unemployment, unpaid debts, and desperation to provide for themselves and their children as major factors in their path to exploitation. Many described the promises made by their controller as their best chance of attaining some level of financial stability. Given the limited economic opportunities available to young people, this was especially true for youth.

Survivors also cited chronic homelessness or lack of stable housing as a particularly significant factor in their susceptibility to the recruitment efforts of their traffickers. Several individuals reported that they were approached or recruited by their controller within days of being evicted or thrown out of their previous residences by a family member. In many instances, these controllers offered to act as a benefactor and provide shelter. Some survivors agreed to engage in sexual services directly in exchange for shelter, leading to exploitative and abusive relationships.

Individuals in need of emotional support are also vulnerable. In many instances, survivors recounted being approached by their controllers soon after experiencing a traumatic loss like the death of a family member, or after exiting an abusive relationship.

A Note about "Average Age of Entry"

Many people have used a controversial statistic indicating that the average age of entry for girls into prostitution is 12-14. Based on available internal and external data sources, Polaris does not believe this is accurate and encourages researchers to conduct new studies on this topic. Until a more comprehensive and methodical study is completed, the trafficking field has to rely on incomplete and imperfect data drawn from small data sets.

123 of the 292 survivors whose accounts were analyzed disclosed their age when they first engaged in commercial sex to the NHTRC or BeFree Textline. **44% of these survivors estimated that they were 17 or younger, and the average age of first participation was 19 years old.** This information might be affected because more adult victims contact the NHTRC and BeFree than minors. A 2015 Department of Justice funded study which looked at minor domestic sex trafficking victims reported a median age of 15.⁶ However, this statistic is similarly skewed, as the study focused exclusively on minors. A larger study which involves equal numbers of minor and adult participants is needed before more conclusive statements can be made.

Many youth who lack supportive home lives said they considered commercial sex as one of their only viable options. Youth who are supported by state agencies, including foster children, children in the juvenile justice system, victims of child abuse and neglect, runaway and homeless youth, and LGBTQ youth estranged from their families, are particularly vulnerable, and may lack other sources of emotional, social, or material support.

A number of survivors disclosed struggling with substance abuse prior to entering their trafficking situation. In these instances, controllers often recruited their victims by offering them drugs. Survivors struggling with addiction also reported being approached during transitional periods, such as recently being discharged from rehabilitation facilities or being evicted from their residence due to their substance use. Survivors also stated that health-related issues including medical and mental health conditions, cognitive impairments, and physical disabilities contributed to their exploitation. These conditions prevented some survivors from maintaining steady employment and financial security. Survivors with health issues referenced challenges accessing health services and prescription medication. These challenges motivated some survivors to accept offers of employment and material benefits.

Figure 4: Estimated Age at Time of First Commercial Sex Act Reported to NHTRC and BeFree Textline by Survivors; N=123

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.

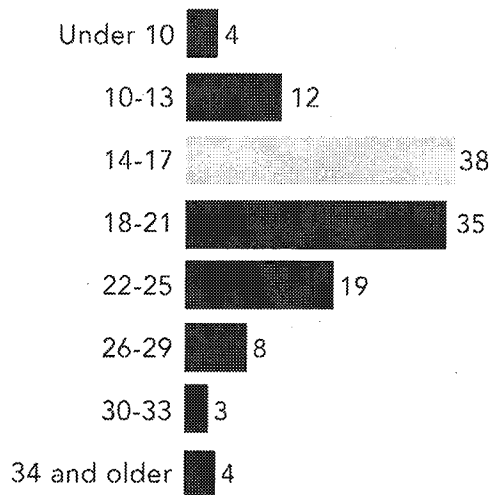
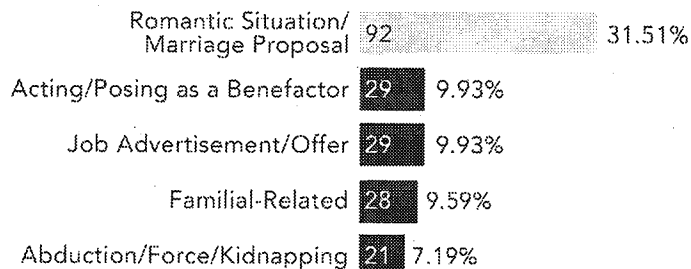


Figure 5: Recruitment Methods Reported to NHTRC and BeFree Textline by Survivors*; N=292

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.



*These statistics are non-cumulative. Survivors may reference multiple recruitment methods or may not provide this type of information.

Figure 6: Top 10 Risk Factors Reported by Survivors

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.

Self-Reported to NHTRC and BeFree

1. Poverty
2. Homelessness
3. Substance Use
4. Sexual Abuse/Assault
5. Child Abuse/Neglect
6. Runaway
7. Youth Involved with the Child Welfare and/or Juvenile Justice System
8. Domestic Violence
9. LGBTQ
10. Mental Health Concerns

Self-Reported by Polaris Clients

1. Child Abuse/Neglect
2. Homelessness
3. Runaway
4. Sexual Abuse/Assault
5. Domestic Violence
6. Poverty
7. Youth Involved with the Child Welfare and/or Juvenile Justice System
8. Mental Health Concerns
9. Substance Use
10. Other Type of Trauma

*Survivors and clients may reference multiple risk factors or may not provide this type of information. This chart provides data about the number of survivors who indicated that these risk factors applied to them prior to the start of their trafficking situation. The variables tracked in this category were selected based on Polaris's knowledge of common risk factors associated with trafficking and are not an exhaustive list of all factors which may make an individual vulnerable to trafficking.

Controlling the Victim

"Always make them need and depend on you so you have power over them. (Power is control)"

- The first of ten handwritten rules from the leader of a prostitution ring, titled "Rules 2 Da Game of Hoez!!!"⁷

Traffickers actively work to break down their victims' psyche and develop control over them through a combination of intense manipulation, feigned affection, brutal violence, isolation, and/or emotional abuse. Some develop a systematic process to recruit and control multiple victims. Others may take advantage of an existing relationship with the victim, and force their children or their wives or girlfriends into commercial sex.

The complex relationships between survivors and controllers make psychological manipulation a primary means of control. Some survivors reported being married or in romantic relationships with their controller for several years prior to being made to engage in commercial sex. The emotional bond these survivors felt towards their controller was a significant obstacle in leaving the situation. Like victims of domestic violence, many survivors may feel love or a sense of loyalty to their controller due to their familial or romantic ties or because their controller had supported them financially. Controllers who have children with their victims often restrict access to those children or use custody of the children to their advantage as a means of control.

Traffickers also use sexual abuse, other forms of violence, isolation, or confinement to dominate their victims. Many survivors Polaris has worked with described being unable to leave a particular area due to their controller's constant monitoring. Others discussed more subtle forms of isolation, such as experiencing limited or monitored access to phones or email accounts, or being moved frequently such that they were unable to establish social ties or locate resources in a given community.

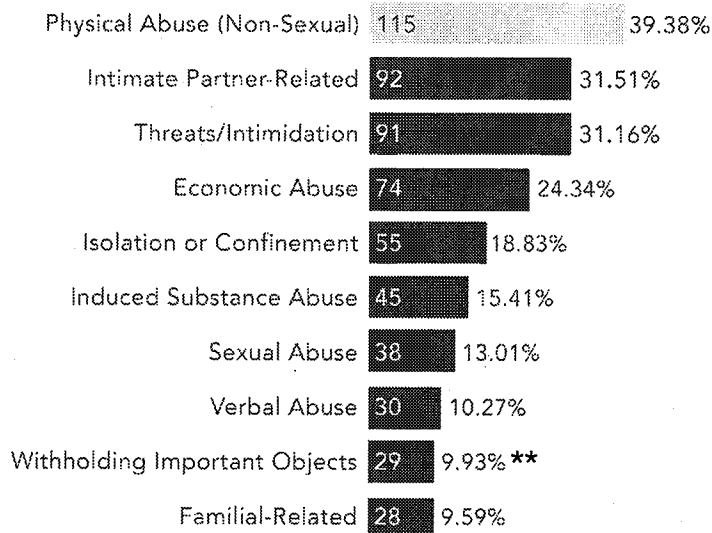
Economic abuse is another frequently cited means of control. Many survivors relayed that their traffickers typically confiscated most or all of their earnings and severely restricted their access to financial resources. This tactic forced the individual to become financially dependent on their controller even to acquire basic necessities. Many who experienced economic abuse stated that their controllers instituted a quota system in

which they had to earn a specific amount of money per night. Quotas varied but typically fell into the \$500 - \$1,500 range per night. Repercussions for not meeting a quota included physical abuse or being denied food or shelter until the quota was met.

Traffickers may supply and then control access to drugs as another way of maintaining obedience. This was reported by survivors who had struggled with substance issues before entering their trafficking situation, as well as by those who had no prior history of substance issues. This tactic made many survivors dependent on the supply of drugs provided by their controllers and added an additional obstacle to leaving. Control of drugs was not limited to illicit substances; some survivors who had serious medical and mental health issues reported that their controller confiscated their prescription medications to use as leverage.

Figure 7: Control Methods Reported to NHTRC and BeFree Textline by Survivors*; N=292

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.



**These statistics are non-cumulative. Survivors may reference multiple methods of control or may not provide this type of information.*

***Withheld important objects included, but were not limited to, identification documents, prescription medication, and food.*

Where Sex Trafficking Occurs

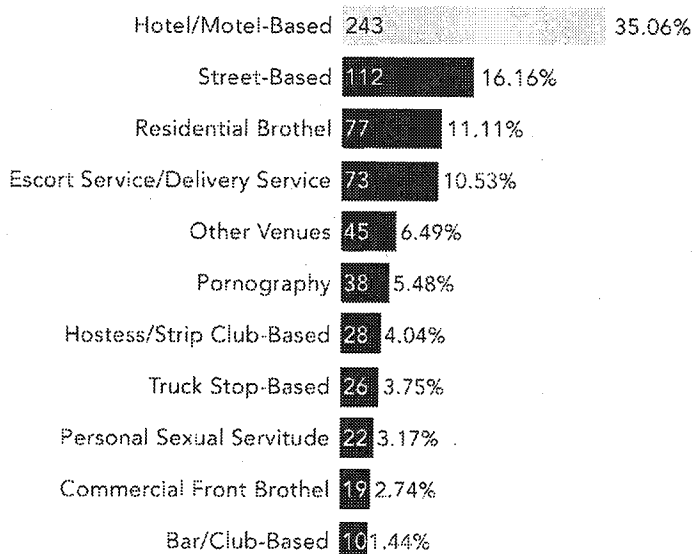
"In a motel, you could spend more time, and you didn't have to worry about the police. In a car, you have to be faster. I wanted to stay in the car because I didn't want to leave the stroll. If I left, I could lose money."

- Urban Institute, Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major U.S. Cities⁸

Sex trafficking occurs in various venues including solicitation from city streets, truck stops, strip clubs, hotels and motels, residential brothels, through escort services, and elsewhere. Many survivors reported engaging in commercial sex in multiple venues.

The most commonly reported venue for sex trafficking situations involving U.S. citizen victims was hotels and motels. Hotels and motels allow for buyer confidentiality, since buyers can park at and enter these establishments without it being obvious that they are there to purchase sex. Additionally, buyers may believe that these locations are both safer and more private than other venues. These locations also allow traffickers to function without being responsible for facility maintenance, and allow traffickers to move between locations and thus avoid the attention from law enforcement or the public that may come with a permanent location.

Figure 8: Primary Venue of Commercial Sex Reported to NHTRC and BeFree Textline by Survivors; N=693



Street-based commercial sex was more commonly reported in urban areas. Many cities have "tracks" or particular blocks or cross-streets known for commercial sex. Commercial sex enterprises operating out of houses, apartments, or trailers are known as residential brothels and exist in rural, suburban, and urban communities.

Escort services are typically more formal businesses ostensibly offering non-sexual services such as companionship, massage, or exotic dancing. However, sex trafficking survivors who experienced exploitation through escort services reported that sexual activity was usually involved and typically occurred at hotels or private residences.

Sex Trafficking and the Internet

The Internet plays a significant role in both the recruitment of victims and the facilitation of sex trafficking. Traffickers use social media and dating websites to contact potential victims. 8% of the 292 survivors whose accounts were analyzed told the NHTRC or Polaris BeFree Textline that they first met their controller online. However, this kind of information was provided by only a small subset of survivors and questions regarding how individuals were first contacted by their traffickers were not systematically asked.

Traffickers are able to advertise commercial sexual services on websites with relative anonymity. These sites provide an easy and cost-effective way to advertise to a wide selection of customers. Polaris regularly hears from survivors that they were advertised for commercial sex on a number of websites. One website which advertises commercial sex services listed nearly 12,000 ads nationwide for these services on a single day in 2014.

Purchasers of commercial sex use online forums to review their experiences and spread information about how to avoid law enforcement detection. Traffickers may also use the social media posts of victims to monitor their activities or track their location. However, survivors have also successfully used social media sites to reach out for help.

Victim's Relationship to Trafficker

"With four children between them and a 16-year relationship, Mari couldn't imagine leaving Darrell. She didn't see any viable options, even though he was physically abusive and forced her into commercial sex when money was tight."

– from Polaris Survivor Stories

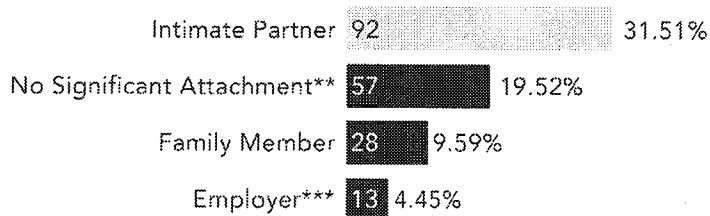
While many survivors may have intense emotional attachments to their controllers, others may view their controller as their employer, their abductor, or consider them exclusively their trafficker.⁹

Survivors most commonly reported being in a romantic relationship with their controller and described complicated power and control dynamics commonly associated with situations of intimate partner violence. In many cases, survivors were legally married to or shared children with their controller and cited these ties as additional complications which prevented them from seeking assistance.

A significant number of survivors disclosed that their controller was a family member. Parents or other relatives in caregiver roles were cited as being controllers, typically when the survivor was a minor. These

Figure 9: Relationship to Trafficker Reported to NHTRC and BeFree Textline by Survivors*; N=292

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.



*These statistics are non-cumulative. Survivors may reference multiple traffickers with various relationships or may not provide this type of information.

**This category represents survivors who viewed their trafficker(s) solely as their controller and did not experience any alternative form of attachment to that individual or individuals. This category includes survivors who were abducted by their trafficker(s) and survivors who lacked romantic or familial attachments to or formal contracts with their trafficker(s).

***This category was reserved exclusively for survivors who identified having a formal written or verbal contract or business arrangement with their trafficker(s).

controllers used their implicit power as the “guardian” to exploit the minor. Other familial traffickers included uncles, cousins, or siblings. The power dynamics associated with familial trafficking often persisted even as the survivor entered adulthood and obtained greater legal agency.

Survivors who reported working for strip clubs and formal escort agencies were more likely to describe their controller as an employer. Some survivors of formal escort agencies disclosed knowing that they would be engaging in commercial sex from the outset of the situation. However, they reported that the nature of the situation was frequently not what they expected, and survivors reported experiencing debt bondage, blackmail, threats, and sexual abuse that prevented them from leaving the situation.

