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# The Portrayal of Force, Fraud, and Coercion Within Northern Ohio Federal Sex Trafficking Trials -- 2010-2013

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**THE PORTRAYAL OF FORCE, FRAUD, AND COERCION WITHIN  
NORTHERN OHIO FEDERAL SEX TRAFFICKING TRIALS—2010-2013**

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**THE PORTRAYAL OF FORCE, FRAUD, AND COERCION WITHIN  
NORTHERN OHIO FEDERAL SEX TRAFFICKING TRIALS—2010-2013**

**JESSE BACH**

**ABSTRACT**

Human trafficking is often considered to be one of the three largest criminal enterprises worldwide, ranking beside the sale of illegal drugs and illicit firearms (Bales, 2004, 2007; Bales & Doodalter, 2009; Hussein, 2011; Schauer & Wheaton, 2006; Skinner, 2008). National estimates suggest that 100,000-300,000 American, school-aged children are at-risk for sex trafficking (Department of Homeland Security, 2014) while there is only a one percent arrest and conviction record for traffickers (Bales, 2007). This dissertation explored the portrayal of force, fraud, and coercion within federal domestic minor sex trafficking (DMST) trials of Northern Ohio from 2010-2013 so as to gain a greater understanding of the contributing factors that make individuals vulnerable to the phenomenon. DMST occurs when a “commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age” (U.S. Department of State, 2011). Data were examined via qualitative means by conducting a narrative analysis of existing court documentation of fifteen confirmed DMST cases, guided by critical theory and feminist epistemology.

Findings revealed dimensions of individual agency in tension with structural and cultural conditions as well as a complex set of factors contributing to the persistence and legal response to sex trafficking. The examined episodes of DMST were initiated via factors that included fraudulent documents, economic instability, emotional dependency, drug addiction, reliance on an informal/underground economy, and lack of educational

attainment. DMST continued through factors including physical force, coercion, indebtedness, feelings of belonging, the leveraging of an intimate relationship, financial arrangements, and the reliance on an informal/underground economy. The episode of DMST was terminated via law enforcement involvement, voluntary departure, familial involvement, ending the use of illegal drugs, and coming into a period of economic stability.

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## **CHAPTER I**

### **INTRODUCTION**

Human trafficking is often considered to be one of the three largest criminal enterprises worldwide, ranking beside the sale of illegal drugs and illicit firearms. Estimates indicate that between 20 and 27 million individuals are currently exploited, representing a multi-billion dollar criminal enterprise (Bales, 2004, 2007; Bales & Doodalter, 2009; Hussein, 2011; Schauer & Wheaton, 2006; Skinner, 2008). Human trafficking is a system of exploitation incorporating economics and human rights violations. It is a criminal business model that allows maximum profits with minimal risks (Kara, 2010), as national estimates identify a 1% arrest and conviction rate for traffickers (Bales, 2007). To narrow down the vast scope of trafficking, which can include such crimes as child soldiering and organ trafficking, this particular line of research will focus specifically on key individuals, attributes, tactics, and the influential language involved in the construction of understanding as it relates to sex trafficking wherein a “commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age” (U.S. Department of State, 2011). This crime goes by the more common nomenclature of forced prostitution,

domestic minor sex trafficking (DMST) or the commercial sexual exploitation of children (CSEC).

The study of sex trafficking is exceedingly important as current lines of research suggest that gangs and organized crime are increasingly employing the tactic (Bales, 2004, 2007; Bales & Doodalter, 2009; Skinner, 2008). Much of the western world equates the sale of human beings with the developing world, and, as such, often avoids conducting empirical research close to home. This is troublesome as the avoidance of such research may inadvertently propagate or allow the continuation of the crime due to a general lack of understand surrounding it (Tyldum, 2010). It can be hard to believe that sex trafficking, a form of slavery, still continues in the United States as every school child has learned that the Emancipation Proclamation and subsequent thirteenth constitutional amendment led to the downfall of legalized slavery in the country. It is important to note, however, that the efforts of previous generations of abolitionists did not end slavery; their efforts only outlawed the practice.

Sex trafficking is gaining traction as a criminal enterprise, as selling people leads to higher profit margins than other methods of illicit gains (Bales, 2004, 2007; Bales & Doodalter, 2009; Skinner, 2008). Guns and drugs (the other top grossing illegal enterprises) are a fixed saleable commodity; once they are sold one must gain more product in order to stay in business. The services of people, though, are a repeatedly saleable commodity, as they can be continually exploited. Siddhartha Kara (2010) identified that successful individuals engaging in sex trafficking can earn up to \$500,000 USD in income yearly from illicit gains. Kara's model of sex trafficking assumes a workforce of 8 trafficked victims each performing 10 commercial sex acts per day and

includes for items such as food, rent, clothing, medical procedures, marketing and advertising, as well as guards for protection. Once overhead costs are accounted for, each trafficked victim results in a net profit of \$74,850, or a 68.8% return on investment.

### **Legislation and Definitions**

Although the process to legislate slavery began in pre-historic Babylonian times with the Code of Hammurabi, the modern movement to eliminate the practice began after World War II with the writing and adoption of the Universal Declaration of Human Rights (1948). At that time, the United Nations, a newly formed international peace organization, drafted a set of guidelines deemed fundamental to the lives of human beings after the denigration of numerous social and cultural groups during the war. The Declaration, in essence, sets minimum standards for individuals to live a life of freedom and dignity (Donnelly, 2013). Although the precedents outlined in the Universal Declaration are interdependent of each other and outline a wide array of general human rights, multiple articles are applicable to sex trafficking and its co-morbid offenses (United Nations, 1948).

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 3: Everyone has the right to life, liberty and security of person.

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.



Article 23 (3): Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.

Decades after the adoption of the Universal Declaration of Human Rights, in response to reports of large amounts of women and children being taken across European borders for nefarious purposes, the United Nations once again drafted legislation to eliminate slavery and servitude. The Palermo Protocol (2000), adopted by member states of the United Nations Convention against Transnational Organized Crime revised the definition of modern-slavery to represent a more clinical thought process, which popularized the term “human trafficking.” The protocol clearly outlined and defined the transgression so as to separate it from other interrelated crimes, defining the offense as follows (article 3 subsection a):

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or

services, slavery or practices similar to slavery, servitude or the removal of organs.

Recognizing that human trafficking was occurring domestically as well as internationally, the United States Department of State used the Palermo Protocol as groundwork for the passage of the Trafficking Victims Protection Act (TVPA, 2000). The law contained legislative provisions and financial commitments to open the Office to Monitor and Combat Trafficking in Persons, a division of the U.S. Department of State. The TVPA also established the United States legal framework for the severe forms of trafficking in persons:

(A) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) Sex Trafficking: The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Anti-human trafficking advocacy groups, politicians and the research community have based their work upon the definitions and framework as set forth by both the Palermo Protocol (2000) and the TVPA (2000) delineating commercial sexual exploitation into distinct and unique categories: forced prostitution, domestic minor sex trafficking (DMST), and the commercial sexual exploitation of children (CSEC) all of

which occur on a continuum of exploitation initiated and continued through physical force, fraud, or coercion (Bales, 2004, 2007; Bales & Soodalter, 2009; Beunovakis & Suertees, 2010; Skinner, 2008).

Forced prostitution is generally defined as affecting someone who is of legal age, who is forced to engage in commercial sex for the profit of another party by way of physical force, fraud or coercion (Bales, 2004, 2007; Skinner, 2008). DMST refers to anyone who is under the legal age of sexual consent and engages in commercial sex regardless of the willingness or unwillingness on the part of the actual sex worker (Bales, 2004, 2007; Bales & Doodalter, 2009; Hussein, 2011; Schauer & Wheaton, 2006; Skinner, 2008). DMST is not contingent upon consent, as it is illegal for an individual over the age of consent to engage in sex with a minor. This means that any child engaging in any form of sex-for-money is by legal precedent, a sex trafficking victim.

DMST is often misunderstood as solely involving contact-based offenses (e.g. child prostitution). As Leonard (2010) outlined in her work entitled “I did what I was directed to but he didn’t touch me”, the Internet has provided a venue for a new genre of non-contact sexual offenses involving live-cams and photography. The increasing role of the Internet in facilitating sex trafficking has given rise to CSEC, a subset of DMST and a relatively new term outlining the use of children as a commodity for any form of commercial sexual exploitation including Internet-based, and non-contact offenses (Estes & Weiner, 2003; McCabe, 2008).

### **Research Question and Methods**

The study of sex trafficking is exceedingly important as current lines of research suggest that gangs and organized crime are increasingly employing the tactic (Bales,

2004, 2007; Bales & Doodalter, 2009; Skinner, 2008). Much of the western world equates the sale of human beings with the developing world, and, as such, often avoids conducting empirical research close to home. This is troublesome as the avoidance of such research may inadvertently propagate or allow the continuation of the crime due to a general lack of understand surrounding it (Tyldum, 2010).

To learn more regarding sex trafficking in Ohio, and the portrayal of force, fraud and coercion in federal sex trafficking trials, the following questions were posed:

**Central research question.**

- How do federal court narratives pertaining to domestic minor sex trafficking (DMST) portray elements of force, fraud and coercion within the State of Ohio?

**Sub-questions.**

- How is the relationship between trafficker and victim/survivor depicted in federal court narratives pertaining to DMST?
- How are key individuals within sex trafficking represented within federal court narratives pertaining to DMST?
- How might the concept of exploitation change across contexts as exhibited within federal court narratives pertaining to DMST?
- Are cultural and structural conditions identified as contributing influences within federal court narratives pertaining to DMST?

**Theoretical Framework**

To answer my research questions, I employed critical theory, as it attends to the agency of those individuals involved in DMST as well as the structures influencing their

involvement. Fundamentally, critical theory is concerned with helping others to rise above the social and cultural constraints that are placed upon them due to inequitable power relations accorded to race, class, and gender (Creswell, 2013). Critical theory acknowledges the power differentials in society, but offers an interpretive paradigm intended to help individuals transcend the powerful cultural and structural constraints that are placed upon them. Researchers who use critical theory must acknowledge their own power, engage in dialogues and use theory to interpret or illuminate social action, as the very act of research often comes from a place of privilege employing techniques that “study down” (Tuck, 2003).

The federal court system and its respective agents are held responsible to stage and control the flow of language, narrative and discourse to prove sex trafficking has indeed taken place. The court system is, in essence, the primary agent in defining the crime for others to understand. Unfortunately, the actors of the court are human and as such are subject to pre-established cultural and social norms in the use of language, such as employing stereotypes, biased narratives and leading languages. The use of these inimical linguistic tools may prove beneficial in the short-term to gain justice and a conviction in an individual case; however, language is a form of power and, as such, influences the overall perception of the crime of sex trafficking, which may inadvertently continue the situation.

Trial by court is an adversarial system in that cases are often shown as having distinct and diametrically opposed sides. The primary responsibility of the prosecution and defense in the adversarial system is not to uncover the truth as much as it is winning; even if it means putting a spin, distorting or concealing facts in order to win (Tannen,

1998). The way the court system is arranged, allows and encourages “fight scenario” or “war language” which leads to a very unique and specific interpretative framework. The difficulty in the adversarial system is that the framing of interactions as a fight not only affects the participants but also the viewers and leads the general population to understand complex situations as a battle between two sides (Tannen, 1998). The adversarial framework with its use of battle metaphors often results in needed information being withheld and even in false information getting spread because, when the goal is winning a fight, truth and justice are often secondary constructs (Tannen, 1998) potentially constructing a selectively engineered version of the “truth”.

### **Significance of the Study**

This is the first study in the state of Ohio to investigate the portrayal of force, fraud, and coercion in sex trafficking trials. As such, it is on the cutting edge of a crime that may be gaining traction and potentially increasing in the state. As the federal court is the central agency in prosecuting the crime, it is also the central agency in defining the offense. By gaining a better understanding of the ways in which sex trafficking is prosecuted within the state, one gains a better understanding of ways in which to better craft interventions to end the crime.

## **CHAPTER II**

### **LITERATURE REVIEW**

A review of the existing literature involved in domestic sex trafficking shows a line of research in its infancy; there are very few empirical studies within the field in which to base proper theories or substantive understanding. The limited work that has been conducted generally involves two distinct research paradigms: the victim/survivor approach, and the conduit approach. Both of these paradigms can encounter the same problem in research methodology, the potential for researcher speculation and potential bias. Literature as examined from the victim/survivor perspective often includes “calls to action” or “emotional appeals”. The researcher generally comes to their information through advocacy groups, victim shelters or gatekeepers and, as such, the work cannot be assumed to be representative of the population of trafficked victims as a whole (Tyldum, 2010; Brunovskis & Suerteas, 2010).

The victim/survivor approach, the first paradigm of sex trafficking research, often discusses specific scenarios the trafficker uses to build a stable (an inventory of individuals to be sold for sex), which includes the economic survival method, the relationship approach, and kidnapping. The economic survival method of recruitment often begins as a consensual venture with the trafficker acting as a manager or pimp. The

recruitment process generally begins in economically depressed socially disorganized conditions with promises of food, shelter, material possessions, or illegal drugs. Despite the initial willingness to participate in commercial sex, if there is any attempt by the victim/survivor to leave or change the agreement, the trafficker exerts control through methods of physical force, fraud or coercion (Williamson, 2012).

The second scenario of victim/survivor research, the relationship approach, is increasingly being used as modern Internet-connected technologies have given direct unprecedented access to unmonitored adolescents (Laterno, 2011). During the relationship approach, a trafficker trolls social media looking for individuals who are online often (as this means they are more likely to be unsupervised) have young sounding and/or provocative screen names who discuss or inquire about any form of sex (Malesky, 2007). The trafficker makes contact and conducts an online relationship, a period of conditioning where the victim/survivor becomes emotionally dependent on the attention. When the two meet in person, two differing scenarios can occur. The trafficker may ask to be repaid for the expenditure of financial or emotional capital via commercial sex, or they may use threats or physical violence against the prospect or the prospect's family (Skinner, 2008). Cialdini's (2006) reciprocity rule identifies that humans have been socially conditioned to repay a debt they feel that they have incurred and that by capitalizing on this, individuals can promote unequal exchanges by triggering a feeling of indebtedness. Feeling obligated by pressure to repay an imaginary debt, or fearing violence against themselves and/or their families, the victims of the relationship approach yields to being sold for commercial sex.