Opportunities for Assistance

"During the time I was on the street, I went to hospitals, urgent care clinics, women's health clinics, and private doctors. No one ever asked me anything anytime I ever went to a clinic."

– Lauren, survivor¹⁰

Victims of sex trafficking routinely interacted with people outside their trafficking situations who were in positions to provide assistance. These individuals' ability to identify victims and offer assistance was instrumental in a victim leaving her or his trafficking situation.

Many survivors disclosed having some form of interaction with law enforcement or the criminal justice system while in their trafficking situation. Many of these individuals cited their interaction with law enforcement as the reason they were able to leave their controller. In these cases, the law enforcement agents understood the dynamics of sex trafficking situations and recognized the survivors as victims and not perpetrators of crimes. The law enforcement agents connected them to services which helped to prevent them from returning to their trafficking situations. In addition to arresting the perpetrators, some law enforcement agents drove survivors to safe houses, or they called shelters or the NHTRC hotline to advocate on behalf of victims.

Unfortunately, many other survivors reported being arrested for crimes like prostitution or offenses connected to narcotics or domestic violence. Some survivors reported misconduct by law enforcement and mistreatment in custody. Several survivors provided detailed accounts of their attempts to report their controllers to law enforcement, only to be dismissed.

Victims of sex trafficking also frequently came into contact with healthcare providers. These interactions were especially common for survivors who became pregnant while in their trafficking situation and those who were hospitalized after physical and sexual assault incidents. In many cases, hospital social workers were instrumental in assisting these survivors in finding safe housing alternatives which allowed them to leave their controller. While this information was often not disclosed to the NHTRC or BeFree Textline, a 2014 Loyola University of Chicago Law School Report supports the theory that U.S. citizen sex trafficking victims have frequent interactions with healthcare professionals. Of the 98 domestic sex trafficking victims reporting in this survey, 87.8% of them had had some contact with healthcare professionals while in their trafficking situations.¹¹

Finally, many individuals who were trafficked as minors had had contact with the child welfare system. Some child welfare case workers were able to identify and assist victims because they had received training and adequate

screening resources for human trafficking. The National Center for Missing and Exploited Children (NCMEC) reports that one in six endangered runaways reported to them were likely sex trafficking victims and 68% of these likely sex trafficking victims were under the care of social services or in foster care when they ran.¹²

These types of front-line professionals can make a significant difference in the lives of victims of sex trafficking if they receive the training, screening tools, and resources that can help them identify victims and connect them to long-term assistance.

Conclusion

"We each have a responsibility to make this horrific and all-too-common crime a lot less common. And our work with victims is the key that will open the door to real change."

– U.S. Secretary of State John Kerry¹³

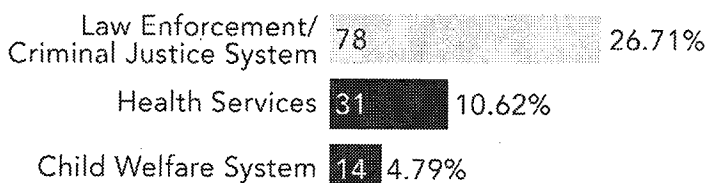
Sex trafficking in the United States continues to evolve and adapt to a changing landscape, and it can be hard to identify a single approach that best supports the victims and survivors while eradicating this crime. There is a lack of funding for long-term services that help survivors rebuild their lives and find new opportunities for employment. Victims are still too often arrested instead of given the support they need. Traffickers are still making enormous profits.

However, in the last five years, there has been a groundswell of activities at the local, state, and federal level that is making a difference in combating this issue. Communities across the country have worked to increase services for victims, help survivors find new jobs, strengthen penalties against traffickers, pass new laws, combat the demand for the purchasing of commercial sex, increase training for law enforcement and front-line professionals, develop corporate partnerships, conduct awareness campaigns, and more. As a result, more victims are being identified and connected to services and more traffickers are being stopped.

To learn more about human trafficking, request a training, and to find out what you can do to get involved, visit polarisproject.org or traffickingresourcecenter.org. To get help or report suspected trafficking, call the National Human Trafficking Resource Center at 1-888-373-7888, or send a text to BeFree (233733).

Figure 10: Opportunities for Assistance Reported to NHTRC and BeFree Textline by Survivors*; N=292

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey. Employees of these systems commonly encounter victims of trafficking. The NHTRC and BeFree Textline have noted that being identified by and receiving assistance from these actors is often instrumental in a victim leaving their trafficking situation. This chart provides data about the number of survivors who indicated that they had interacted with these systems while still in their trafficking situation. This included survivors who received help from these systems and survivors who had contact with these systems but did not receive assistance from them.



*These statistics are non-cumulative. Survivors may reference multiple access points or may not provide this information.

The NHTRC and BeFree Textline collect two types of data – personally identifying information, such as location of a particular trafficking case and name of an alleged trafficker, and non-personally identifying information such as the type of trafficking reported.

The NHTRC and Polaris BeFree Textline collect personally identifying information where necessary to help a victim or survivor access services and to provide to law enforcement for the purposes of helping victims get to safety and/or investigating potential human trafficking cases. Individuals can get help or report a tip anonymously, and are asked to share only as much information as they are comfortable providing. The NHTRC and Polaris BeFree Textline will never share personally identifying information to any external agency, including law enforcement, service providers, and government agencies without the explicit permission of the caller, unless where required by law.

The NHTRC and Polaris BeFree Textline also collect basic, non-personally identifying information about the contacting individual, including his or her city and state, basic demographic information, and about the type of trafficking reported, including the city and state of the trafficking situation, and the basic demographic information of the individuals involved. Using non-personally identifying information, the NHTRC and Polaris BeFree Textline produce public reports with aggregate statistics based on region, trafficking type, and/or demographics to identify trends and patterns that can help inform anti-trafficking prevention and intervention efforts at the local, state, and national levels. The NHTRC and Polaris BeFree Textline will redact or group in an “other” category data we publish regarding unique or unusual cases if we believe it could be used to identify a particular person or situation.

Polaris Client Services programs operate on the basis of informed consent. A client has the right to make his or her own decisions regarding the services he or she receives and can deny these services at any time. Polaris Client Services programs adhere to strict confidentiality guidelines as regulated by the Health Insurance Portability and Accountability Act (HIPAA). Polaris will not share any of the personal information we gain from a client with anyone other than Polaris staff unless

that client has authorized Polaris to disclose information through a signed document or if required by law. Polaris Client Services staff explain to every client that general, non-identifying information they provide may be shared for the purpose of education. Clients who are not fluent in English are provided with this information by an interpreter who is fluent in the client’s native language.

Notes

- ¹ Polaris. (2014). *America’s Daughters* [video]. Retrieved from <http://www.polarisproject.org/americasdaughters>.
- ² International Labour Organization. (2012). ILO Global Estimate of Forced Labour. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf.
- ³ Dank, M., et al. (2014). *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*. The Urban Institute. Retrieved from <http://www.urban.org/research/publication/estimating-size-and-structure-underground-commercial-sex-economy-eight-major-us-cities>.
- ⁴ Victims of Trafficking and Violence Protection Act of 2000, H.R. 3244, 106th Congress (2000). Retrieved from: <http://www.gpo.gov/fdsys/pkg/BILLS-106hr3244enr/pdf/BILLS-106hr3244enr.pdf>.
- ⁵ In 2014, the NHTRC and BeFree Textline received reports of 3,698 cases of sex trafficking in the U.S. In addition to the 1,611 cases referencing U.S. citizens or legal permanent residents that were analyzed for this report, foreign nationals were referenced in 471 cases that are not included in the analysis. Demographic information in cases is not cumulative; some individuals do not provide information on nationality when reporting, and some cases may involve both U.S. citizens and foreign national victims.
- ⁶ Gibbs, D., et al. (2015). *Evaluation of Services for Domestic Minor Victims of Human Trafficking*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/248578.pdf>.
- ⁷ Police Seize Pimping Rules During Raid. (14 August 2012). *The Smoking Gun*. Retrieved from <http://www.thesmokinggun.com/file/da-game-hoez?page=0>.
- ⁸ Dank, M. (2014).
- ⁹ The term “pimp” was used by many survivors to refer to their trafficker(s), while describing significantly different types of relationships with their trafficker(s). Because of the ambiguity of this term, Polaris has elected to focus on more descriptive categories in order to better represent the dynamics described by survivors.
- ¹⁰ Lederer, L. J. & Wetzel, C. (Winter 2014). The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities. *Annals of Health Law*, 23(1), 61-91. Retrieved from http://www.annalsofhealthlaw.com/annalsofhealthlaw/vol_23_issue_1#pg1.
- ¹¹ *ibid.*
- ¹² National Center for Missing and Exploited Children. (n.d.) Child Sex Trafficking – 1 in 6 runaways [Website]. Retrieved from <http://www.missingkids.com/1in6>.
- ¹³ U.S. Department of State. (June 2014). *Trafficking in Persons Report*. Retrieved from: <http://www.state.gov/documents/organization/226844.pdf>.

909 F.3d 99

United States Court of Appeals, Fifth Circuit.

Jane DOE I; Jane Doe II; Jane
Doe III, Plaintiffs - Appellees

v.

Jeff LANDRY, Attorney General for the
State of Louisiana, Intervenor - Appellant
Juana Marine-Lombard, in Her Official Capacity
as Commissioner, Louisiana Office of Alcohol
and Tobacco Control, Defendant - Appellant

No. 17-30292

FILED November 16, 2018

Synopsis

Background: Erotic dancers brought action against Commissioner of the Louisiana Office of Alcohol and Tobacco Control, alleging that amendment to state alcoholic beverage control statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol violated the First Amendment, the Due Process Clause of the Fourteenth Amendment and dancers' rights to contract under the federal and state constitutions. The United States District Court for the Eastern District of Louisiana, Carl J. Barbier, J., 240 F.Supp.3d 501, granted dancers' motion for a preliminary injunction barring enforcement of the amendments. Commissioner appealed.

Holdings: On rehearing, the Court of Appeals, Leslie H. Southwick, Circuit Judge, held that:

[1] the State had reasonable belief that the statutes furthered substantial governmental interest in curbing human trafficking and prostitution;

[2] the statutes were not unconstitutionally overbroad under the First Amendment;

[3] erotic dancer who had turned 21 years old did not have Article III standing;

[4] former erotic dancers who now worked as "shot girls" in erotic dancing establishments had Article III standing to bring vagueness challenge; and

[5] statutes were not unconstitutionally vague under First Amendment.

Affirmed.

Opinion, 905 F.3d 290, superseded.

West Headnotes (40)

[1] Federal Courts

Questions of Law in General

Federal Courts

"Clearly erroneous" standard of review in general

Federal Courts

Preliminary injunction; temporary restraining order

Court of Appeals reviews a district court's decision to grant a preliminary injunction for abuse of discretion, but reviews its findings of fact for clear error and its conclusions of law de novo.

[2] Injunction

Grounds in general; multiple factors

Plaintiffs are entitled to a preliminary injunction if they show: (1) a substantial likelihood that they will prevail on the merits of their claims, (2) a substantial threat that they will suffer an irreparable injury if the injunction is not granted, (3) their threatened injury outweighs the threatened harm to the State, and (4) the public interest will not be disserved if the preliminary injunction is granted.

[3] Constitutional Law

Nude dancing in general

Nude dancing is not without its First Amendment protections from official regulation. U.S. Const. Amend. 1.

[4] Constitutional Law

⇒ Nude dancing in general

Nude dancing is expressive conduct, although it falls only within the outer ambit of the First Amendment's protection. U.S. Const. Amend. 1.

[5] **Constitutional Law**

⇒ Nude or semi-nude dancing

Intermediate scrutiny applied to erotic dancers' claim that Louisiana statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol violated their First Amendment free speech rights; although statements from two state legislators purportedly showed that the statutory prohibition was a content-based restriction based on a view of morally acceptable conduct, a regulation such as this was generally not content based. U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(E), 26:286(E).

[6] **Constitutional Law**

⇒ Exercise of police power; relationship to governmental interest or public welfare

The statute's predominant purpose determines the level of scrutiny, on a claim that the statute violates free speech rights under the First Amendment. U.S. Const. Amend. 1.

[7] **Constitutional Law**

⇒ Intoxicating Liquors

A statutory preamble or legislative history is not required to support a content-neutral purpose of a statute regulating alcohol at sexually-oriented businesses, for purposes of a First Amendment free speech claim. U.S. Const. Amend. 1.

[8] **Constitutional Law**

⇒ Intoxicating Liquors

A regulation of alcohol at sexually-oriented businesses is generally not content based and is entitled to intermediate scrutiny on a First Amendment free speech challenge. U.S. Const. Amend. 1.

[9] **Constitutional Law**

⇒ Strict or exacting scrutiny; compelling interest test

A statute regulating conduct with incidental effects on speech can be a reasonable restriction if, among other things, it is narrowly tailored to serve substantial governmental interests. U.S. Const. Amend. 1.

[10] **Constitutional Law**

⇒ Exercise of police power; relationship to governmental interest or public welfare

When speech and nonspeech elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms, so long as the neutral regulation promotes a substantial government interest that would be achieved less effectively absent the regulation. U.S. Const. Amend. 1.

[11] **Constitutional Law**

⇒ Freedom of Speech, Expression, and Press

The "overbreadth doctrine" enables litigants to challenge a statute not because their own rights of free expression are violated, but because of a judicial prediction or assumption that the statute's very existence may cause others not before the court to refrain from constitutionally protected speech or expression. U.S. Const. Amend. 1.

[12] **Constitutional Law**

⇒ Prohibition of substantial amount of speech

Particularly where conduct and not merely speech is involved in a First Amendment challenge, the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep. U.S. Const. Amend. 1.

[13] Constitutional Law

⚡ Time, Place, or Manner Restrictions

The test for time, place, or manner restrictions on speech, set forth in the Supreme Court's decision in *U.S. v. O'Brien*, 88 S.Ct. 1673, sustains a statute's validity: [1] if it is within the constitutional power of the Government; [2] if it furthers an important or substantial governmental interest; [3] if the governmental interest is unrelated to the suppression of free expression; and [4] if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest. U.S. Const. Amend. 1.

[14] Constitutional Law

⚡ Substantial impact, necessity of

The term "overbreadth" in First Amendment analysis allows plaintiffs whose rights are not violated to show that a substantial number of the law's applications to other individuals are unconstitutional, judged in relation to the statute's plainly legitimate sweep. U.S. Const. Amend. 1.

[15] Constitutional Law

⚡ Overbreadth

The rationale of the overbreadth doctrine under the First Amendment is to protect the expressive rights of third parties who are not before the court. U.S. Const. Amend. 1.

[16] Constitutional Law

⚡ Sexually Oriented Businesses; Adult Businesses or Entertainment

Under hybrid test for judging time, place, and manner restrictions on sexually-oriented businesses, which looks to whether the regulation would completely eliminate adult entertainment, the regulation does not violate the First Amendment if: (1) the State regulated pursuant to a legitimate governmental power; (2) the regulation does not completely prohibit adult entertainment; (3) the regulation is

aimed not at the suppression of expression, but rather at combating negative secondary effects; and (4) the regulation is designed to serve a substantial governmental interest, is narrowly tailored, and reasonable alternative avenues of communication remain available, or, alternatively, the regulation furthers an important or substantial governmental interest. U.S. Const. Amend. 1.

[17] Alcoholic Beverages

⚡ Dancing, nudity, and sexual conduct; adult entertainment

Constitutional Law

⚡ Nude or semi-nude dancing

Public Amusement and Entertainment

⚡ Dancing and other performances

State of Louisiana sufficiently demonstrated its reasonable belief that there was a link between Louisiana statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol and curbing the secondary effects of human trafficking and prostitution, such that the statutes furthered substantial governmental interest, as required for statutes to survive intermediate scrutiny on erotic dancers' First Amendment free speech challenge; State submitted report from statewide investigation conducted by Louisiana Bureau of Alcohol, Tobacco, and Firearms, which described one individual who went from being a 19-year-old erotic dancer, to being a prostitute, to being killed by her pimp, as well as evidence compiled by city on secondary effects of erotic dancing. U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(E), 26:286(E).

[18] Constitutional Law

⚡ Secondary effects

Regulating the harmful secondary effects of erotic dancing, which can include the impacts on public health, safety, and welfare, is a substantial governmental interest, for purposes of First Amendment free speech challenge to restrictions on sexually-oriented businesses. U.S. Const. Amend. 1.

[19] Constitutional Law

⚡ Secondary effects

To satisfy intermediate scrutiny on a First Amendment free speech challenge to restrictions on sexually-oriented businesses, by demonstrating that the restrictions further the substantial governmental interest in regulating harmful secondary effects of erotic dancing, the State has the burden of providing evidence that it reasonably believed to be relevant to the question of secondary effects, and it must show a connection between the actions being regulated and the claimed secondary effects. U.S. Const. Amend. 1.

[20] Constitutional Law

⚡ Secondary effects

Municipalities must be given a reasonable opportunity to experiment with solutions to address the secondary effects of protected speech at sexually-oriented businesses, and thus, municipalities need not demonstrate through empirical data that a restriction on protected speech furthers the substantial governmental interest in regulating such secondary effects. U.S. Const. Amend. 1.

[21] Alcoholic Beverages

⚡ Dancing, nudity, and sexual conduct; adult entertainment

Constitutional Law

⚡ Nude or semi-nude dancing

Public Amusement and Entertainment

⚡ Dancing and other performances

Louisiana statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol were not unconstitutionally overbroad under the First Amendment, either for the lack of narrow tailoring or for substantial overbreadth; Commissioner of the Louisiana Office of Alcohol and Tobacco Control, which enforced the statutes, affirmed that the statutes did not apply to venues such as theatres, ballets, or

other mainstream performance arts venues, this limiting construction was readily applicable to the statutes, and there also was no evidence that the statutes had been applied to mainstream performances, or that the legislature sought to affect dancers other than those at establishments in which erotic dancing was the norm. U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(E), 26:286(E).

[22] Constitutional Law

⚡ Narrow tailoring requirement; relationship to governmental interest

A regulation of the time, place, or manner of protected speech must be narrowly tailored to serve the government's legitimate, content-neutral interests, but it need not be the least restrictive or least intrusive means of doing so. U.S. Const. Amend. 1.

[23] Constitutional Law

⚡ Time, Place, or Manner Restrictions

The requirement of narrow tailoring for a regulation of the time, place, or manner of protected speech is satisfied so long as the regulation promotes a substantial government interest that would be achieved less effectively absent the regulation. U.S. Const. Amend. 1.

[24] Constitutional Law

⚡ Time, Place, or Manner Restrictions

So long as the means chosen are not substantially broader than necessary to achieve the government's interest, a regulation of the time, place, or manner of protected speech will not be invalid simply because a court concludes that the government's interest could be adequately served by some less-speech-restrictive alternative. U.S. Const. Amend. 1.

[25] Constitutional Law

⚡ Time, Place, or Manner Restrictions

When the government could adopt a narrower regulation of the time, place, or manner

of protected speech that would significantly reduce the negative impact on speech without substantially interfering with its legislative goals, the government should be forced to adopt the narrower regulation. U.S. Const. Amend. 1.

[26] Constitutional Law

☞ Absolute nature of right

The First Amendment does not guarantee the right to engage in protected expression at all times and places or in any manner that may be desired. U.S. Const. Amend. 1.

[27] Constitutional Law

☞ Freedom of speech, expression, and press

Limiting constructions on a regulation of speech may be considered, on a First Amendment challenge to the regulation, if the regulation is readily susceptible to such a construction. U.S. Const. Amend. 1.

[28] Constitutional Law

☞ Consideration of limiting construction

Administrative interpretation and implementation of a regulation are highly relevant to the court's analysis, for in evaluating a facial constitutional challenge to a state law, a federal court must consider any limiting construction that a state court or enforcement agency has proffered.

[29] Constitutional Law

☞ Presumptions and Construction as to Constitutionality

When the state official charged with implementing a statute subject to constitutional challenge has provided an interpretation of how to enforce it, the court will defer unless that explanation is inconsistent with the statutory language; such officials often, perhaps always, have temporary tenure in office, but that has not been a reason courts have employed to ignore interpretive limits they state.

[30] Constitutional Law

☞ Time, Place, or Manner Restrictions

To satisfy the narrow tailoring for a regulation of the time, place, or manner of protected speech, the government must show the remedy it has adopted does not burden substantially more speech than is necessary to further the government's legitimate interests. U.S. Const. Amend. 1.

[31] Constitutional Law

☞ Freedom of Speech, Expression, and Press

Erotic dancer who had turned 21 years old did not have Article III standing to pursue claim that Louisiana statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol were facially vague in violation of the First Amendment, since dancer was no longer affected by the statutes' age requirement and the uncertainties of how little could be worn by younger dancers. U.S. Const. art. 3, § 2, cl. 1; U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(E), 26:286(E).

[32] Federal Courts

☞ Reasons for decision

A trial court's decision must be affirmed if the result is correct although the lower court relied upon a wrong ground or gave a wrong reason.

[33] Federal Courts

☞ Appellees; necessity of filing cross-appeal

A cross-appeal is generally not proper to challenge a subsidiary finding or conclusion when the ultimate judgment is favorable to the party cross-appealing.

[34] Constitutional Law

☞ Freedom of Speech, Expression, and Press

Two "shot girls" at erotic dancing establishments, who offered patrons shots of

alcohol for purchase, had Article III standing to assert claim that Louisiana statutes that prohibited women aged 18 to 21 years old from nude erotic dancing in establishments that served alcohol were facially vague in violation of the First Amendment because the statutes failed to precisely define how much of an erotic dancer's buttocks or breasts must be in view to trigger the statutes, notwithstanding that clothing requirements for shot girls were set forth in a separate statutory subsection; the two women alleged that they had been dancers, remained employed at sexually-oriented businesses, and expressed a desire to return to their former vocation for both monetary and expressive reasons. U.S. Const. art. 3, § 2, cl. 1; U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(B), 26:90(E), 26:286(B), 26:286(E).

[35] Constitutional Law

↔ First Amendment in General

In First Amendment facial challenges, federal courts relax the prudential standing limitations and allow yet-unharmed litigants to attack potentially overbroad statutes to prevent the statute from chilling the First Amendment rights of other parties not before the court; at the same time, Article III standing retains rigor even in an overbreadth claim. U.S. Const. art. 3, § 2, cl. 1; U.S. Const. Amend. 1.

[36] Constitutional Law

↔ Statutes

A law can be unconstitutionally vague if it fails to provide those targeted by the statute a reasonable opportunity to know what conduct is prohibited.

1 Cases that cite this headnote

[37] Constitutional Law

↔ Vagueness

When speech is involved in a vagueness challenge, rigorous adherence to the requirement that the statute provide a reasonable opportunity to know what conduct is prohibited is necessary to ensure that ambiguity does not chill protected

speech; flexibility is permitted but not at the expense of a statute's failure to provide fair notice to people who wish to avoid its prohibitions. U.S. Const. Amend. 1.

1 Cases that cite this headnote

[38] Constitutional Law

↔ Vagueness as to Covered Conduct or Standards of Enforcement; Offenses and Penalties

To survive a challenge for unconstitutional vagueness, an offense must be defined with sufficient definiteness that ordinary people can understand what conduct is prohibited.

[39] Alcoholic Beverages

↔ Dancing, nudity, and sexual conduct; adult entertainment

Constitutional Law

↔ Nude or semi-nude dancing

Public Amusement and Entertainment

↔ Dancing and other performances

Louisiana statutes that required erotic dancers in establishments that served alcohol whose breasts or buttocks were exposed to view to be 21 years of age or older were not unconstitutionally vague on their face under First Amendment, despite fact that statutes did not define exactly where at the anatomical margins the bare minimum lied; it was enough that the statutes required full coverage of the breasts and buttocks, which were commonly understood anatomical terms. U.S. Const. Amend. 1; La. Rev. Stat. Ann. §§ 26:90(D)(3), 26:90(E), 26:90(I), 26:286(D)(3), 26:286(E), 26:286(I).

[40] Constitutional Law

↔ Statutes

Perfect clarity and precise guidance are not required to preclude a finding that a statute is unconstitutionally vague.

West Codenotes

Held Unconstitutional

La. Rev. Stat. Ann. §§ 26:90(E), 26:286(E)

*104 Appeal from the United States District Court for the Eastern District of Louisiana, Carl J. Barbier, U.S. District Judge

ON PETITION FOR REHEARING

Attorneys and Law Firms

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Before STEWART, Chief Judge, CLEMENT, and SOUTHWICK, Circuit Judges.

Opinion

LESLIE H. SOUTHWICK, Circuit Judge:

No member of the panel nor judge in regular active service requested that the court be polled on rehearing en banc. The petition for rehearing en banc is therefore DENIED. *See* FED. R. APP. P. and 5th Cir. R. 35. Treating the petition for rehearing en banc as a petition for panel rehearing, the petition is GRANTED. We withdraw our prior opinion, 905 F.3d 290, and substitute the following.

In 2016, Louisiana amended two statutes to require that entertainers on premises licensed to serve alcohol and whose breasts or buttocks are exposed to view be 21 years of age or older. Three erotic dancers who at the time were aged 18, 19, and 20 filed a complaint against the state official responsible for the Act's enforcement, claiming the Act violated various provisions of the United States and Louisiana Constitutions. The district court concluded that the plaintiffs were likely to succeed on the merits of their claims that the Act is unconstitutionally overbroad and vague. It left other issues for later resolution but issued a preliminary statewide injunction barring enforcement of the Act. The State brought this interlocutory appeal. We conclude that on this facial challenge, the Act is neither unconstitutionally overbroad nor

*105 vague. Consequently, we VACATE the injunction. We REMAND for further proceedings consistent with our ruling.

FACTUAL AND PROCEDURAL BACKGROUND

This lawsuit involves Act No. 395 from the 2016 regular session of the Louisiana legislature. The Act identically amended two Louisiana statutes that regulate activities on premises licensed to serve alcohol, adding a requirement that certain performers be at least 21 years old:

Subject to the provisions of Subsection D of this Section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least three feet from the nearest patron *and shall be twenty-one years of age or older.*

LA. REV. STAT. §§ 26:90(E), 26:286(E) (2016) (emphasis added). The only significant difference between the two statutes is that Section 26:90 regulates those who sell or serve typical alcoholic beverages, while Section 26:286 regulates those who sell or serve beverages of low-alcoholic content. *Compare* § 26:90(A)(1)(a), *with* § 26:286(A)(1)(a). Even though the pre-2016 version of Subsection E did not refer to age at all, the parties agree that erotic dancers previously had to be at least 18 years old. *See* §§ 26:90(E), 26:286(E) (2010).

We will give more detail later, but for now we simply point out that neither before nor after the Act became effective were erotic dancers permitted to be completely nude. That is because another statutory provision limits what may be “exposed to view;” a dancer must at least be wearing, to use the terms of this particular art, G-strings and pasties. *See* §§ 26:90(D)(3); 26:286(D)(3). One of the issues in the case is how much covering is needed beyond that minimum for performers who are under age 21.

The Act became effective August 1, 2016. The Louisiana Office of Alcohol and Tobacco Control (“ATC”) soon began enforcing the Act’s age requirement throughout Louisiana, except in New Orleans. It planned to begin enforcing the age requirement there on October 1, 2016.

In September 2016, three female erotic dancers who were at least 18 years old but not yet 21 filed a complaint in the United States District Court for the Eastern District of Louisiana against Juana Marine-Lombard in her official capacity as Commissioner of the ATC. The plaintiffs sought injunctive and declaratory relief under 42 U.S.C. §§ 1983 and 1988, claiming that the Act facially violated the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 2, 3, and 7 of the Louisiana Constitution.

Plaintiff Jane Doe I was 20 years old when the complaint was filed. She is a resident of New Orleans and is employed as an erotic dancer in that city. Jane Doe I alleged she began dancing at age 18, “highly values the scheduling control her vocation allows her, and ... enjoys expressing herself through dancing.” In addition, she contended that as an erotic dancer, she earns enough money to meet her financial obligations and to save for her retirement, which she was unable to do prior to working as an erotic dancer. Jane Doe I asserted that in October 2016, when the Act was to be enforced in New Orleans, she would no longer be permitted to be employed as an erotic dancer.

Jane Doe II was 18 years old when the complaint was filed. She is a resident of Baton Rouge and a student at Louisiana State University. She claimed to be entirely *106 independent, as both of her parents died of cancer. Jane Doe II began working as an erotic dancer in June 2016 “in order to finance her college education and living expenses.” She desired “to save enough money over the summer through her work as a dancer so that at the start of the school semester, she could concentrate fully on her studies.”

Jane Doe II stopped performing as an erotic dancer as of the Act’s effective date. She began working as a “shot girl,” who is a server that circulates throughout the establishment and offers patrons shots of alcohol for purchase. She contended that her income decreased by more than 50 percent when she stopped being a dancer and began working as a shot girl. Jane Doe II also argued that because of the Act she lost the ability to express herself through erotic dance.

Jane Doe III was 19 years old when the complaint was filed. She is a resident of New Orleans and began working as an erotic dancer in September 2015. She was employed as an erotic dancer in Baton Rouge from January 2016 until the Act went into effect. Jane Doe III contended that on the date the Act became effective in Louisiana, she was forced to stop working as an erotic dancer and began working as a shot

girl at the club where she formerly danced. Her income also allegedly dropped by more than half.

The plaintiffs moved for a preliminary injunction, requesting that the district court enjoin Commissioner Marine-Lombard from enforcing the Act. On September 30, 2016, the district court entered a temporary restraining order prohibiting Commissioner Marine-Lombard from enforcing the Act anywhere within the state of Louisiana.

On November 3, 2016, Jeff Landry intervened in the lawsuit in his official capacity as Attorney General for the state of Louisiana. Commissioner Marine-Lombard and Attorney General Landry (collectively, “the State”) then filed separate responses to the plaintiffs’ motion for preliminary injunction. The district court treated the separate responses as a single opposition because they addressed separate arguments that the plaintiffs had asserted in their motion.

The district court determined that Act 395 was overbroad and vague under the federal Constitution. The remainder of the plaintiffs’ claims were left for later resolution. The court enjoined the enforcement of the Act. The State timely brought an interlocutory appeal, citing 28 U.S.C. § 1292(a)(1), which allows appeals from the grant of injunctions. The district court later instructed its clerk to stay and administratively close the case pending a resolution of the appeal.