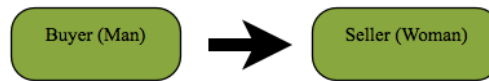


The final scenario of victim/survivor research is kidnapping. The literature identifies that traffickers generally avoid kidnapping as a recruitment scenario as it often involves an immediate police presence and poor economic return on investment (Skinner, 2008). The sexual services of kidnapped victims cannot be advertised through local commercial sex markets as they would most likely be identified. Additionally, a kidnapped victim must be controlled extensively through physical force or drugs and/or moved to an unfamiliar area to avoid escape. All of these items require outlay of physical and financial capital and as such represents a low return on investment coupled with unnecessary risk of being caught.

The second paradigm of sex trafficking research, the conduit approach, investigates the descriptive statistics and/or methods of communication between trafficker and consumer (John). Within this line, researchers generally investigate Internet based advertisements for commercial sex, believing that trafficked minors are represented amongst the bulk of online commercial sex advertisements. The undetermined ontological and anonymous nature of the Internet (Berry, 2004; Capurro & Pingel, 2002; Hudson & Bruckman, 2004) makes conduit research exceedingly difficult as advertisements involving willing commercial sex workers and trafficked victims are listed together. Deciphering between willing advertisements and forced advertisements for commercial sex involves a certain measure of speculation, which can potentially negate the validity and findings of the model.

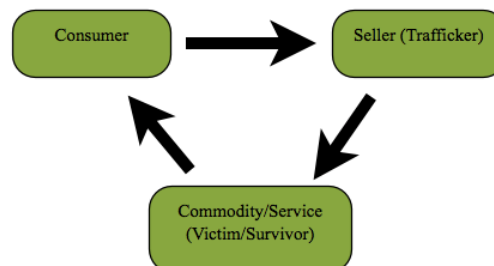
As sex trafficking is a fairly new field of study, there is very little previously established empirical information to form a theoretical framework or conduct a substantive literature review. There is, however, a mature and well-developed line of

research within sexual aggression and rape literature, a topic tangentially related to sex trafficking as they both include elements of physical force, fraud, and coercion. Sexual aggression, its co-morbid behaviors and outcomes are commonly reported from a sexual script theory perspective (McCorick, 1987, 2010; Byers & Glenn, 2012) in which sexual behavior is resultant of a traditional heterosexual discourse viewing men as sexual initiators, open to any sexual opportunity and women as reluctant gatekeepers of sexual experiences. Traditional sexual dialogue posits traditional sexual relationships in the context of a linear marketplace in which buyers (primarily men) negotiate with sellers (primarily women) to obtain a service (sex). The theory of sexual interaction based on social exchange outlines that sex is a female resource, naturally endowed with value, whereas male sexuality is socially viewed as fundamentally worthless (Baumeister & Vohs, 2004).



**Figure 1.** Sexual interaction based on social exchange

Sex trafficking capitalizes on the traditional socio-sexual interaction by interjecting a third-party into the traditional linear relationship. By modifying the



**Figure 2.** Sex trafficking based on social exchange

Baumeister & Vohs (2004) sexual interaction based on social exchange theory, one can construct a basic framework, which removes gender-biased language and reframes the situation as a consumer-as-buyer (rather than man-as-buyer), placing the trafficker as seller (rather than woman as seller) and the victim/survivor as a commodity, which performs a service.

### **Physical Force**

Physical force is one of the precedents that the federal court uses to prove sex trafficking has indeed taken place. As there is little to no peer-reviewed empirical research outlining how physical force is used to control victims of sex trafficking one must rely on other, tangent forms of literature to build a substantive knowledge base. The crime of rape has a very well established research base in sexual aggression literature. Rape relates to sex trafficking as a form of sexual control often used by traffickers to “break in” individuals who are to be sold. Sexualized violence enacts a fear response that builds compliance in an unwilling victim (Bales, 2004, 2007; Skinner, 2008; Kara, 2010).

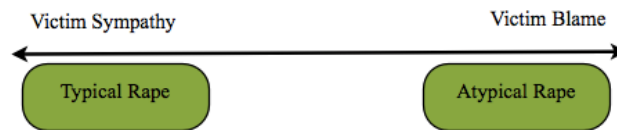
Rape initially begins with unwarranted violent behavior. Mattaini et al. (1996) outlined six functions of violent behavior including (1) escape from, or attempt to change aversive situations, (2) positive reinforcement, (3) release of negative arousal, (4) resolution of conflict, (5) the attempt to gain respect, or (6) to justify an attack on a culturally defined enemy. This definition relates to work in the sexual aggression field in that forced sexual contact (rape) often involves the application of all six functions. From the perpetrator’s perspective, sexual avoidance is an aversive situation, warranting the employment of violent behavior to create an escape route thus changing the aversive

situation. As a form of control, the perpetrator uses sexual violence as a form of positive reinforcement, interjecting a contingency (rape) so as to increase the frequency of a behavior (submission). From an emotional standpoint, the perpetrator uses rape to justify the release of negative arousal/inappropriate sexual feelings or to resolve the sexual conflict. In common sexual script, the male as the sexual initiator employs aggressive sexual tactics so as to increase or gain respect with his peers. Finally, many commonly accepted “rape myths” establish women as a misogynisticly defined enemy thus self-justifying a perpetrator’s actions.

The six functions of violent behavior (Mattiani et al., 1996) may excuse the commitment of rape in the mind of a perpetrator, however it does not justify or explain the social response to it. Rape myths are commonly held social beliefs that are either incorrect or stereotypical viewpoints or attitudes used to construct the crime of unwanted sexual perpetration (Burt 1980; Fitzgerald, 1994). Generally, rape myths fall under three categories: victim masochism (the victim wanted it or enjoyed it), victim precipitation (the victim deserved it or it only occurs to certain types of people), and victim fabrication (the victim lied about or exaggerated the situation) (Koss, 1994; Buddie & Miller, 2002). The acceptance of rape myths (RMA) as explained by Burt (1980) is of great concern as it conceptually minimizes the violence and shifts blame away from the perpetrator and onto the unwilling victim thus constructing an inaccurate portrayal of the crime.

The endorsement of rape myths is generally higher in the male population than in the female population as it allows non-perpetrators the comfort of a dichotomous system, distancing the “good” from the “bad” (Franiuk, Seefeldt & Vandello, 2008). Higher RMA also allows both men and women to stereotype instances of sexual assault into “typical”

and “atypical” rape. The stereotyped “typical rape” is a fairly uncommon “blitz” style attack involving a sexually crazed individual (generally a minority) attacking an unsuspecting female (generally a white female) in a dark, desolate, urban area. An atypical rape, on the other hand, is any form of sexually forceful action that deviates from the stereotypical vicious attack by an unknown perpetrator. Instances of rape according to RMA can be said to occur along a stereotypical continuum beginning with “typical” and ending at “atypical”. The further the attack moves along the continuum towards a stereotyped, atypical rape, the less the victim is believed while more blame is shifted



**Figure 3.** Continuum of rape myth acceptance away from the perpetrator (Franiuk, Seefeldt & Vandello, 2008).

Rape myth acceptance could prove problematic pertaining to sex trafficking as individuals who endorse RMA may also have similar feelings or outlooks on sex trafficking victims or perpetrators. There is no current, peer-reviewed empirical research that explores how categories of RMA (victim masochism, victim precipitation and victim fabrication) influence or are influenced by sex trafficking. However both crimes employ aspects of rape and as such, one could hypothesize that RMA and its co-morbid behaviors may be applicable to sex trafficking.