DISCUSSION

[1] [2] We review a district court’s decision to grant a preliminary injunction for abuse of discretion, but we review its findings of fact for clear error and its conclusions of law *de novo*. *Jefferson Cmty. Health Care Ctrs, Inc. v. Jefferson Par. Gov’t*, 849 F.3d 615, 624 (5th Cir. 2017). Plaintiffs are entitled to a preliminary injunction if they show (1) a substantial likelihood that they will prevail on the merits of their claims, (2) a substantial threat that they will suffer an irreparable injury if the injunction is not granted, (3) their threatened injury outweighs the threatened harm to the State, and (4) the public interest will not be disserved if the preliminary injunction is granted. *Lake Charles Diesel, Inc. v. Gen. Motors Corp.*, 328 F.3d 192, 195–96 (5th Cir. 2003).

[3] [4] This case comes to us with a few uncontested premises. The parties do not dispute that “nude dancing is not without *107 its First Amendment protections from official regulation.” *Schad v. Borough of Mount Ephraim*, 452 U.S.

61, 66, 101 S.Ct. 2176, 68 L.Ed.2d 671 (1981). “[N]ude dancing of the type at issue here is expressive conduct, although ... it falls only within the outer ambit of the First Amendment’s protection.” *City of Erie v. Pap’s A.M.*, 529 U.S. 277, 289, 120 S.Ct. 1382, 146 L.Ed.2d 265 (2000) (plurality opinion). It is also uncontested that, prior to the Act, individuals age 18-20 could perform as entertainers with their breasts or buttocks exposed to view at alcohol-licensed establishments in Louisiana. Finally, it is undisputed that in Louisiana some sexually-oriented businesses are licensed to serve alcohol and others are not; the rules we are discussing apply to those serving alcohol.

A State has an “undeniably important” interest in combating the harmful secondary effects associated with nude dancing. *Id.* at 296, 120 S.Ct. 1382. Combining alcohol and erotic dancing has been found to be a combustible mix. *Illusions-Dallas Private Club, Inc. v. Steen*, 482 F.3d 299, 313 (5th Cir. 2007). “As weighty as this concern is, however, it cannot justify legislation that would otherwise fail to meet constitutional standards for definiteness and clarity.” *See Kolender v. Lawson*, 461 U.S. 352, 361, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983).

The disputes are these. The State contends that the plaintiffs have not shown a substantial likelihood of success on the merits of their overbreadth claim because the district court failed to find real and substantial overbreadth and failed to consider the State’s limiting construction. The State further argues that the plaintiffs cannot show a substantial likelihood of success on their vagueness claim because no plaintiff has standing to bring a facial vagueness challenge, and because the Act’s text plainly reveals what conduct is prohibited by the Act. The plaintiffs assert that strict scrutiny should apply and that the Act should be enjoined on free expression or equal protection grounds because it is vague and overbroad.

The first issue we discuss, because it affects much of what follows, is whether strict or intermediate scrutiny applies to these claims.

I. Level of scrutiny

[5] The district court determined that the Act was not a content-based restriction. Accordingly, it applied intermediate scrutiny as opposed to the almost certainly invalidating strict scrutiny. We analyze whether that was correct.

[6] [7] “The statute’s predominant purpose determines the level of scrutiny.” *Illusions-Dallas Private Club, Inc.*, 482 F.3d at 308. Intermediate scrutiny is “routinely” applied to regulation of alcohol at sexually-oriented businesses. *Id.* at 307. The district court determined that the predominant purpose of the Act was similar to that of other “alcohol regulations aimed at combating the harmful secondary effects of nude dancing.” The Act had no legislative preamble to explain its purpose, but such a preamble or legislative history is not required to support a content-neutral purpose. *See id.* at 310. The district court relied on our holding in *Illusions-Dallas* that a predominant purpose for legislation regulating alcohol can properly be identified by the statute’s text and its placement within a code of statutes regulating alcohol. *See id.* at 308.

Another “routine” and identical holding applicable to similar legislation was in *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F.3d 471, 484–85 (5th Cir. 2002). We held there that the burden on expression is incidental to the content-neutral *108 exercise of authority to regulate sexually oriented businesses. *Id.*

[8] The plaintiffs quote statements from two state legislators to support their view that this was a content-based restriction based on a view of morally acceptable conduct. The views of individual legislators as to their special interest in a legislative enactment, however, do not override our clear caselaw such as *Illusion-Dallas* that regulations such as this are generally not content based and receive intermediate scrutiny. That is the scrutiny we apply.

II. Narrow tailoring/facial overbreadth

[9] [10] We need to be careful with terms. A statute regulating conduct with incidental effects on speech can be a reasonable restriction if, among other things, it is narrowly tailored to serve substantial governmental interests. *Hill v. Colorado*, 530 U.S. 703, 725–26, 120 S.Ct. 2480, 147 L.Ed.2d 597 (2000). Such caselaw applies to free-expression claims “when ‘speech’ and ‘nonspeech’ elements are combined in the same course of conduct, [and] a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms.” *United States v. O’Brien*, 391 U.S. 367, 376, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968). These requirements are met “so long as the neutral regulation promotes a substantial government interest that would be achieved less effectively absent the regulation.” *United States*

v. *Albertini*, 472 U.S. 675, 689, 105 S.Ct. 2897, 86 L.Ed.2d 536 (1985).

[11] [12] A different concept is this: “the overbreadth doctrine enables litigants ‘to challenge a statute not because their own rights of free expression are violated, but because of a judicial prediction or assumption that the statute’s very existence may cause others not before the court to refrain from constitutionally protected speech or expression.’” *Hill*, 530 U.S. at 731–32, 120 S.Ct. 2480 (quoting *Broadrick v. Oklahoma*, 413 U.S. 601, 612, 93 S.Ct. 2908, 37 L.Ed.2d 830 (1973)). Further, “particularly where conduct and not merely speech is involved, we believe that the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute’s plainly legitimate sweep.” *Broadrick*, 413 U.S. at 615, 93 S.Ct. 2908. Obviously, both areas of First Amendment law are concerned with statutes that regulate speech more than necessary. The concepts are distinct, though.

[13] The district court here ruled that the Act failed the fourth factor of a time, place, and manner precedent. See *O’Brien*, 391 U.S. at 377, 88 S.Ct. 1673. We file *O’Brien* under that category because the Supreme Court itself did, describing the four-factor test announced in *O’Brien* as “little, if any, different from the standard applied to time, place, or manner restrictions.” *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 298, 104 S.Ct. 3065, 82 L.Ed.2d 221 (1984). The *O’Brien* test sustains a statute’s validity:

[1] if it is within the constitutional power of the Government; [2] if it furthers an important or substantial governmental interest; [3] if the governmental interest is unrelated to the suppression of free expression; and [4] if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.

O’Brien, 391 U.S. at 377, 88 S.Ct. 1673. It was the fourth factor — does a law governing conduct have an incidental restriction on speech that is greater than necessary — that the district court here held was not satisfied. Its analysis of that factor was expressed as “overbreadth.” Labeling wider-than-necessary tailoring as overbreadth *109 is

grammatically reasonable but doctrinally conflating. It risks merging *O’Brien* with the different doctrine of overbreadth. To be clear, we find no error in the terminology *per se*, but we will be alert here to the application of the appropriate caselaw.

[14] [15] A common use of the term “overbreadth” in First Amendment analysis allows plaintiffs whose rights are not violated to show that “a ‘substantial number’ of [the law’s] applications [to other individuals] are unconstitutional, ‘judged in relation to the statute’s plainly legitimate sweep.’” *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 449 n.6, 128 S.Ct. 1184, 170 L.Ed.2d 151 (2008) (quoting *New York v. Ferber*, 458 U.S. 747, 769–71, 102 S.Ct. 3348, 73 L.Ed.2d 1113 (1982)). As we have explained, “the rationale of the overbreadth doctrine is to protect the expressive rights of third parties who are not before the court.” *United States v. Hicks*, 980 F.2d 963, 969 (5th Cir. 1992) (emphasis omitted).

[16] We start with a discussion of this special version of the standards for judging time, place, and manner restrictions. The district court stated that the parties disagreed as to whether *O’Brien* should be applied specifically or whether a more relevant test was a hybrid¹ employed in *Illusions-Dallas*, 482 F.3d at 311, in which the parties agreed to a mix of factors. The district court applied *O’Brien*, concluding the differences between the tests did not affect the outcome. On appeal, plaintiffs accept *O’Brien* while the State makes no substantial objection. We therefore apply it too.

¹ The principal difference is that the hybrid test looks to whether the regulation would completely eliminate adult entertainment: “(1) the State regulated pursuant to a legitimate governmental power; (2) the regulation does not completely prohibit adult entertainment; (3) the regulation is aimed not at the suppression of expression, but rather at combating negative secondary effects; and (4) the regulation is designed to serve a substantial governmental interest, is narrowly tailored, and reasonable alternative avenues of communication remain available, or, alternatively, the regulation furthers an important or substantial governmental interest.” *Illusions-Dallas*, 482 F.3d at 311.

A. *O’Brien* factors one and two

The plaintiffs accept that the Act was within the constitutional authority of the state government. That concession means the

first of the *O'Brien* factors is satisfied, and we therefore need not discuss it.

[17] [18] [19] As to the governmental interest, the district court held that the Act is intended to regulate the secondary effects of erotic dancing, which is a substantial governmental interest. Harmful secondary effects can include the “impacts on public health, safety, and welfare.” *Pap’s A.M.*, 529 U.S. at 291, 120 S.Ct. 1382. The evidentiary burden to support the governmental interest is light. *Illusions-Dallas*, 482 F.3d at 313. The State has the burden of providing evidence that it “reasonably believed to be relevant” to the question of secondary effects. *Id.* (quoting *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 442, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002) (plurality opinion)). It must show a connection between the actions being regulated — erotic dancing by 18, 19, and 20-year-olds and alcohol consumption — and the claimed secondary effects.

The principal secondary effects asserted by the State are human trafficking and prostitution. Also discussed are substance abuse by, and assaults on, the dancers. The State provided a report from a statewide investigation conducted by the state Bureau of Alcohol, Tobacco, and Firearms, with little isolation of the 18-20-year-old *110 age group in its study. The report did describe one individual who went from being a 19-year-old erotic dancer, to being a prostitute, to being killed by her pimp. It also provided evidence compiled by the City of New Orleans on secondary effects of erotic dancing.

Though there is significant dispute whether the Louisiana legislature considered any of this information, we have allowed such regulations to be justified by evidence that may not have been presented to the enacting officials and was only produced at the time of trial. *See J & B Entm’t, Inc. v. City of Jackson*, 152 F.3d 362, 371–72 (5th Cir. 1998). The plaintiffs argue that this misreads *J & B*, but we stated in that case that “Justice Souter’s concurrence in *Barnes* ... allows a local government to justify a challenged ordinance based on evidence developed either prior to enactment or adduced at trial.” *Id.* at 372 (citing *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 582, 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991) (Souter, J., concurring)).

[20] We agree with the district court that the State upheld its obligation to introduce some evidence that it “reasonably believed to be relevant” to secondary effects. *See Illusions-Dallas*, 482 F.3d at 313. The Act must also further that governmental interest of reducing human trafficking. The

State need not demonstrate through empirical data, though, that its regulation will reduce such trafficking. “Such a requirement would go too far in undermining [the] settled position that municipalities must be given a reasonable opportunity to experiment with solutions to address the secondary effects of protected speech.” *Baby Dolls*, 295 F.3d at 481 (alteration in original) (quoting *Alameda Books, Inc.*, 535 U.S. at 439, 122 S.Ct. 1728). The district court relied on the failure of the plaintiffs to provide “actual and convincing evidence” that the enactment will not have any positive effect on the identified harms. Our precedent, though, requires a reasonable belief that there is a link between the regulation and the curbing of the identified secondary effects. *Id.* Thus, we proceed beyond the absence of evidence from the plaintiffs. We find that the evidence presented by the state to demonstrate the existence of secondary effects is also sufficient to show a reasonable belief that there is a link between the Act and curbing the identified secondary effects of human trafficking and prostitution.

B. *O'Brien* factor three

The third *O'Brien* factor requires that the regulation be unrelated to the suppression of free speech or expression. The district court did not analyze that factor separately. Instead it relied on its earlier analysis, which we also have discussed, and accepted that intermediate scrutiny applied because the Act was content-neutral. The plaintiffs make a brief argument to the contrary on appeal, but we find no error.

C. *O'Brien* factor four

[21] We now come to the factor that the district court held the Act failed, namely, that “the incidental restriction on alleged First Amendment freedoms [be] no greater than is essential to the furtherance of that interest.” *O'Brien*, 391 U.S. at 377, 88 S.Ct. 1673. The district court held the Act was “overbroad” because it might preclude individuals eighteen to twenty-years-old “from participating in theater or similar artistic productions if such participation entails nudity.” It stated that “there is little doubt that Act No. 395 sweeps up a fair amount of constitutionally protected speech.”

[22] [23] [24] [25] The *O'Brien* phrase “no greater than necessary” hints of the different *111 and difficult standard of “least restrictive means,” but the Supreme Court has made clear the two are not equivalent: “Lest any confusion on

the point remain, we reaffirm today that a regulation of the time, place, or manner of protected speech must be narrowly tailored to serve the government's legitimate, content-neutral interests but that it need not be the least restrictive or least intrusive means of doing so." *Ward v. Rock Against Racism*, 491 U.S. 781, 798, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989). The Supreme Court went further in describing the needed focus:

Rather, the requirement of narrow tailoring is satisfied "so long as the ... regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." ... So long as the means chosen are not substantially broader than necessary to achieve the government's interest, however, the regulation will not be invalid simply because a court concludes that the government's interest could be adequately served by some less-speech-restrictive alternative.

Id. at 799–800, 109 S.Ct. 2746 (first ellipsis in original) (quoting *Albertini*, 472 U.S. at 689, 105 S.Ct. 2897). We apply to *O'Brien* this guidance about what "no greater than necessary" means for time, place, and manner legal standards because, as we stated above, the Court has held that *O'Brien* is a variant of those standards. See *Community for Creative Non-Violence*, 468 U.S. at 298, 104 S.Ct. 3065.²

² An insightful summary of the different considerations for the fourth factor articulated in *Rock Against Racism* and in other caselaw is this:

When the government could adopt a narrower regulation that would significantly reduce the negative impact on speech without substantially interfering with its legislative goals, the government should be forced to adopt the narrower regulation.

¹ *Smolla & Nimmer on Freedom of Speech* § 9:17 (2018).

[26] At times this court has separately discussed both the *O'Brien* four-factor test and the standard for overbreadth when analyzing a regulation. *E.g.*, *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248, 1254–55 (5th Cir. 1995). We rejected the argument that a ban on patrons touching nude dancers (which rarely would invoke a *patron's* speech rights) was *overbroad*, in part because the "First Amendment 'does not guarantee the right to [engage in protected expression] at all times and places or in any manner that may be desired.'" *Id.* at 1254 (inserted phrase in original) (quoting *Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640, 647, 101 S.Ct. 2559, 69 L.Ed.2d 298 (1981)). "[C]ontent-neutral regulations of time, place, or manner are permissible where the regulations satisfy the four-part test announced

in [*O'Brien*]." *Id.* (emphasis omitted). This suggests that satisfying *O'Brien*, when that is the appropriate test, will usually obviate the need to analyze the different requirement that the "overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep." See *Ferber*, 458 U.S. at 770, 102 S.Ct. 3348 (quoting *Broadrick*, 413 U.S. at 615, 93 S.Ct. 2908).