## **Fraud**

Although fraud is one of the categories used by the federal court system to prove that sex trafficking has occurred, there is little-to-no existing, peer-reviewed, empirical research outlining the relationship. The few examples of victim’s advocacy literature

examining fraud's role in sex trafficking generally cite such practices as debt bondage, false job recruitment, fraudulent mail-order bride arrangements, and deceptive modeling agencies (Bales, 2004, 2007; Bales & Doodalter, 2009; Skinner, 2008).

Due to the absence of a solid literature base that outlines fraud's role in facilitating sex trafficking, one must utilize an outcome-based approach that focuses on the methods and tactics used by those who employ fraudulent procedures to facilitate compliance in an unwilling victim. Dr. Robert Cialdini (2006) has spent his career studying automatic influence, a process where individuals who wish to exploit another can manipulate and control another without the appearance of manipulation. His work outlines seven distinct but interrelated tactics that can be used to facilitate automatic compliance in an unwilling victim, these include: (1) the contrast principle, (2) the rule of reciprocity, (3) the consistency principle, (4) the principle of social proof, (5) the use of compliance practitioners, (6) blind obedience to authority and (7) the principle of potential loss. These methods of psychological control prove to be successful as it is not outwardly obvious that a concerted, manipulative effort was employed against the unwilling victim.

The Contrast Principle, the first automatic influence precept outlined by Cialdini (2006), affects perception by presenting two differing and unequal items in rapid succession, making them seem more different than they really are. This highly organized perceptual contrast allows the perpetrator to structure a situation in their favor by presenting a less desirable situation first, following up with a more desirable situation after. The contrast principle is a successful exploitation tactic because the illusion of

choice leads the victims to believe that they willingly engaged in a consensual negotiation, not recognizing that the perpetrator has structured both options in their favor.

The rule of reciprocation, the second of Cialdini's (2006) automatic compliance precepts, is a socio-cultural construct which outlines that one should always attempt to repay what has been initially gifted. From an evolutionary standpoint, humans have evolved to reciprocate any form of generosity in-kind, as there is a significant competitive edge in such reciprocity. Social groups ensure that their members are trained to participate in reciprocity by employing social sanctions against those who do not, thus socially conditioning them to feel uncomfortable in a state of obligation. From a position of exploitation, one works in any way possible to remove that feeling of obligation.

The consistency principle, the third precept outlined by Cialdini (2006), is one of the central motivating factors in human behavior. Consistency is a highly desired trait in western culture as those who are not consistent are often viewed as less reliable in a social group. This is corroborated through the work of Suh (2002) who found that inconsistency in Western cultures could be perceived as immature behavior and that consistency, in self-beliefs and actions, is one of the key characterizations of the European American. Being consistent is a desirable trait as it allows an efficient method for dealing with increasingly complex daily obligations and differing environments without incurring significant amounts of cognitive stress. Once one's mind is decided regarding an issue, one does not have to think drastically regarding that particular issue again.

Social proof, the fourth precept outlined by Cialdini (2006), states that in social situations, individuals often base their actions on what they see others doing. From a

socio-cultural stance, when many people are doing the same thing it is beneficial to follow their lead as it provides an acceptable shortcut to determine proper behavior. Bandura (1961) found in the infamous Bobo Doll experiments that children, as social animals, were very likely to imitate aggressive behavior and language as exhibited by an adult in a social situation. He found a slight gender difference as males were slightly more inclined to imitate physically aggressive behavior, but both males and females equally imitated linguistically aggressive behavior.

The compliance practitioner, the fifth precept examined by Cialdini, (2006) states that one is more likely to be influenced by a friend or at least someone who shares the same social group. Compliance practitioners do not necessarily have to have the same background or come from the same social group as the target, as they exploit often employs a “mirror and match” technique. This technique involves close observation of the targets outward appearance, diction, and linguistic patterns so as to imitate them. This in turn helps to generate trust as social groups have evolved to trust ones own kind. This method of exploitation is effective because the victim believes that there is someone advocating on his or her behalf, a trusted friend.

The eighth precept involves obedience to authority. In Western cultures children have been trained since birth to respect authority and to inherently know that disobedience is wrong. From a cultural viewpoint this has enabled humans to evolve a highly structured and orderly society. As such, social groups are sure to indoctrinate youth into subordinate positions through reward and punishment contingencies.

Two infamous experimental psychologists outlined compliance to authority, Phillip Zimbardo (2007) and Stanley Milgram (2009). Zimbardo (2007), a Stanford



professor, built a mock jail in the basement of the psychology building. He employed students on a full-time basis as both prison guards and inmates. Although both guards and inmates were pulled at random and could have been assigned to either position, the mock-guards quickly grew abusive and inmates, who at first revolted, and then quickly accepted the guards authoritarian dominance. Zimbardo's (2007) experiment showed that authority, even faux authority, quickly garners obedience.

Stanley Milgram (2009) performed a series of experiments where human subjects issued painful electric shocks to another while was being overseen and encouraged by an authority figure. In reality, the person receiving the electric shocks, situated in another room was actually a confederate in the experiment and was not hooked up to any electric device. The experiment was to test how far someone would go to issue pain and even potential harm to another at the direction of an authority figure. Milgram (2009) found that a significant number of people continued issuing painful electric shocks when pressured by the authority figure, an action contrary to basic human decency. Once the connection between obedience to authority and reward or punishment is made, it is exceedingly easy to allow a mechanism of automatic obedience. Anyone who presents her/himself as an authority can potentially exploit individuals as they have an inherent connection to respect a higher position.

Potential loss, Cialdini's (2006) final precept, outlines that individuals seem to be more motivated by the prospect of losing something than of gaining. When an item or situation is limited, individuals have an increased desire for it and that can serve as an effect platform for exploitation. If individuals want to exploit others, they can use

exclusive information, which is a branch of potential loss as insider information is somehow more effective and readily accepted than commonly available information

People possess an inherent desire to feel good and to belong to a social group. Therefore they will allow themselves to practice mindless compliance and can potentially allow themselves to be exploited if they believe that this somehow allows a sense of belonging. The process of social rejection doesn't just cause emotional pain; it can affect an individual's physical well-being and is a very powerful motivating factor (Moldinow, 2012). If one wishes to exploit others, they can use the fear of social rejection as associated with mindless compliance to conduct any sort of fraudulent practice.

### **Coercion**

Coercion is the final precept used by the federal court system to prove sex trafficking has indeed taken place. There are currently no peer-reviewed empirical examples of the role of coercion in sex trafficking literature. As such, one must rely on tangentially developed lines of literature within the area of sexual relations to examine the role coercion has in sex trafficking. Within sexual aggression literature (as opposed to sex trafficking literature), there is a solid base of research involving sexually coercive practices. Coercive sexual practices refer to tactics and discourse used primarily by a male to have an individual sexual experience with a woman. This is applicable to sex trafficking as coercive sexual practices and tactics are often employed by a trafficker so as to connive an individual to have paid sexual experience with another.

There seems to be consistent terminological inconsistencies regarding sexual coercion in sexual aggression literature (Degue & Dilillo, 2005). Various lines of research indicate sexual coercion as including rape (French & Neville, 2012), physical

force (Byers & Glenn, 2012; Griffin & Read, 2012), communication (Katz, 2007), sexual boundary issues (Bramsen et al., (2012), verbal aggression (Byers & Glenn, 2012), personality factors (Bushman et al., 2003; Harris et al., 2007; Jonason et al., 2008), sexual precedence (Katz, 2007), and victim incapacitation (French & Neville, 2012; Griffin & Read, 2012). White et al. (2006) found that the terminology involving sexual coercion, sexual aggression, sexual assault, sexual offense, and sexual perpetration is often used interchangeably referring to a continuum of behaviors committed by a perpetrator against an unwilling victim. However, White et al. (2006) identified that “sexually coercive men who use manipulative tactics and those who use force or threat of force constitute distinct and meaningfully different groups” (p. 298). Therefore, while sexual aggression research often links verbal coercion with physical force, it appears that these phenomena have differing and distinctive elements. Therefore, the most concise definitions of sexual coercion seem to remove the descriptive elements of the crime and instead utilize an approach that focuses on the broad spectrum of tactics or behaviors used to facilitate the coercive sexual experience

The tactics to commit sexual coercion are generally but not exclusively male-centric and include the following elements: verbal persuasion, persistence, physical persuasion and gaining access (Livingston et al., 2004), and incapacitation by substance (Lyndon, White & Kadlec, 2007; Schatzel-Murphy et al., 2009) seduction, or manipulation (Schatzel-Murphy et al., 2009). Tactics utilizing verbal persuasion often include negative, spoken threats or expressing dissatisfaction within a relationship. Persistence tactics often involve nagging and/or pleading with a potential mate for sex. Physical persuasion, may include kissing, touching, or fondling (French & Neville,

2012). Gaining access often involves using false pretenses to gain alone time with a potential victim (Livingston et al., 2004). Incapacitation involves the use of drugs, alcohol or other items or substances specifically for the purpose of sexual contact (Lyndon et al., 2007; Schatzel-Murphy, 2009).

An emerging line of research within sexual coercion literature identifies that individuals ranking higher on a continuum in psychopathy, narcissism, and Machiavellianism, collectively known as Dark Triad personality disorder, are more likely to engage in sexually coercive behavior (Bushman et al., 2003; Degue & DiLillo, 2005; Harris et al., 2007; Jonason et al., 2008; Munoz, Khan, & Cordwell, 2011). There is question though if the term “personality disorder” is correct terminology as it suggests maladaptation. The persistence of these traits over time may identify a heritable sociosexual advantage in strategies used for short-term, coercive sex (Harris et al., 2007; Jonason, Webster & Schmidt, 2008). Harris et al. (2007) even goes so far as to suggest that individuals exhibiting psychopathic traits constitute a distinctive group of people, a naturally occurring class or type within the population.

Psychopathy, the first aspect of the Dark Triad, is a temperamental disorder in which individuals exhibit low reactivity to threatening, violent and emotionally distressing stimuli. Individuals exhibiting psychopathic traits are less sensitive to aspects of punishment, exhibit low emotionality and empathy as well as possess an innate fearless temperament (Roose, et al., 2013). Psychopathic traits can be subjugated into primary and secondary psychopathy. Primary psychopathy involves an individual’s core personality features, including callousness, deceitfulness and a lack of remorse; these features are known to predict sexual aggression. Secondary psychopathy involves anti-

social behaviors, impulsivity, intolerance of frustration, poor self-control and general lack of responsibility; these features predict general levels of sexual offending (Munoz, Khan & Cordwell, 2011). Additionally, coercive forms of sexual behavior may be a fundamental aspect of psychopathy as those ranking high on the continuum consistently show a greater interest in, and tolerance for, coercive and sadistic sex. Individuals who exhibit high primary psychopathic traits are more likely to employ any and all sexually coercive tactics and to engage in sexual coercion (Degue & DiLillo, 2005; Munoz, Khan & Cordwell, 2011)

Narcissism, the second of the personality attributes contributing to the Dark Triad is characterized as a personality disorder involving an inordinate sense of entitlement, an inflated personal view, self-serving interpretations, and low empathy towards others (Bushman, et al., 2003). As it relates to sexual coercion, individuals exhibiting high narcissistic traits believe that others owe them sexual favors due to their increased sense of entitlement or sexual hubris. Lower empathy towards others suggests that narcissists are not very concerned about suffering and work hard to maintain an inflated sense of self so as to rationalize any borderline objectionable behaviors (Bushman, et al., 2003). It was found that men exhibiting high narcissistic tendencies rated film depictions of rape as more enjoyable, entertaining and sexually arousing than men who exhibited lower levels of narcissism (Bushman, et al., 2003).

Machiavellianism, the final construct of the Dark Triad Personality disorder, is associated with promiscuity as well as sexually coercive behavior (Jonason et al. (2008). It is a personality construct involving an overly cynical view of human nature and personal styling involving deceit and coercion (Lee, et al. (2013). It is in essence, the

embodiment of self-serving coercive practices (Jonason, Webster & Schmitt, 2008). Individuals ranking high on measures of Machiavellianism are manipulative while demonstrating a cold and distant approach to others (Jonason, Webster & Schmidt, 2008).

Dark Triad personality disorder suggests a certain measure of explanation for sexually coercive practices in that its constructs help to facilitate a level of social style that tends towards short-term socio-sexual exploitation. Survey scores exploring the Dark Triad as they relate to descriptive statistics of sexual preferences were positively related to having more sex partners, an unrestricted sociosexuality, and an enhanced preference for short-term sexual partners (Jonason, Webster & Schmitt, 2008).

### **Language**

Sex trafficking occurs when the victim/survivor is forced to work through force, fraud or coercion for no money beyond subsistence. As such, to prove sex trafficking has indeed taken place requires constructing a detailed description and construction of the concepts of force, fraud, and coercion. The federal court system and its respective agents along with the victim/survivor and perpetrator develop and use language and discourse to co-construct the meaning sex trafficking to relay the situation to the general public.

Language and discourse are exceedingly important in society as they allow the transference of ideas and situations that individuals may not normally experience firsthand. Words are not just letters thrown together to convey a meaning; they represent a much larger cultural connotation. They are a fluid construct carrying social meaning and representations based on how meaning is applied in everyday life. Linguists have recognized that there are two types of language structures used in common discourse—surface structure and deep structure (Mlodinow, 2012). Surface structure refers to the

very specific way that an idea is expressed through exact wording or the order words are used. Deep structure refers to the main point of the ideas (Mlodinow, 2012). Generally speaking, most individuals process the deep structure of meaning, rarely paying attention to the surface structure. As language is an inherent part of portraying and deciphering group membership, this opens up the possibility of words being used to paint inaccurate pictures or influence the perceptions that individuals have regarding particular situations.

Language is used to build and construct meaning, ideas and identities. Gee (2010) states that words are all about saying, doing and being and as such can be subjugated into different building tasks or techniques, which include significance, practice, identity, relationship, politics, connections and sign systems. The significance of language examines how linguistic devices are used to make certain items significant while downplaying the significances of others. Language as a practice is a socio-cultural endeavor that involves sequencing or combining actions in certain temporally ordered ways. Language for identity examines how identities are enacted by speaking or writing in a certain way so as to apply an attribute to others or announce, compare or contrast one's own person. Words involving relationships are used to signal the existing relationship, what relationship is desired or how a relationship involving others is communicated. As a form of power, language is inherently political and pertains to the distribution of social goods. Therefore language as politics is used to navigate and to describe the allocation and distribution of social goods. Connections are employed in linguistics to connect or disconnect certain things from others. Sign systems in language makes certain signs, symbology or knowledge relevant, powerful or privileged.