We apply these principles to our facts. The district court properly applied *O'Brien's* first three factors to the Act. The court also discussed the relevant analysis of whether the government's interest "would be achieved less effectively absent the regulation." See *Albertini*, 472 U.S. at 689, 105 S.Ct. 2897. The district court then shifted to a discussion of the substantial-overbreadth issue of whether "a substantial number of [a statute's] applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep." *112 *United States v. Stevens*, 559 U.S. 460, 473, 130 S.Ct. 1577, 176 L.Ed.2d 435 (2010) (citation omitted). The court continued by discussing *Broadrick*, *Hicks*, and other overbreadth cases.

We are engaged in a *de novo* review, and we see no reason to question the district court's conclusions just because some of the caselaw may have been from a slightly different doctrine. Substantial overbreadth is certainly a related concept to the fourth *O'Brien* factor. The district court's primary basis for finding the statute applied to far more expression than was essential is that it did not exclude what the court called "mainstream" expressions of nudity. These were performances at theaters, ballets, or other art venues not usually associated with eroticism. That mainstream speech is what the district court determined was improperly swept up within the reach of this Act.

[27] Limiting constructions may be considered if the regulation "is 'readily susceptible' to such a construction." *Stevens*, 559 U.S. at 481, 130 S.Ct. 1577 (quoting *Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 884, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997)). The State presented to the district court an affidavit from Commissioner Marine-Lombard who stated that the Act "does not apply to venues such as theatres, ballets, or other mainstream performance arts venues." The court refused to consider this narrowing construction because Commissioner Marine-Lombard "will not always be the ATC commissioner and ... it is not the Court's role to rely on the interpretation of an enforcement agency when determining whether a statute is constitutional."

[28] [29] We disagree with the district court’s assessment that the State’s narrowing construction should be rejected. “Administrative interpretation and implementation of a regulation are ... highly relevant to our analysis, for ‘[i]n evaluating a facial challenge to a state law, a federal court must ... consider any limiting construction that a state court or enforcement agency has proffered.’ ” *Rock Against Racism*, 491 U.S. at 795–96, 109 S.Ct. 2746 (second and third alterations in original) (quoting *Village of Hoffman Estates v. The Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 494 n.5, 102 S.Ct. 1186, 71 L.Ed.2d 362 (1982)). When the state official charged with implementing a statute has provided an interpretation of how to enforce it, we will defer unless that explanation is inconsistent with the statutory language. *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 387 (5th Cir. 2013). Such officials often, perhaps always, have temporary tenure in office, but that has not been a reason courts have employed to ignore interpretive limits they state.

In addition, there is no suggestion in this record that the legislature was seeking to affect dancers other than those at establishments in which erotic dancing was the norm, or that the legislature specifically intended to cover those at traditional theater and ballet. Nor is there evidence that the Act has been applied to such performances. The limiting construction is readily applicable to the Act. The remaining reach of the Act does not constitute “overbreadth” that is both “real, but substantial as well, judged in relation to the statute’s plainly legitimate sweep.” See *Broadrick*, 413 U.S. at 615, 93 S.Ct. 2908.

[30] To conclude, we focus specifically on the fourth *O’Brien* factor. We restate that narrow tailoring exists when the “regulation promotes a substantial government interest that would be achieved less effectively absent the regulation.” See *Albertini*, 472 U.S. at 689, 105 S.Ct. 2897. The government must show “the remedy it has adopted does not ‘burden substantially more speech than is necessary to further *113 the government’s legitimate interests.’ ” *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 665, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994) (quoting *Rock Against Racism*, 491 U.S. at 799, 109 S.Ct. 2746). This burden has been carried. The State’s justification for the challenged law is to “prevent[] harmful ‘secondary’ effects that are unrelated to the suppression of expression,” namely, human trafficking and prostitution. *Pap’s A.M.*, 529 U.S. at 294, 120 S.Ct. 1382. The State has shown that younger adults are more vulnerable to recruitment by traffickers, and that these vulnerabilities are exacerbated in alcohol-licensed clubs. The State has also

demonstrated that its regulation does not burden substantially more speech than is necessary because it prohibits semi-nude dancing for 18-20-year-old individuals in alcohol-licensed clubs only; they may still participate in expressive conduct in non-alcohol-licensed establishments.

Consequently, we conclude the district court erred in holding that the Act was overbroad, either for the lack of narrow tailoring necessary under *O’Brien* or for “substantial overbreadth” under such cases as *Broadrick*.³

3 Among the other points the State makes is that “[a]n overbreadth challenge is not appropriate if the [F]irst [A]mendment rights asserted by a party attacking a statute are essentially coterminous with the expressive rights of third parties.” *Hicks*, 980 F.2d at 969. The State also argues the Act has no “real” overbreadth and the plaintiffs have failed to identify any impermissible applications of the Act. It is unnecessary to discuss these arguments in light of the manner in which we have resolved the somewhat overlapping questions of overbreadth and narrow tailoring.

III. Vagueness

A. Plaintiffs’ standing

Before proceeding to consider the merits of the vagueness claim, we address questions related to standing. Jane Does II and III claim that the Act is facially vague because they cannot discern from the Act how little they can wear in order to be “shot girls.” In addressing that claim, the district court noted that the Act did not govern the clothing requirements for shot girls — Subsection B of Sections 26:90 and 26:286 did. On that basis, the court held that Jane Does II and III lack standing to challenge the Act in some of its applications. We discuss later some ambiguity in this section of the district court’s decision.

The other plaintiff, Jane Doe I, has remained employed as an erotic dancer. She believed she would no longer be able to continue with such employment, though, when the ATC began enforcing the Act in New Orleans. She, in conjunction with the other plaintiffs, claims that the Act is “unconstitutionally vague because it fails to precisely define the phrase ‘breasts or buttocks are exposed.’ ” By failing to clarify what degree of exposure of the breasts or buttocks is impermissible, they argue the Act provides “no clear guidance to [them], other similarly-situated adults, adult

entertainment industry club owners, law enforcement, or [the State] as to how it should be interpreted and applied in this regard.” The district court addressed that claim by, as the State acknowledges, adopting the plaintiffs’ position.

[31] The question of standing posed here is whether any plaintiff can raise the remaining facial vagueness claim. The State contends that no plaintiff has such standing. Its argument is two-fold. The State first construes the court’s order as holding both that Jane Doe I had standing to challenge the Act because she was governed by it and that Jane Does II and III did not have standing because they were shot girls. The State argues that the court should not have considered Jane Doe I’s *114 facial vagueness claim because she also does not have standing to raise it, as her conduct is “clearly covered” by the Act.

[32] [33] The plaintiffs, on the other hand, contend that they each have standing to challenge the Act for facial vagueness. They do not explicitly make a separate issue of the dismissal of the facial vagueness claim raised by Jane Does II and III. They did not need to do so, as a trial court’s decision “must be affirmed if the result is correct ‘although the lower court relied upon a wrong ground or gave a wrong reason.’” *NLRB v. Kentucky River Cmty. Care, Inc.*, 532 U.S. 706, 722 n.3, 121 S.Ct. 1861, 149 L.Ed.2d 939 (2001) (quoting *SEC v. Chenery Corp.*, 318 U.S. 80, 88, 63 S.Ct. 454, 87 L.Ed. 626 (1943)).⁴ The plaintiffs instead argue that they each have standing to challenge the Act because they “seek to engage in the constitutionally-protected expression of erotic dance” and are “entitled to fair warning as to what conduct the [Act] seeks to prohibit.” *Cf. Fernandes v. Limmer*, 663 F.2d 619, 625 (5th Cir. Unit A Dec. 1981). Therefore, it is proper for us to consider the standing of each of the three plaintiffs.

⁴ “A cross-appeal is generally not proper to challenge a subsidiary finding or conclusion when the ultimate judgment is favorable to the party cross-appealing.” *Cooper Indus., Ltd. v. Nat’l Union Fire Ins. Co. of Pittsburgh*, 876 F.3d 119, 126 (5th Cir. 2017) (quoting *National Union Fire Ins. Co. of Pittsburgh v. W. Lake Acad.*, 548 F.3d 8, 23 (1st Cir. 2008)).

[34] As to the standing of Jane Doe I, the complaint states she was 20 years old. That should mean her 20th birthday was no later than the day the complaint was filed, which was September 22, 2016. She would have become 21 years old well before now. It follows that Jane Doe I is no longer affected by the Act’s age requirement and the uncertainties of how little can be worn by younger dancers. This court

is without constitutional jurisdiction to resolve moot claims. *See National Rifle Ass’n of Am., Inc. v. McCraw*, 719 F.3d 338, 344 (5th Cir. 2013). We thus consider whether the other plaintiffs have standing to raise the remaining facial vagueness claim.

[35] We are guided by a few established principles. Though this suit has been labeled a facial challenge for vagueness, in which a party to whom the law can constitutionally be applied may bring claims for others to whom it allegedly cannot, there is still Article III and prudential standing minima that must be satisfied. These standing requirements are as applicable to this vagueness claim as they were to the overbreadth claim we analyzed as follows:

In First Amendment facial challenges, federal courts relax the prudential limitations and allow yet-unharmed litigants to attack potentially overbroad statutes — “to prevent the statute from chilling the First Amendment rights of other parties not before the court.” At the same time, Article III standing retains rigor even in an overbreadth claim.

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747, 754 (5th Cir. 2010) (citations omitted) (quoting *Secretary of Md. v. Joseph H. Munson Co.*, 467 U.S. 947, 956–58, 104 S.Ct. 2839, 81 L.Ed.2d 786 (1984)). We have held that the Article III “rigor” requiring “a constitutional harm adequate to satisfy the injury-in-fact requirement” can be found in “[c]hilling a plaintiff’s speech.” *Id.* at 754–55 (quoting *Houston Chronicle Publ’g Co. v. City of League City*, 488 F.3d 613, 618 (5th Cir. 2007)). We also have stated that a plaintiff alleging “a chilling of speech because of the mere existence of an allegedly vague or overbroad statute can be sufficient injury to support standing.” *115 *Center for Individual Freedom v. Carmouche*, 449 F.3d 655, 660 (5th Cir. 2006). That analysis might fit Jane Does II and III, who became shot girls because their desire to dance had been chilled by the vagueness of the Act. That concept of injury could not save Jane Doe I, though. The change wrought by the Act only has application to those who want to engage in erotic dance and are not yet 21 years old. In no respect is a 21-year-old chilled in her exercise of free expression by the Act challenged here.

We thus return to the district court’s decision about the standing of Jane Does II and III. The court held that a different subsection of the statute governed clothing for those serving or selling alcohol, and thus they could not challenge the amendment governing erotic dancers. Immediately after that holding, the court wrote that “the Plaintiffs also argue that [the Act] fails to precisely define the phrase ‘breasts or buttocks

are exposed to view,' and therefore leads to confusion about how much of an erotic dancer's buttocks or breasts must be 'in view' to trigger the Act." The court then cited a portion of the plaintiffs' motion for a preliminary injunction in support. There, all three plaintiffs collectively argued that the Act was facially vague because it "fails to precisely define the phrase 'breasts or buttocks are exposed.'" At the conclusion of its analysis, the court wrote the "[p]laintiffs ... demonstrated a likelihood of success on their vagueness challenge."

These excerpts could be interpreted to mean the court considered the facial vagueness claim pertaining to erotic dancers to have been raised by all three plaintiffs. Quite differently, the State reasonably relies on the court's rejection of standing for Jane Does II and III to argue that the court held those plaintiffs did not have standing to raise the facial vagueness challenge. Regardless of the correct interpretation, the legal issue is subject to our *de novo* review.

As shot girls whose clothing requirements are set forth in a separate statutory subsection, Jane Does II and III would lack standing to raise a vagueness claim as to the erotic dancing limitations if their only contention was that the Act left them uncertain as to the necessary attire for shot girls. They alleged more, though. They assert they want to "engage in the constitutionally-protected expression of erotic dance" but are deterred from doing so because of the Act's vagueness. The complaint indicates that Jane Does II and III were dancers but became shot girls because of the uncertainties of how little clothing they could wear as dancers. They both complain of lesser income as shot girls and describe the economic difficulties they are facing. Jane Doe III specifically claims that should the Act be invalidated, she "would immediately return to erotic dancing as her preferred vocation."

With those as the relevant allegations, we must decide if each plaintiff has claimed "she is 'seriously interested in' engaging 'in a course of conduct arguably affected with a constitutional interest[] but proscribed by statute.'" *Fairchild*, 597 F.3d at 755 (quoting *International Soc'y for Krishna Consciousness v. Eaves*, 601 F.2d 809, 818 (5th Cir. 1979) and *Mississippi State Democratic Party v. Barbour*, 529 F.3d 538, 545 (5th Cir. 2008)). In one applicable precedent, the plaintiffs facially challenged a state's disclosure requirements for political committees and certain qualifying individuals. *Justice v. Hosemann*, 771 F.3d 285, 288–90 (5th Cir. 2014). The plaintiffs had engaged in political advocacy in the past. *Id.* at 290. They did not pursue any kind of political activity in the campaign for a 2011 ballot initiative, though, "because

of what they view[ed] as *116 Mississippi's onerous and complicated disclosure requirements." *Id.* at 289–90. The *Justice* plaintiffs argued that the disclosure laws were facially vague because they "relegated them to the sidelines [in 2011] by 'creat[ing] a significant chilling effect that ha[d] prevented — and continue[d] to prevent — [them] and other similarly situated groups from exercising their constitutional rights of free speech and association.'" *Id.* at 290 (second alteration in original). We held that the plaintiffs had standing to challenge the laws based on their "legitimate fear of criminal penalties for failure to comply with" the disclosure requirements. *Id.* at 291–92. We reasoned that "[t]heir past enthusiastic participation in the political process" and their membership in political organizations showed that, if not for Mississippi's disclosure laws, they would again engage in political activism that implicated the disclosure laws. *Id.* at 291.

We conclude that Jane Does II and III have sufficiently expressed a "serious interest" in returning to erotic dancing, which is the conduct that is undoubtedly affected by the Act. Their allegations show they had been dancers, remain employed at sexually-oriented businesses, and have expressed a desire to return to their former vocation for both monetary and expressive reasons. The State does not contest the plausibility of their allegations. They have standing to raise a facial challenge to the statute.

B. Merits of vagueness claim

[36] [37] [38] A law can be unconstitutionally vague if it "fails to provide those targeted by the statute a reasonable opportunity to know what conduct is prohibited." *Kucinich v. Tex. Democratic Party*, 563 F.3d 161, 166 n.4 (5th Cir. 2009). "When speech is involved, rigorous adherence to th[at] requirement[] is necessary to ensure that ambiguity does not chill protected speech." *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253–54, 132 S.Ct. 2307, 183 L.Ed.2d 234 (2012). Flexibility is permitted but not at the expense of a statute's failure to provide "fair notice" to people who wish to avoid its prohibitions. *Service Emps. Int'l Union, Local 5 v. City of Houston*, 595 F.3d 588, 596–97 (5th Cir. 2010) (citation omitted). Another helpful phrasing is that to survive a challenge for unconstitutional vagueness, an offense must be defined "with sufficient definiteness that ordinary people can understand what conduct is prohibited." *Roark & Hardee LP v. City of Austin*, 522 F.3d 533, 552 (5th Cir. 2008) (quoting *Kolender*, 461 U.S. at 357, 103 S.Ct. 1855 (1983)) (emphasis in original).

[39] The plaintiffs maintain that the Act's plain language and the State's interpretation of the text amounts to a "total ban" on erotic dancing for individuals who are 18 to 20 years old. The Act, though, only applies to entertainers at alcohol-licensed establishments. See LA. REV. STAT. §§ 26:90, 26:286. On its face, the Act does not appear to apply to sexually-oriented businesses that are not licensed to serve alcohol. The parties have not cited any regulation of non-alcohol-licensed sexually-oriented businesses. We cannot conclude on the record before us that the Act operates as a complete ban on the plaintiffs' ability to engage in erotic dancing.

In essence, plaintiffs contend that dancers 18-20 years old have not been told by the statute with sufficiently precise language just how much of their bodies must be covered in order to be in compliance. The State contends that "wearing bikinis covering their breasts and buttocks" is the "obvious answer" for individuals between the ages of 18 and 20 to conform their conduct to the statute. The assertion about bikinis appears to have been offered first *117 in its briefing in district court and then here as a common-sense interpretation of how a dancer could comply with the Act. We thus distinguish it from the limiting instruction from Commissioner Marine-Lombard that was relevant as to narrow tailoring. Therefore, the suggestion about bikinis does not have any official status in our analysis of the Act's clarity.

[40] We have already mentioned that regulatory ambiguity should not "chill protected speech." *Fox Television Stations*, 567 U.S. at 254, 132 S.Ct. 2307. Importantly, though, "perfect clarity and precise guidance" are not required. See *Rock Against Racism*, 491 U.S. at 794, 109 S.Ct. 2746. That latter case dealt with regulation of noise from events at New York City's Central Park. *Id.* at 784, 109 S.Ct. 2746. The city's noise standard stated "its goals [were] to 'provide the best sound for all events' and to 'insure appropriate sound quality balanced with respect for nearby residential neighbors and the mayorally decreed quiet zone of [the] Sheep Meadow.'" *Id.* at 794, 109 S.Ct. 2746 (second alteration in original). The Court relied on official interpretations and the historical application of the noise standards, as those were "highly relevant" to its analysis in the sense that they become limiting constructions. See *id.* at 795-96, 109 S.Ct. 2746. Acknowledging the discretion placed in the hands of city officials, the Court held the guidelines still withstood a facial challenge. See *id.*

Similar imprecision was permitted regarding the city of Detroit's zoning for theaters projecting sexually explicit movies. See *Young v. Am. Mini Theatres, Inc.*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976). There, despite some ambiguity in how much sexual content the movies needed to have to fall afoul of the ordinance, the plaintiffs conceded that because of the movies they wanted to exhibit, "there [was] no uncertainty about the impact of the ordinances on their own rights." *Id.* at 59, 96 S.Ct. 2440. "The application of the ordinances to respondents [wa]s plain," causing the Court to reject a facial vagueness challenge in which the plaintiffs sought to rely on uncertainty about other situations. *Id.* at 61, 96 S.Ct. 2440.

These are among the most on-point Supreme Court decisions. Some of our sister circuits have dealt with questions much closer to our own. One concerned a vagueness challenge to a Kansas law prohibiting erotic dancers from "displaying of post-pubertal human genitals, buttocks, or pubic area, or the female breast below the top of the nipple." *Dodger's Bar & Grill, Inc. v. Johnson Cnty. Bd. of Cnty. Comm'rs*, 32 F.3d 1436, 1445 (10th Cir. 1994). Quite similar to the issue here, the court dealt with the fact that there were no statutory details about avoiding a display of the "buttocks" comparable to the statute's guidance on the requirement that "breasts" be covered. The plaintiffs there explicitly complained, as is also implicit in the plaintiffs arguments here, that the statute "fails to specify at what point an individual's buttocks [are] displayed." *Id.* at 1444. Such silence was not a constitutional defect, the court held, because "the common understanding of the term supplies a clear enough standard." *Id.* We agree with the Tenth Circuit that the natural understanding of an obligation to cover a person's buttocks is that they must be covered entirely. *Id.* at 1445. Further detail is not for this lawsuit.

More recently, the Fourth Circuit upheld a Virginia law that prohibited "persons connected with [an alcohol-]licensed business to appear nude or partially nude." *Imaginary Images, Inc. v. Evans*, 612 F.3d 736, 750 (4th Cir. 2010). The phrase "nude or partially nude" was statutorily defined to mean "less than a fully-opaque *118 covering of the genitals, pubic hair or buttocks, or any portion of the breast below the top of the areola." *Id.* The court held that the meaning of these and other terms not involved here, such as a "striptease act," to be ones of common usage and everyday speech. *Id.* The court thus rejected the argument that the statute was "unconstitutionally vague because it is unclear how much clothing has to be worn to satisfy their requirements." *Id.*

To repeat, we have rejected that a law “must delineate the exact actions a [person] would have to take to avoid liability.” *Roark & Hardee*, 522 F.3d at 552. What is required, though, is that the statute be written in such a manner that “ordinary people” can understand what is prohibited. *Id.* The vagueness argument made by these plaintiffs is that they want to know precisely how much more of their bodies must be covered than dancers who are at least 21 years old are obliged to cover. They want to wear the bare minimum, but the Constitution does not guarantee them that level of specificity. It is enough that the Act requires the full coverage of the breasts and buttocks. These are commonly understood anatomical terms. The State’s failure to define exactly where at the anatomical margins the bare minimum lies does not render the Act unconstitutionally vague on its face. Such an explanation, which would amount to “perfect clarity and

precise guidance,” is not required. *Rock Against Racism*, 491 U.S. at 794, 109 S.Ct. 2746.

This Act survives a facial challenge for vagueness. As the State acknowledges on rehearing, what remains are possible “as-applied challenges brought in post-enforcement proceedings,” where the exact manner in which a regulation is implemented may be addressed. *See City of El Cenizo v. Texas*, 890 F.3d 164, 191 (5th Cir. 2018).

The injunction is VACATED and the cause is REMANDED for further proceedings.

All Citations

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Blog



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January 5, 2016

The Average Age of Entry Myth

This post is part of an ongoing series confronting the myths and misconceptions surrounding human trafficking.

With January's focus on human trafficking awareness, the topic is sure be discussed in the news more often this month—and this exposure is incredibly important to make sure that people are aware of this crime. But statistics on trafficking can be difficult to find, and the information you hear may not be reliable. One such datapoint deals with the sex trafficking of minors.

Myth in Question

"The average age of entry for girls into prostitution in the U.S. is 12-14 years old."

Many people have used this controversial statistic. It is widely quoted by both policy makers and NGOs in an effort to bring attention to child sex trafficking. While we commend their intentions, the statistic itself may not, in fact, be true.

The Facts

This stat is not actually supported by any data. We've looked at both our internal data and external data sources, such as open source research and media, and we don't believe that 12-14 is an accurate average age of entry into prostitution.

In May 2015 we released an issue brief on [sex trafficking of U.S. citizens in the U.S.](#) in which we analyzed reports of sex trafficking victims and survivors who called into the NHTRC hotline or we served as clients. It's not our protocol to ask victims and survivors how old they were when they first entered into prostitution, but some volunteered this information.

123 survivors shared with us their age when they first engaged in commercial sex. Here is a breakdown of what we learned:

- 44% of these survivors estimated that they were 17 or younger.
- The average age of entry was 19 years old.

Did we solve the mystery?

Not quite. Our information might be affected because more adult victims contact the NHTRC and BeFree than minors.

In 2015, the U.S. Department of Justice (DOJ) funded a study that looked at sex trafficking of minors in the U.S. The victims in this study reported a median age of 15 years old. However, just as our information is skewed because more adults contact the hotlines, this study is also skewed because it only interviewed victims and survivors who were minors.

How can we figure out the answer?

We won't be able to come to an accurate and conclusive answer about the average age of entry into prostitution if we only use small data sets. Without a large, comprehensive, and methodical study, the anti-trafficking field has to rely on data that is incomplete and imperfect. We need researchers to conduct a larger new study that analyzes data from equal numbers of minor and adult participants.

Check out [The Facts](#) for more key statistics on human trafficking.

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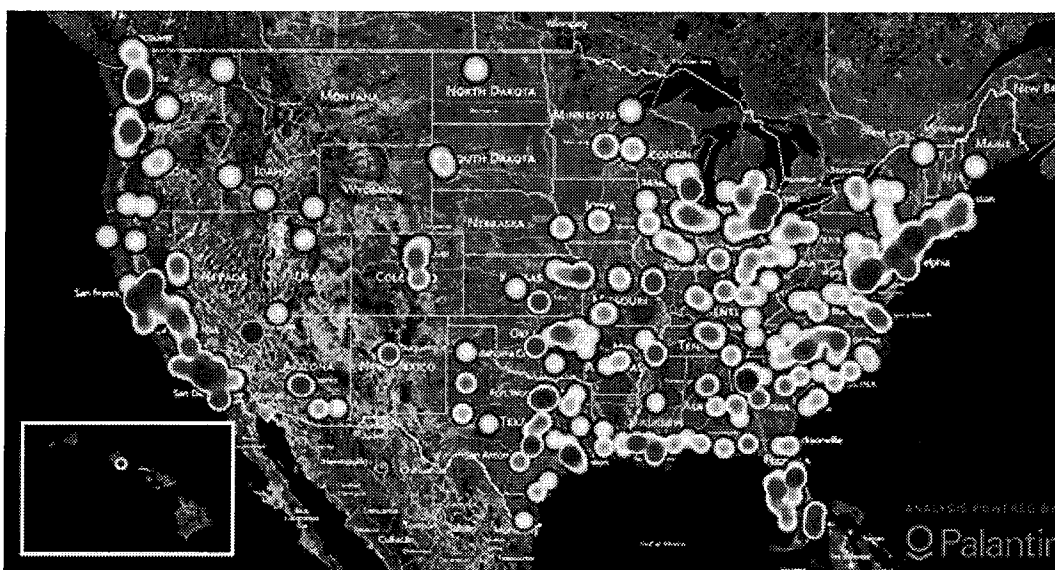
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Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims



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Date Published: May, 2015 | Updated Date: May, 2015

Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims provides crucial insight into the realities of sex trafficking in the U.S. based largely on experiences reported by U.S. citizen survivors. The issue brief highlights key aspects of the U.S. sex trafficking industry, including how U.S. citizen victims are recruited and controlled, the relationships between victims and traffickers, common venues where sex trafficking occurs, and survivors' level of access to opportunities for assistance.

The brief, based on information reported to the National Human Trafficking Resource Center (NHTRC) hotline and Polaris's BeFree Textline in 2014, illustrates the variety of situations that victims face in rural, suburban, and urban communities across the country.

The information contained in the brief is based on data collected from 1,611 sex trafficking cases reported to the National Human Trafficking Resource Center (NHTRC) hotline and the BeFree Textline in 2014 involving U.S. citizens and legal permanent residents, as well as a deeper analysis of 292 survivor accounts who directly contacted the NHTRC or BeFree. This information was supplemented with data from 141 U.S. citizen sex trafficking survivors who received direct services from Polaris between 2011 and 2014.

By amplifying the voices of these survivors, we are taking steps to better understand the variety of ways traffickers operate and the comprehensive services victims require to rebuild their lives.

Note: The report is not a systematic review, as survivors were not routinely asked a set of standardized questions. The data is not intended to represent the full scope of sex trafficking in the U.S. To protect the privacy and anonymity of individuals contacting the NHTRC and BeFree Textline, Polaris follows strict data confidentiality protocols and does not disclose personally identifying information. All data in public reports is shared in aggregate.

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Florida First State in Nation to Teach K-12 Child Trafficking Prevention

September 30, 2019

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Florida First State in Nation to Teach K-12 Child Trafficking Prevention

Tallahassee, Fla., September 30, 2019 – The State Board of Education unanimously approved a new rule requiring instruction in child trafficking prevention for students in grades K-12. With this approval, Florida will be the first state in the nation to address the need for instruction in child trafficking prevention. The new rule also establishes procedures for school districts to plan and document delivery of the required instruction.

Florida is third in the nation for numbers of reported cases of human trafficking, and the average age of trafficked youth is 11 to 13 years old. In 2018, there were 767 human trafficking cases reported in Florida. Of those cases, 149 were minors. Up to 70 percent of sex trafficking and exploitation begins with predators connecting with youth online. According to the National Center for Missing and Exploited Children, one out of eight endangered runaway youth is likely a victim of human trafficking.

“Tragically, human trafficking is an epidemic in our country,” **said Governor Ron DeSantis**. “Children of all ages need to know and understand the hazards of human trafficking and how to protect themselves from dangerous predators.”

“Our number one priority is the safety of Florida’s students. It is never too early to learn about prevention, safety and safely using technology,” **said Commissioner of Education Richard Corcoran**. “I thank Governor DeSantis and First Lady Casey DeSantis for their commitment to ensuring every child has the tools necessary to identify and address these important issues.”

The new rule requires that by December 1 of each year, each school district must submit an implementation plan to the commissioner and post the plan on the school district website. The implementation plan must include:

- The methods in which instruction will be delivered for each grade level;
- The professional qualifications of the person delivering instruction; and

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- A description of the materials and resources utilized to deliver instruction.
- The rule also establishes that every school in Florida be a "Child Trafficking Free Zone."

Additionally, by July 1 of each year, each school district must submit an annual report to the commissioner to verify completion of the instruction.

"Florida continues to lead the nation in the fight against human trafficking by being the first state in the country to mandate every student in K-12 to receive Child Trafficking Prevention and require every school in the state to declare itself a Child Trafficking Free Zone." said **Geoff Rogers, CEO and co-founder of the U.S. Institute Against Human Trafficking**. "We hope more states will follow their lead as we seek to put an end to this terrible crime in the United States."

While there is no standard profile of a child-trafficking victim, several risk factors indicate that certain children are more susceptible. Reports show that traffickers often target children and youths with a history of sexual abuse, dating violence, low self-esteem and minimal social support.

A safe learning environment is proven to be imperative for overall student success, and this success is threatened when students face exploitation and violence. Training on risk factors for vulnerable children, the signs and indicators of exploitation and trafficking, and the victim-centered approach should be provided to all staff working with students.

The Florida Department of Education provides an array of resources aimed at bringing awareness to human trafficking, including training for educators by the National Human Trafficking Resource Center and the Department of Homeland Security and information on how to report human trafficking. More information can be found at <http://fldoe.org/schools/healthy-schools/human-trafficking.stml>.

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FLORIDA RESTAURANT & LODGING ASSOCIATION

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HOTEL INDUSTRY, NFL TACKLE HUMAN TRAFFICKING PREVENTION AHEAD OF SUPER BOWL LIV

POSTED ON JANUARY 9, 2020 ([HTTPS://FRLA.ORG/NEWS-RELEASE/HOTEL-INDUSTRY-NFL-TACKLE-HUMAN-TRAFFICKING-PREVENTION-AHEAD-OF-SUPER-BOWL-LIV/](https://frla.org/news-release/hotel-industry-nfl-tackle-human-trafficking-prevention-ahead-of-super-bowl-liv/))

Miami Event Kicks off Human Trafficking Awareness Month with Local, National Groups, Florida Officials



(<https://frla.org/wp-content/uploads/2020/01/No-Room-for-Trafficking-Event-1.9.20.jpg>)

(L-R: Florida Restaurant & Lodging Association President & CEO Carol Dover, Attorney General Ashley Moody, Miami Super Bowl Host Committee Executive Director Ray Martinez, American Hotel & Lodging Association President & CEO Chip Rogers)

[Miami, Fla] The hotel industry convened today the National Football League, national and local Florida organizations and human trafficking prevention groups to kick off a month-long series of events to raise awareness about the scourge of human trafficking which affects 40 million people around the globe. In an effort to help spot and stop traffickers who exploit the travel and tourism industry, the American Hotel & Lodging Association (AHLA), in partnership with the Asian American Hotel Owners Association (AAHOA) and the Florida Restaurant & Lodging Association (FRLA), convened a half-day summit with key stakeholders which included a training of hotel employees

Joined by Attorney General Ashley Moody, lawmakers and leading experts, the event highlighted pivotal partnerships with law enforcement and effective tools that have been implemented to reduce the number of incidents of trafficking in hotels.