Gee (2010) identified four linguistic tools used to identify specific instances of language as it is used to build and reveal identity pertaining to social situations including social language, discourse, conversation and intertextuality. Social language is the style or variety of language, which is used for different purposes such as enacting and recognizing differing identities in different settings. Discourse is the combination and application of linguistic styling, actions, beliefs, symbology or material objects used to convey a socially recognizable identity or to be recognized. Conversation alludes to the use of themes, debates, and motifs that are recognized within a social group to which one belongs. Intertextuality is when one uses words or differing linguistic patterns occur to allude to other, tangentially related lines of identity.

With the onslaught of ideas that occur in rapid succession, the human brain must develop and think in generic categories to help navigate environments with speed and efficiency, which is why the stereotype is such a convenient tool to employ (Mlodinow, 2012). The subliminal mind generally takes incomplete data and employs context and other significant cues to complete the scenario, engage in educated guesses and produce a result that is at-times accurate, but always convincing (Mlodinow, 2012).

The federal court system and its respective agents are held responsible to stage and control the flow of language, narrative and discourse to prove sex trafficking has indeed taken place. The court system is, in essence, the primary agent in defining the crime for others to understand. Unfortunately, the actors of the court are human and as such are subject to pre-established cultural and social norms in the use of language, such as employing stereotypes, biased narratives and leading languages. The use of these inimical linguistic tools may prove beneficial in the short-term to gain justice and a



conviction in an individual case; however, language is a form of power and, as such, influences the overall perception of the crime of sex trafficking.

Trial by court is an adversarial system in that cases are often shown as having distinct and diametrically opposed sides. The primary responsibility of the prosecution and defense in the adversarial system is not to uncover the truth as much as it is winning; even if it means putting a spinning, distorting or concealing facts in order to win (Tannen, 1998). The way the court system is arranged, allows and encourages “fight scenario” or “war language” which leads to a very unique and specific interpretative framework. The difficulty in the adversarial system is that the framing of interactions as a fight not only affects the participants but also the viewers and leads the general population to understand complex situations as limited to the terms of proving guilt (Tannen, 1998). The adversarial framework with its use of battle metaphors often results in needed information being withheld and even in false information getting spread because the goal of the discourse used is to win a fight (Tannen, 1998).

In a court trial, the lawyer uses linguistic devices in order to construct a very specific temporally ordered version of events for a judge or jury. Employing specific words in order to do this can be quite successful because language operates on a very discrete, strategic level, using tone and metaphor to shape interpretation (Tannen, 1998). It is a common misconception that lawyers and the overall legal system are meant to uncover the truth. The concept of advocacy is the tenet that a lawyer must do everything possible to serve the need of their client, not necessarily that of truth or justice. The adversarial system allows for a certain moral non-accountability in that lawyers do not

have to believe what they say on their client's behalf, and as such, are not accountable for any harm done as a result of their positioning.

The anthropologist Gregory Bateson is attributed with coining the term complementary schismogenesis, a situation in which each party's behavior eggs on the other to more and more exaggerated forms of an opposing behavior in a mutually aggravating spiral (Tannen, 1998). Using leading and biased language in an adversarial system promotes complementary schismogenesis as framing interchanges as a diametrically opposed battle promotes individuals to interpret situations in an incorrect way. When people are uncertain, they're most likely to base their interpretation on the actions of others (Cialdini, 2006) or in cases of sex trafficking, the actors of the court.

## **CHAPTER III**

### **METHODOLOGY**

#### **Purpose**

The purpose of this narrative analysis was to explore federal court narratives related to domestic minor sex trafficking (DMST) in Ohio so as to examine the portrayal of force, fraud and coercion, which are the necessary legal elements in proving sex trafficking has indeed taken place. The narratives of sex trafficking were accessed through existing federal court documentation that was made available to the general public on PACER.gov. This line of study allowed a greater understanding of DMST and how the court system and agents involved co-construct the legal concept and meaning of sex trafficking.

#### **Context**

The federal court system of Ohio is subdivided into Northern and Southern districts. The Northern district includes the courthouses located in the major urban centers of Akron, Cleveland, Toledo, and Youngstown. The Southern federal court district includes the cities of Cincinnati, Columbus, and Dayton. This particular line of research is reliant on cases tried at the federal level as it was only recently that Ohio

legislature passed a comprehensive anti-trafficking law, HB262 (State of Ohio, 2012) and as such has not had enough time to develop a docket that employs the state law.

Ohio has several characteristics that may prove conducive to hosting human trafficking, its co-morbid offenses and behaviors. According to the Rand Corporation's report on human trafficking in Ohio (Wilson & Dalton, 2007), the close proximity to the Canadian border as well as the eastern seaboard may serve as a destination as well as transportation center for trafficked individuals. Additionally, Ohio's large urban areas containing inordinate amounts of poverty, as well as rural areas employing large amounts of migrant labor in the agricultural fields may provide a recruitable population of individuals that are easily exploited.

The National Human Trafficking Resource Center (NHTRC) is a public clearing house of information regarding human trafficking. In 2011, there were 229 calls placed to The National Human Trafficking Resource Center originating from Ohio, of which 14.4% were from Cleveland, the largest representative percentage in the state. Ohio ranks among the states with the largest volume of hotline calls including such states as Illinois, New York, California, Washington, Pennsylvania, Virginia, North Carolina, Texas, Florida, and Georgia (NHTRC, 2011). According to U.S. Attorney Steven Dettelbach, as of 2012, there have been 24 human trafficking cases ending in prosecution in Northeastern Ohio (Davis, 2012).

The study of sex trafficking is exceedingly important as current lines of research suggest that gangs and organized crime are increasingly employing the tactic (Bales, 2004, 2007; Bales & Doodalter, 2009; Skinner, 2008). Much of the western world equates the sale of human beings with the developing world, and, as such, often avoids

conducting empirical research close to home. This is troublesome as the avoidance of such research may inadvertently propagate or allow the continuation of the crime due to a general lack of understand surrounding it (Tyldum, 2010).

To learn more regarding sex trafficking in Ohio, and the portrayal of force, fraud and coercion in federal sex trafficking trials, the following questions were posed:

### **Central Research Question**

*How do federal court narratives pertaining to domestic minor sex trafficking (DMST) portray elements of force, fraud and coercion within the State of Ohio?*

### **Sub-questions.**

- How is the relationship between trafficker and victim/survivor depicted in federal court narratives pertaining to DMST?
- How are key individuals within sex trafficking represented within federal court narratives pertaining to DMST?
- How might the concept of exploitation change across contexts as exhibited within federal court narratives pertaining to DMST?
- Are cultural and structural conditions identified as contributing influences within federal court narratives pertaining to DMST?

### **Theoretical Framework**

The literature pertaining to DMST indicates that the situation is perpetrated by the trafficker, and occurs to the victim/survivor; both of who are generally marginalized individuals who originate in economically and socially disordered communities. The actual business transaction and economic incentives, however, often involves consumers who come from socially ordered, more affluent communities (Bales, 2004, 2007; Bales &

Doodalter, 2009; Skinner, 2008; Williamson, 2012). In short, the existing literature identifies that sex trafficking is not a linear crime involving just trafficker and victim/survivor, but is, in fact, a fairly complex system involving a variety of agents, places and varying levels of complicity.