Due to an influx of visitors during large events such as the Super Bowl, increased instances of human trafficking can occur, which is why the hotel industry launched a pivotal campaign last year, *No Room for Trafficking*, with the goal of training every hotel employee to spot and stop trafficking. As part of this month's awareness activities, AHLA is convening the broader travel community to help raise awareness around this critical issue.

The event featured a human trafficking prevention training session certifying at least 200 hotel employees and highlighted the launch of It's a Penalty's fifth global campaign, the third around the Super Bowl, to raise awareness among sports fans and the general public in an effort to educate about the signs and ways to report instances of trafficking. It's a Penalty launched the campaign in coordination with event attendees A21 (<https://www.a21.org/>), as well as the Super Bowl Host Committee, The Women's Fund Miami-Dade, the Office of Miami-Dade State Attorney, Katherine Fernandez Rundle, the Miami Dolphins and the NFL, and in partnership with local, state and federal agencies including the U.S Attorney for the Southern District of Florida, HSI, FBI, federal and local trafficking task forces, and over 300 local community partner organizations.

"Human trafficking is a deplorable crime that damages and destroys millions of lives. Because of this, the hotel industry is committed to helping lead the way in bringing it to an end. Our goal is to ultimately have every hotel employee in the United States trained on how to spot and stop trafficking," **said Chip Rogers, president and CEO of AHLA.** "We believe it is critical to convene our entire industry around a united approach to combat human trafficking and build partnerships with law enforcement officers and leaders in the prevention space, such as Attorney General Ashley Moody and leading prevention partners like It's a Penalty and A21. While there is still much more to do, we believe our shared commitment to training and education will continue to make a difference."

Already each year, thousands of hotel employees are trained on how to spot and stop trafficking. With the launch of AHLA's *No Room for Trafficking* (<https://www.ahla.com/issues/human-trafficking>) campaign and AAHOA's Human Trafficking Awareness Training (<http://www.aahoa.com/htat>), the hotel industry is continuing its strong record by convening the entire industry around the goal of training every hotel worker.

Attorney General Ashley Moody said, "Human trafficking dehumanizes victims and deteriorates our society. It is vital that we utilize partnerships across all levels of government and industry to end this atrocious crime. That is why I am proud to support Florida's hotel industry and prevention partners ahead of Super Bowl LIV as we unite efforts around our shared goal of ending human trafficking. I strongly encourage all service industries to train their employees to spot and report these crimes. Working together we can end trafficking in Florida and build a stronger safer Florida."

"We're so proud to launch our Super Bowl campaign in Miami in partnership with hotel industry leaders, the Attorney General and Florida lawmakers. By harnessing the power of sport to prevent exploitation, we will comprehensively address trafficking by raising awareness, educating the public and training employees," **said Sarah de Carvalho, CEO It's a Penalty Campaign.**

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“Florida’s hospitality industry is second to none and, therefore, is an incredibly vulnerable target for human trafficking,” said **Carol Dover, President and CEO of the Florida Restaurant and Lodging Association**. “We are committed to stopping this horrible crime, and we are proud of our efforts to equip our hospitality team members. Engaging and empowering those on the forefront to recognize and expose traffickers is essential to this fight. We will continue our efforts with local, state, and national partners to ensure safety throughout our industry.”

“A hotel’s front desk can be the first line of defense when it comes to saving lives and keeping human traffickers out of our communities. That’s why America’s hotel owners are committed partners in the fight against trafficking. Through education and awareness initiatives, we are working to ensure that every hotel owner and their employees are trained to identify and respond to instances of human trafficking,” said **AAHOA President and CEO Cecil Staton**.

“This campaign will shed light on the severity of this issue, both here in Florida and across the country, and will allow thousands to learn the signs of human trafficking. We are proud to partner with the hotel industry here ahead of the Super Bowl in this critical effort,” said **Mollie Thorsen, U.S. Director of Advocacy, A21**.

Throughout National Human Trafficking Awareness Month, AHLA will continue efforts to raise public awareness and facilitate collaboration with policymakers, law enforcement and hoteliers on best practices for policies, procedures and training to enhance our human trafficking prevention efforts. January’s activities will be the first of many during this year’s No Room for Trafficking push. Looking further into 2020, AHLA will be highlighting the industry’s on-going efforts with targeted events across the country including Massachusetts, Arizona, Nevada, Delaware, California, Illinois, Rhode Island, Maryland, West Virginia and more. We will also be working with key states to advance legislation at the state level and continuing to provide our members and industry with on-going support and resources. We will continue to grow and enhance the industry’s efforts with partnerships and member engagement.

230 South Adams Street | Tallahassee, FL 32301
850.224.2250 | 888.372.9119



(http://www.frla.org/news-release/hotel-industry-nfl-tackle-human-trafficking-prevention-ahead-of-super-bowl-liv/)

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JUSTICE NEWS

Assistant Attorney General Eric Dreiband Delivers Remarks at the Department of Justice's Summit on Combating Human Trafficking

Washington, DC ~ Tuesday, January 14, 2020

Remarks as Prepared for Delivery

Good morning, everyone. I am honored to help open this summit on human trafficking. Before I begin though, please join me in giving a hand to those who organized this vital gathering. To all the attendees, thank you for traveling here to Main Justice today. I am especially grateful to the expert survivor leaders from whom you will hear later today. With great courage, they overcame tremendous obstacles and, further, improved our strategies for stamping out the menace of human trafficking. Please join me in thanking them.

Thank you also to our state, local, and tribal partners, to the U.S. Attorneys, and to the members of the Department, the Federal Bureau of Investigation, and other U.S. government agencies. We profoundly appreciate your commitment to fighting human trafficking. Through your public service, you have provided justice to innumerable victims and, in turn, brought the subject of this gathering to the attention of our nation and the world. Yet while we have had great success, we know there is a lot more work ahead.

Human trafficking is happening in our cities, our towns, our communities, and it affects the most vulnerable members of society. Short of murder, there is no offense more heinous than sexual abuse. As Chief Justice Warren Burger once stated, "Rape is not a mere physical attack – it is destructive of the human personality."

Human trafficking is – make no mistake about it – modern-day slavery. It is our generation's form of physical and psychological captivity that we must confront and defeat. From its sinister core outward, it is a crime of exploitation. This devastation recognizes no single type of victim, and it transcends demographics, geography, and socio-economic condition. Sometimes those who are abused are homeless, they are addicted to drugs, or they are merely under the age of consent. But in every single case, a person in an asymmetrically-powerful position exploits another person's vulnerabilities for their own gain. These vile acts involve fundamental violations of our natural rights. That is why we rightly identify their perpetrators as predators.

With today's summit, the United States Department of Justice wishes to reaffirm emphatically that stopping human trafficking is one of its highest priorities. Our guiding Crime Reduction and Public Safety Strategy calls for "aggressive and coordinated" efforts "to deter those who violate our borders and subject others to forced labor, involuntary servitude, sex trafficking and other forms of modern-day slavery." Pronouncements like this are important because they provide guidance. But action is ultimately what counts, and there we have delivered.

In Fiscal Year 2018, the Department secured a record number of convictions against 526 defendants in federal human-trafficking prosecutions. For example, last year, we took down Backpage.com, the Internet's leading source of prostitution-related advertisements that resulted in the sex trafficking of minors and adults. The Department obtained guilty pleas from Backpage.com, its chief executive officer, and Marketing Director, and has now seized over \$150 million in real and personal property derived from proceeds of their illegal conduct. We have also secured convictions and lengthy sentences against members of extensive transnational trafficking networks.

Determined to do more, the Department has trained human-trafficking coordinators on the Crime Victims' Rights Act, and we are further looking to revamp the Attorney General's guidelines to better address victims' and survivors' rights. The Department is also assigning more prosecutors to the Civil Rights Division's Human Trafficking Prosecution Unit and the Criminal Division's Money Laundering and Asset Recovery Section. These prosecutors are scheduled to receive intermediate and advanced training over the next twelve months. And attorneys from the Criminal Division's Child Exploitation and Obscenity Section serve as experts in child sex-trafficking crimes.

The Department of Justice continues to distribute more money to combat human trafficking than any other federal agency. In Fiscal Year 2018, the Office of Justice Programs – thanks to the generous support of Congress and the American people – was able to make awards to 17 Enhanced Collaborative Model anti-trafficking task forces across the United States, totaling \$23.1 million. In addition, over the same period, the Department made 52 awards to strengthen identification of and assistance to victims, totaling \$37 million.

Within the past few years, we have intensified our focus on a key aspect of federal law-enforcement's approach to fighting human trafficking: reducing demand for commercial sex that leads to sex trafficking. Here, the Department's Office of Legal Policy has continued to spearhead innovative initiatives. By focusing on demand, we are stepping up our efforts to disrupt the commercial sex markets that place countless victims at risk of sex trafficking and other forms of exploitation. We are taking aim at the sex buyers who drive the market for commercial sex. Demand reduction includes education directed at would-be buyers, to raise awareness about the widespread force, fraud, and coercion and pervasive exploitation of minors that are endemic to the commercial sex trade.

In addition to education aimed at reducing demand for commercial sex, we are committed to prosecuting sex trafficking predators to the fullest extent of the law. By heightened criminal enforcement, we seek to deter those who can be deterred and incapacitate those who cannot be deterred.

In recent years, while the numbers of individual cases may have gone down, we are developing and pursuing larger, more complex and impactful cases, which is exactly what we should be doing in terms of justice outcomes and according to the principle of federalism. We are bringing cases that dismantle transnational trafficking enterprises that are each responsible for trafficking dozens—and sometimes hundreds—of victims. At the same time, we are prosecuting forced labor cases that are difficult to prosecute because victims are so isolated in private homes.

In one such case, *United States v. Toure*, the defendants brought a young child from her rural village in Guinea, West Africa, and compelled her into domestic servitude in their upscale Texas home *for the next 16 years*, using beatings, threats, verbal abuse, isolation, and punishments to hold her in their service without pay. Bringing those labor traffickers to justice required an extensive investigation into a 16-year crime that spanned two continents.

In addition, the Department assisted the victim by securing counseling from a therapist trained in trauma, connecting her with an immigration lawyer to address her immigration needs, and linking her to education services to work with her on all of her educational needs. The Department also provided the victim with support during the investigation and trial by helping her through the court process, assisted in and supported her when reunifying her with her mother, and secured a restitution order of over \$288,000.

We are unflagging in our commitment to prosecuting these cases, whether on behalf of one victim or on behalf of hundreds, because modern-day slavery has no place in our great nation.

We are equally unflagging in our commitment to working with local, state, and tribal law-enforcement, who are often better suited to handle commercial sex cases involving one victim, or even a small number of victims. However, when criminal activity spans multiple jurisdictions, or when it crosses the line into the slavery and involuntary servitude prohibitions of the Constitution's Thirteenth Amendment – when the freedom, will, and liberty of individuals

are being suppressed through the use of coercion or the exploitation of minors – then such activity becomes an issue of national concern and, thus, federal authority. This is why we need strong partnerships. With robust lines of communications, we can most effectively delegate, investigate, and prosecute human-trafficking cases.

Another significant change in the fight against human-trafficking involves law-enforcement's interaction with the victims themselves. Together, we have developed a more human-centered, trauma-informed approach to getting people back on their feet, living lives of dignity, and positively contributing to society. This approach is informed by an appreciation of the unique nature of human-trafficking cases.

Unlike certain other types of criminal prosecutions, victims are the key witnesses. As officials, we enter a victim's life at a particular time, when she may be experiencing trauma, instability, fear of repercussions, and continued effects of trauma-bonding with her abuser. So we must be respectful by meeting survivors where they're at in the complicated process of recovery.

Being aware of their history means knowing whether they might, for example, require treatment before moving forward with testimony. We must listen to survivors both about how we can improve and how we can empower victims to rebuild their lives. In short, we treat victims like human beings. Our nation's commitment to freedom, individual rights, and the dignity of all persons compels this approach. This approach is also the one that enables victims to come forward as witnesses so that we can bring an effective prosecution.

As such, intrinsic to human-trafficking cases is a weighty emotional commitment on behalf of the victims as well as those assisting them. Victim assistance experts, both within law enforcement and in non-governmental organizations, play vital roles in addressing victims' acute and long-term needs for mental-health counseling, substance-abuse treatment, medical care, shelter, and subsistence. To all these law enforcement victim specialists, to all the non-governmental victim assistance organizations, and to all the survivor-experts who help us better stabilize and protect victims, I extend my gratitude.

As you're aware, this year marks the 20th anniversary of the Trafficking Victims Protection Act, known as the TVPA. Anniversaries are meaningful moments in time to survey the past and stockpile knowledge and practices to better wage the battles of the present and to prepare for the trials on the horizon. Since the TVPA's enactment nearly two decades ago, we have achieved encouraging results in the fight against human trafficking, but new challenges have emerged. Above all, as technology continues to evolve at lightning speed, traffickers and their criminal associates have weaponized technological advances to further their criminal enterprises, shield themselves from detection, and conceal the proceeds of their crimes. Financial transactions and electronic communications are far more sophisticated than they were just a few years ago and the ground continues to shift around us.

The challenges of investigating and prosecuting criminal networks are growing ever more complex as we contend with encrypted digital communications, cryptocurrency, and internet-facilitated recruitment and advertising sites hosted overseas or on the dark web. Traffickers and their criminal associates continue to develop new ways to evade detection and keep their crimes hidden in the shadows. As global transit networks expand, and as transnational trade and supply chains become ever more intertwined, traffickers seize on the new opportunities presented by this fast-paced, technology-enabled, transcontinental economy. As law enforcement, we must work tirelessly to overcome the new legal, logistical, and technological challenges associated with these rapidly evolving threats.

We must work together to ensure that we, as a nation, secure and maintain the tools necessary to address these challenges. As we face new obstacles in detecting and countering human trafficking threats, we must take an all-hands-on-deck approach to staying one step ahead of the traffickers and the criminal networks that enable them. This will require that law enforcement, government agencies, lawmakers, non-governmental organizations,

technology companies, the financial sector, and all of civil society are united in recognizing that we must find solutions to this problem of traffickers and other criminal enterprises hiding behind impenetrable cloaks of technological invisibility. We have made great strides in bringing private-sector partners together with law enforcement to take on the threats that traffickers pose to vulnerable victims and to the safety of our communities, and we will not relent until we have resolved these recurring challenges.

Throughout the rest of the day, you will learn about Department resources, initiatives, and other pertinent subject matter. The agenda features sessions on state and local efforts, innovations in victims' services, demand reduction, transnational activity, and the business community. We hope these sessions will serve not only as forums for discussion, but also as jumping off points for deepened daily cooperation and collaboration in the field.