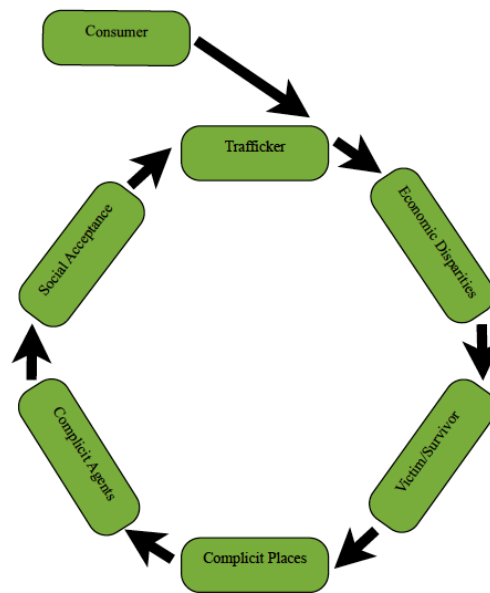
Contrary to what the DMST literature indicates, it often appears that common discourse relays trafficking and its co-morbid offenses as a linear relationship involving trafficker and victim as singular agents of the crime. This very simplified version of the situation is inaccurate as it fails to take into account the various intricacies and discrete variables that influence, and are influenced by the overall exploitative system. Additionally, the linear and singular actors relationship between trafficker and victim builds a dichotomy for the general population that exonerates the role that social acceptance holds in the situation



**Figure 4.** Linear view of framing sex trafficking

A more accurate representation as crafted by DMST literature is constructed by adopting a systems approach to understanding. A systems approach departs from the traditional linear way of framing ideas and instead identifies a more circular representation of the varying agents and situations involved (Senge, 2010). Sex trafficking is a demand driven system, initiated by the sexual desires and expendable finances of the consumer and continued by a level of social acceptance by the general public. Although this is contradictory to the common socio-sexual discourse involved in constructing the idea of sex trafficking, it is important to consider the basic laws of

supply and demand. Without demand, there would be no reason for the supply to exist. If consumers did not desire sex with children, there would be no financial incentive for traffickers to recruit and/or gain access to children to meet the need; consumers initiate the system by establishing a demand and a financial incentive to exploit others.



**Figure 5.** Systems view of framing sex trafficking

For justice to ultimately occur in Ohio and other areas, one needs to reframe sex trafficking so as to establish a non-linear relationship in understanding the situation. Common discourse and commonly used sexual scripts often relay trafficking and its co-morbid offenses as a linear relationship involving trafficker and victim as singular agents of the crime. This very simplified version of the situation is inaccurate as it fails to take into account various intricacies and discrete variables that influence, and are influenced by the overall exploitative system. Additionally, propagating the linear and singular relationship between trafficker and victim builds a comforting dichotomy for the general population, exonerating them from the situation. It in essence allows for a pluralistic

ignorance, the state in which each person decides that since no one is concerned, nothing is wrong (Cialdini, 2006).

In this research, I employed critical theory, as it attends to the agency of those individuals involved in DMST as well as the structures influencing their involvement. Fundamentally, critical theory is concerned with helping others to rise above the social and cultural constraints that are placed upon them due to inequitable power relations accorded to race, class, and gender (Creswell, 2013). Critical theory acknowledges the power differentials in society, but offers an interpretive paradigm intended to help individuals transcend the powerful cultural and structural constraints that are placed upon them. Researchers who use critical theory must acknowledge their own power, engage in dialogues and use theory to interpret or illuminate social action, as the very act of research often comes from a place of privilege employing techniques that “study down” (Tuck, 2003).

The federal court system of Ohio, the central agency in this line of research, is an institution of highly centralized power accessible only to those who possess the proper credentials, and those who understand the norms and dialogue used within the setting. The proceedings that occur within the court are often performed, directed, and decided by individuals who come from a differing local culture and higher socioeconomic status than those actually affected by DMST trials. In short, the actors of the court are individuals who had enough financial and cultural capital to attend, and graduate from, a university, earn the proper credentials, and gain employment in the legal fields. Their charge is to direct and decide the life-outcomes of both the perpetrator and the victim/survivor of DMST, individuals who are often relegated to a powerless position in society. The



fundamental mismatch between perspectives and socio-cultural values of the agents of the court as opposed to those acted upon during court proceedings is problematic as their differing viewpoints may inadvertently continue the marginalization of these individuals.

Court proceedings are a form of power enacted from a very specific group of individuals from a much larger swath of the population. The information gleaned from the testimonies are influential far beyond the court system as they influence the common discourse of what is “good” and “bad” in society. The power inherent in the decisions of the court are magnified exponentially outside of the court as they paint a picture for law enforcement, law makers, and ultimately the individuals who report crime.

The federal court system and its respective agents are held responsible to stage and control the flow of language, narrative and discourse to prove sex trafficking has indeed taken place. The court system is, in essence, the primary agent in defining the crime for others to understand. Unfortunately, the actors of the court are human and as such are subject to pre-established cultural and social norms in the use of language, such as employing stereotypes, biased narratives and leading languages. The use of these inimical linguistic tools may prove beneficial in the short-term to gain justice and a conviction in an individual case; however, language is a form of power and, as such, influences the overall perception of the crime of sex trafficking, which may inadvertently continue the situation.

Trial by court is an adversarial system in that cases are often shown as having distinct and diametrically opposed sides. The primary responsibility of the prosecution and defense in the adversarial system is not to uncover the truth as much as it is winning; even if it means putting a spinning, distorting or concealing facts in order to win (Tannen,

1998). The way the court system is arranged allows and encourages “fight scenario” or “war language” which leads to a very unique and specific interpretative framework. The difficulty in the adversarial system is that the framing of interactions as a fight not only affects the participants but also the viewers and leads the general population to understand complex situations as a battle between two sides (Tannen, 1998). The adversarial framework with its use of battle metaphors often results in needed information being withheld and even in false information getting spread because, when the goal is winning a fight, truth and justice are often secondary constructs (Tannen, 1998) potentially constructing a selectively engineered version of the “truth”.

### **Qualitative Justification**

Qualitative research techniques were used to uncover the apparent meaning contained within the narrative language, discourse and sexual script as documented in the court transcript, in order to examine how the court system and agents involved co-construct sex trafficking in a judicial setting. Additionally, the research questions involved in this project required intimate access to text from individuals involved within the sex trafficking system. Both the victim/survivor and the perpetrator are protected individuals within the court and prison system, and generally inaccessible to the research community. As such, their stories are, generally, only accessible through publicly available court documents.

Qualitative research allows the voices of the participants to emerge naturally, it generally acknowledges and values subjectivity at the same time, and it is deliberate in its use of reflexivity to ensure interpretation reflects meaning from the data. Examining the court narratives of individuals in court will allow for a “thick description” (Geertz, 1973)

of the meaning within the court statements on the part of lawyers, the defendants (those who are on trial for sex trafficking, and the victim/survivor. Studying the words, and texts that are used within a federal sex trafficking trial via qualitative research means allowed a certain level of understanding, deciphering the words, metaphors, and stories that were employed by the agents of the court and the style of interacting and phrasing of questions and responses.

### **Interpretive Paradigm**

Feminist epistemology was employed in this project for its belief that certain institutions and long-held beliefs are intrinsically oppressive and pre-disposed to control others (Merriam, 2009; Creswell, 2012). Additionally, feminist standpoint theories identify that knowledge is socially situated giving certain individuals privileged access to knowledge or what has been deemed the “truth”. They also identify that uncovering the “truth” is part of a relationship of dialogue amongst individuals of differing social situations (Stoetzler & Davis, 2002). Patricia Hill Collins (1997) posits that feminist standpoint theory involves the relation of the individual to the group, that individuals facing common challenges develop similar fields of understanding, which leads to group knowledge or “standpoints,” which are situated within hierarchical relations of power. This is exceedingly important in that the generation and understanding of knowledge is socially situated and as such influences the political action and distribution of resources. By understanding the relation of the individual to social group or groups, one can employ intersectionality as a heuristic device; an analytic lens that aids in understanding the positioning and relation of individuals to identity communities, social networks or political communities.