Again, the Department of Justice is fully committed to investigating and prosecuting human-trafficking cases. It is one of our top priorities, as it is also one of the Trump administration's top priorities. To this end, we are supporting survivors by providing services to them, actively training prosecutors, and shoring up our obligations to victims under the Crime Victims' Rights Act.

With that, allow me to close. While the challenges we face are substantial, I am confident that together we can overcome them. There is a reason the Department of Justice leads the fight against human trafficking, and it is because we have all of you as invaluable partners.

Thank you for your time. I appreciate your dedication, I'm proud to work with you, and I pledge that I will do everything in my power to marshal the resources that you need to continue bringing human traffickers to justice.

Speaker:

Eric S. Dreiband, Assistant Attorney General for the Civil Rights Division

Topic(s):

Civil Rights

Human Trafficking

Component(s):

Civil Rights Division

Updated January 14, 2020

JUSTICE NEWS

Deputy Attorney General Jeffrey A. Rosen Delivers Keynote Remarks at the Department of Justice's Summit on Combating Human Trafficking

Washington, DC ~ Tuesday, January 14, 2020

Remarks as Prepared for Delivery

Thank you all so much for being here at this Human Trafficking Summit. Prosecuting human trafficking and protecting and assisting victims are among our top priorities at the Department of Justice. Today we highlighted initiatives that are moving us forward and also discussed challenges that we all, together, need to confront in order to make the next leap forward.

I am grateful to the U.S. Attorneys, FBI and DOJ personnel here today. Your presence helps cement the message that our department has made the fight against human trafficking a top priority. Our state, local, tribal and territorial government partners, including in law enforcement, are on the front lines. We have your back and are in this work together with you. I also want to thank officials from other U.S. government agencies here – today and every day – in partnership with us. And I also thank the organizers of today's event.

Expert survivor leaders informed the strategies we discussed today. We salute your courage in stopping human traffickers from hurting others, even while you build your own lives and move from surviving to thriving. Last but not least, I thank representatives from non-governmental organizations that assist survivors and work with communities to prevent human trafficking. We are grateful for your partnership.

There are important takeaways from today's summit. First, protecting and assisting victims is important to the larger cause of justice and to the immediate needs of investigation and prosecution. Second, human trafficking overlaps with other crimes, including drug trafficking, gang crimes, money laundering, and human smuggling. And human trafficking is hidden in a very wide range of settings, from local and transnational commercial sex enterprises, to sweatshops and fields across the U.S., all the way to global supply chains of major multinational corporations. We need more innovative strategies to detect it so that we can stop it. Third, we need the availability of all law enforcement tools to adequately investigate and prosecute more human trafficking cases. While some say we cannot prosecute our way out of this problem, the fact is that a human trafficker who remains at large can and will find other victims.

These three points – victim protection, detection of hidden crime intersecting with other crime problems, and the value of effective investigations and prosecutions – are seen in recent cases that DOJ and its partners successfully investigated and prosecuted.

In May 2019, a federal jury found Brian Folks guilty of 13 federal felonies arising from his operation of a violent sex and drug trafficking enterprise that sold heroin and forced young, drug-addicted women to engage in commercial sex through the greater Burlington, Vermont, area. Over almost four years, Folks targeted young, vulnerable women who were either addicted to drugs or homeless. After recruiting victims and forcing them to perform

commercial sex acts, he inflicted serious consequences if they “violated” his strict rules. He beat the victims, often in front of others, creating a climate of fear, and he sexually assaulted them. He also videotaped them performing explicit sex acts, and threatened to expose the videos to the public. He, used heroin as an addictive tool, using painful withdrawal symptoms as punishment. Folks is scheduled to be sentenced on Feb. 3, 2020, and faces between 15 years up to life imprisonment, as well as mandatory payment of restitution to the sex trafficking victims.

Also last May, a U.S. District Court Judge sentenced a couple in Southlake, Texas, to seven years in prison each and ordered them to pay \$288,620 in restitution to the victim of their crime. A federal jury had convicted the defendants of forced labor, conspiracy to commit alien harboring, and alien harboring after a four-day trial. The defendants arranged for the victim, then a young child in rural Guinea, to travel alone from her home in West Africa to the defendants' home in Texas in early 2000. The defendants forced the victim to cook, clean, and take care of their own children, some of whom were close to the victim's age, all without pay, for the next 16 years. This bears repeating; they managed to keep their crimes hidden for 16 years. As a consequence of their convictions, the defendants, who are citizens of Guinea and lawful permanent residents of the United States, may lose their U.S. immigration status and be removed to Guinea pursuant to law.

We have heard today from two DOJ prosecuting units whose work is at the heart of DOJ's efforts. They represent the DOJ's commitment to the anti-human trafficking mission. In response to the need for expertise from federal, state and local enforcement partners nationwide, DOJ formed the Human Trafficking Prosecution Unit, or HTPU, a specialized unit within the Civil Rights Division, in 2007. The Unit is devoted to novel, complex, multi-jurisdictional, and international trafficking cases. Attorneys from DOJ Criminal Division's Child Exploitation and Obscenity Section, or CEOS, continue to serve as experts in child sex trafficking crimes and the online facilitation of sex trafficking. These two units provide distinct expertise in wide-ranging threats criminalized under the Trafficking Victims Protection Act of 2000 and other laws, including those prohibiting transnational crime, organized crime, and online exploitation. Together with the 94 U.S. Attorneys' Offices, they have prosecuted 2,302 cases, brought 4,244 traffickers to justice and secured 3,589 convictions since the TVPA was first passed. These include cases against customers who fuel demand by purposefully seeking sex with children, and against those who facilitate this crime, such as the groundbreaking prosecution against backpage.com.

We heard today about DOJ-led enforcement initiatives spearheaded by HTPU, CEOS and the U.S. Attorneys' Offices and the FBI. These include the Anti-trafficking Coordination Team Initiative, or ACTeams; the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative; and Innocence Lost task forces, among other efforts that have helped us to leap ahead. One Phase II ACTeam District prosecuted a landmark case against 38 defendants who operated an extensive transnational sex trafficking enterprise that exploited hundreds of Thai women throughout the United States. That same ACTeam, in Minnesota, also simultaneously charged and convicted two other forced labor cases involving foreign victims – one in a restaurant and another in domestic servitude. Another initiative was Operation Independence Day, spearheaded by the FBI last summer to identify and arrest sex traffickers and recover child victims. The month-long initiative relied on more than 400 law enforcement agencies around the country. In all, 103 juveniles were identified or recovered and 67 suspected traffickers were arrested. The sweep resulted in 60 new federal investigations.

Since the Trafficking Victims Protection Act passed, the numbers of cases charged and defendants convicted have increased exponentially. These cases have included complex cases involving multiple victims; extensive criminal enterprises that operated for years across multiple jurisdictions; labor trafficking cases across a range of work sectors; and sex trafficking cases affecting both adult and child victims.

The year 2020 marks the twenty-year anniversary of the Trafficking Victims Protection Act of 2000. The TVPA responded to the fact that the ability of one person to control, exploit, abuse and profit from another person's labor and commercial sex acts has not yet been fully eradicated. And it needs to be.

This is why prosecuting human traffickers, and protecting vulnerable victims, are among our top priorities. The Department of Justice is at the forefront of this fight but we would not be able to make progress without all of you. We would not make a dent without our investigative partners. We would not make a dent without governmental and non-governmental human services agencies that are helping traumatized victims. We would not make a dent without those working to prevent this crime from happening in the first place. We have so much left to do. But this summit is also a time to pause and celebrate all that we have done together in the two decades since the Trafficking Victims Protection Act was enacted. I want to personally thank each of you that has been involved in this herculean effort.

Today, we recommit to ending human trafficking. Our work continues. Thank you.

Speaker:

Deputy Attorney General Jeffrey A. Rosen

Topic(s):

Human Trafficking

Component(s):

Office of the Deputy Attorney General

Updated January 14, 2020

JUSTICE NEWS

Remarks of Assistant Attorney General Beth A. Williams at the Department of Justice's Summit on Combating Human Trafficking

Washington, DC ~ Tuesday, January 14, 2020

Remarks as Prepared for Delivery

Good afternoon everyone. My name is Beth Williams, and as Stacie mentioned, I am the Assistant Attorney General for the Office of Legal Policy. I hope that it has been made clear today that combating human trafficking is a top priority of the Attorney General and of this Administration. Human trafficking has been called modern-day slavery. And appropriately so. When you hear the victims' stories and learn of the criminal acts involved, it is hard to imagine crimes more reprehensible.

Attorney General Barr and Deputy Attorney General Rosen understand that human trafficking is an offense against human dignity, and that it is a crucial part of the Department's mission to fight it at every turn, and to bring those who perpetuate it and profit from it to justice. To that end, the Department convicted a record 526 defendants in FY 2018, including those who recruit, patronize, and solicit children and other trafficked persons. These are significant and incredibly difficult prosecutions. And the men and women of the Human Trafficking Prosecution Unit in Civil Rights, and the Child Exploitation and Obscenity Section of the Criminal Division, as well as the many Assistant US Attorneys, victim witness coordinators, and agents in the field should be applauded. Day after day, they are the ones who are bravely facing society's worst, despite the heavy personal toll that it can take.

As you have also heard, the Department recently took down Backpage.com, the leading internet site facilitating sex trafficking of minors and adults, and obtained guilty pleas from Backpage.com, its CEO, and Marketing Director. The significance of this cannot be overstated. It should send a message to all that the Department will not turn a blind eye to those who profit from trafficking in persons.

With regard to profit, there is no question that human trafficking generates millions of dollars annually in illicit proceeds. The Department is focused on making sure that the victims who are owed restitution receive it. I am therefore pleased to report that attorneys from the Office of Legal Policy helped lead a cross-component working group with the Office of the Deputy Attorney General to improve monetary restitution for victims, and developed training materials for federal prosecutors that will assist them in ensuring victim compensation.

The fight against human trafficking continues, and today I have the honor of introducing someone who is dedicated to leading that fight—our keynote speaker, Deputy Attorney General Jeffrey A. Rosen. Confirmed by the Senate on May 16th of last year, Deputy Attorney General Rosen acts as the Department's Chief Operating Officer and advises and assists the Attorney General in leading the Department's more than 110,000 employees.

The Deputy Attorney General brings to the Department a wealth of litigation and policy expertise. From 2003 to 2006, he served as General Counsel of the Department of Transportation. And from 2006 to 2009, he served as General Counsel and Senior Policy Advisor for the White House Office of Management and Budget. Moreover, immediately before his present appointment, the Deputy Attorney General served for two years as the Deputy Secretary of Transportation, where he was the Chief Operating Officer of the Department of Transportation. There,

he worked on trafficking issues with the Federal Motor Carrier Safety Administration, including training to help operators identify human smuggling and trafficking on our highways.

Between his positions in government service, he was a litigation partner in private practice, where I first had the pleasure of working with him and getting to know him.

Deputy Attorney General Rosen received a B.A. *with highest distinction* from Northwestern University in 1979 and a J.D., *magna cum laude*, from Harvard Law School in 1982. He is a man committed to fairness, to justice, and to applying the full force of law to bring traffickers to justice.

Please join me in welcoming the 38th Deputy Attorney General of the United States, Jeffrey A. Rosen.

Speaker:

Assistant Attorney General Beth A. Williams

Topic(s):

Human Trafficking

Component(s):

Office of Legal Policy

Updated January 15, 2020

Sec. 150.423. - Performer dancer requirements.

No performer shall dance and accept any consideration, tip, remuneration or compensation from or on behalf of a customer at any adult entertainment establishment, or any establishment which requires an adult entertainment establishment license, who has been convicted of a violation of F.S. Ch. 796, within the previous five years.

(Ord. 2006-1127-E, § 3)

Sec. 151.413. - Performer dancer requirements.

No performer shall dance and accept any consideration, tip, remuneration or compensation from or on behalf of a customer at any dancing entertainment establishment, or any establishment which requires a dancing entertainment establishment license, who has been convicted of a violation of F.S. Ch. 796, within the previous five years.

(Ord. 2006-1127-E, § 8)

Sec. 150.224. - Performer records.

- (a) Each commercial establishment which requires an adult entertainment establishment license under this Chapter, regardless of whether it is licensed or not, shall create, establish, and maintain a record of all performers who work at the establishment, and issue each performer a dance performance permit a copy of which shall be kept and maintained on the adult entertainment establishment's premises.

The record for each performer shall contain the following information:

- (1) The performer's full legal name,
 - (2) Any stage names used by the performer;
 - (3) The performer's residential address;
 - (4) A clear copy of the performer's driver's license or equivalent photograph identification, such as a state identification card or military identification; and
 - (5) A copy of the performer's dance performance permit;
- (b) Performer records shall be maintained for a period of no less than two years from the last date that the performer worked at the adult entertainment establishment.
- (c) The original records required by subsection (a) or true and exact photocopies thereof, shall be kept at the adult entertainment establishment at all times.
- (d) The manager on duty at an adult entertainment establishment shall be responsible for knowing the location of the original records, or the true and exact photocopies thereof.
- (e) The manager on duty at the adult entertainment establishment shall, upon request by a law enforcement officer, make available for immediate inspection the original records, or the true and exact photocopies thereof at any time when the establishment or business is open for business. No records shall be copied by law enforcement unless such records are needed as part of an initial or ongoing investigation into criminal activity or a violation of Chapter 150.

(Ord. 2006-1127-E, § 2)

Editor's note— Ord. 2006-1127-E, § 2, amended the Code by, in effect, repealing former § 150.224, and adding a new § 150.224. Former § 150.224 pertained to adult entertainment establishment dancing license; and derived from Ord. 2005-743-E; and Ord. 2006-136-E.

Sec. 151.214. - Performer records.

- (a) Each commercial establishment which requires a dancing entertainment establishment license under this Chapter, regardless of whether it is licensed or not, shall create, establish, and maintain a record of all performers who work at the establishment, and issue each performer a dance performance permit a copy of which shall be kept and maintained on the dancing entertainment establishment's premises.

The record for each performer shall contain the following information:

- (1) The performer's full legal name,
 - (2) Any stage names used by the performer;
 - (3) The performer's residential address;
 - (4) A clear copy of the performer's driver's license or equivalent photograph identification, such as a state identification card or military identification; and
 - (5) A copy of the performer's dance performance permit.
- (b) Performer records shall be maintained for a period of no less than two years from the last date that the performer worked at the dancing entertainment establishment.
- (c) The original records required by subsection (a) or true and exact photocopies thereof, shall be kept at the dancing entertainment establishment at all times.
- (d) The manager on duty at a dancing entertainment establishment shall be responsible for knowing the location of the original records, or the true and exact photocopies thereof.
- (e) The manager on duty at the dancing entertainment establishment shall, upon request by a law enforcement officer, make available for immediate inspection the original records, or the true and exact photocopies thereof at any time when the establishment or business is open for business. No records shall be copied by law enforcement unless such records are needed as part of an initial or ongoing investigation into criminal activity or a violation of Chapter 150 or Chapter 151.

(Ord. 2006-1127-E, § 7)

Editor's note— Ord. 2006-1127-E, § 7, amended the Code by, in effect, repealing former § 151.214, and adding a new § 151.214. Former § 151.214 pertained to dancing entertainment establishment dancing license; and derived from Ord. 2005-743-E; and Ord. 2006-136-E.