A Feminist theoretical framework often centers on women's diverse situations and the institutions that frame those situations. Although the feminist epistemology is predominantly focused on females, the larger context holds that there are institutions and relationships that are naturally exploitative and oppressive (Merriam, 2009; Creswell, 2012). The overarching goal in feminist based research is to establish collaborative and non-exploitative relationships and to conduct research that allows both the oppressed and the oppressors to transcend previous paradigms.

Feminist epistemology also relays that knowledge develops out of socially navigated and historically grounded situations, which generally reflect positions of privilege and power. Feminist researchers have found that traditional social scientists often construct questions and hypotheses from a privileged perspective so as to “study down” and conduct damaged centered research (Tuck, 2003). The goal then is to conduct research and contribute to scholarly discourse intending to understand oppression and to help construct knowledge that will help end injustice (Sprague, 2005).

### **Qualitative Approach**

To examine the portrayal of force, fraud, and coercion within court narratives pertaining to DMST, I used a narrative analysis approach. Narrative analysis commonly challenges straightforward, long-standing definitions pertaining to research and, instead, employs a variety of perspectives involving an array of fields including anthropology, discourse analysis, and re-storying (Fina & Georgakopoulou, 2012). Although a narrative is essentially a temporally ordered story, the way the contributors craft that story varies based upon a wide variety of contexts. The narrative analysis imposed a certain order on the heterogeneity of the court statements allowing for an understanding of how the agents

involved co-construct and navigated events. In short, narrative analysis often allows the story to emerge through a negotiation of collaborative storytellers.

Narrative analysis is more than just a set of research tools for data analysis; it is a way to construct knowledge, an emergent structure that cannot be constructed a priori (Fina & Georgakopoulou, 2012). Narrative analysis takes into account how stories build upon and reflect culture, belief systems and the experience of individuals and groups within socially stratified conditions. They allow for the examination of the discrete forms of localized knowledge that were embodied within the content of individuals' stories.

Examining existing court narratives by using narrative analysis enabled an insight into the variability of the human experience as it unfolded through talk in a very emotionally charged environment. It provided a useful qualitative research approach for analyzing the types of questions asked by the lawyers, the responses of the defendants, the deliberate choice of phrasing and wording within a volatile situation normally not accessible or understandable to the general population. Within the court setting, there will always be items, which are said or are intentionally left out so as to construct a measure of guilt or innocence. This means that there will always be a gap in the co-construction of meaning; it was the purpose of this study to find what is hidden behind and within the story.

### **Data Sources**

In an effort to learn more about the portrayal of force, fraud and coercion within court narratives pertaining to DMST, I conducted a qualitative, existing-document review of court documents of cases involving individuals who have been convicted of violating one or more federal statutes related to the sex trafficking of minors. These statutes

included but were not limited to the following: sex trafficking of a minor (§18.1519), conspiring to obstruct a sex trafficking investigation of a minor (§18.371), transportation in interstate commerce with intent to engage in prostitution (§18:2421), persuading, inducing, enticing, and coercing an individual to travel in interstate commerce to engage in prostitution (§18:2422), travel with intent to engage in illicit sexual conduct (§18:2423), attempted sex trafficking of children (§18:1591), attempted exploitation of children/production of child pornography (§18:2251), possession of child pornography (§18:2552), and/or distribution of child pornography (§18:2256). The cases were drawn from the federal courts of Ohio from January 1<sup>st</sup> 2010, to 2013.

The original research methodology called for the examination of cases from January 1<sup>st</sup> 2003 through 2013. This, however, proved to be in excess of what could be comfortably managed by one researcher as each court case included well over 1000 pages of information to be read, sorted, categorized, coded and analyzed. The modified dates coincide with two distinctive milestones within the study of human trafficking: 2010 was the first year that the United States included itself in the annual trafficking in persons report, and 2013 represented the year that sex trafficking became illegal, and a stand-alone crime within Ohio through the passage of SB235, a state-level law.

The applicable court documents and narratives were accessed via the Public Access to Court Electronic Records website, [www.pacer.gov](http://www.pacer.gov). Within this website, organized by offense type and individual court docket were all applicable court documents, testimonies and related court narratives as they pertained to the given, researched, federal charges.

## **Procedures for Data Collection**

The data for this line of research constituted all transcripts, testimonies, legal arguments within the court, as well as court processes, such as appeals, hearings, and court outcomes pertaining to DMST and co-morbid offenses in Ohio from 2010-2013. It is important to note that due to confidentiality and victim protection statutes there were certain data that was intentionally not made available by the court so as to avoid revealing of sensitive information to the public. This study only used data that was publicly available.

Once downloaded, the court narratives and applicable documentation were organized by criminal docket number (e.g. 3-07-cr-00259-XXX-1) and stored in a respective computerized folder for further analysis; the document number referred to the specific case, the circuit court and the federal judge trying the case. The last three digits of all criminal dockets were intentionally omitted by the researcher so as to add a level of anonymity to the court documentation. From there, the data was sorted into applicable and non-applicable documentation. Non-applicable documentation included such items as requests for information, scheduling procedures, transcript requests, and minutes of proceedings. These items were deemed non-applicable, as they did not offer any data pertaining to the research questions for this project. Applicable documentation included testimonies, witness statements, financial affidavits, preliminary hearings, bond hearings and various other narratives. These items were deemed applicable to this dissertation as they included data directly related to the research questions pertaining to this project. It is important to note that each court case was unique in the type of paperwork available. For example, some cases had opening statements, witness testimonies, and cross-

examinations where other trials went directly to the sentencing in the event of admission of guilt or plea-bargain.

### **Data Analysis**

Once data was downloaded from Pacer.gov, and organized by criminal docket, they were given an initial thorough read through so as to ascertain the breadth, depth and scope of the project. At this point, the narratives were not arranged in any sort of temporal order. My first step was to glean the facts from the data so as to compile a timeline within each case. This did not involve data analysis per se, but choices were made pertaining to what constituted a detail about the setting, such as a date, location, or charges. The temporally re-storying of the narratives was based around these details so as to ascertain what occurred within the individual case and who was involved. The complete re-storied narratives are available in the appendices of this dissertation.

After the narratives were compiled into an accurate timeline, they were uploaded into NVivo, a qualitative analysis computer software program. Narratives were initially examined using an inventory of theoretically established codes garnered from examining literature involved in domestic sex trafficking trials. These theoretical codes included force, fraud, and coercion. Additionally, there were codes that were identified as the analysis took place, some with theoretical roots, others grounded in ideas that emerged from the data. Emergent or unanticipated codes were identified, and their meaning articulated in the data inventory, covering the following aspects of the code: code name, meaning, exemplar/most clear or compelling example of this code, other instances, relationship to other codes (if any) and the ongoing status of the code within analysis (Galletta, 2013). The complete coding process including primary and secondary coding



as well as their exemplars, all of which are available within the appendices of this dissertation.

As stated above, court narratives were coded to reflect instances and language used pertaining to force, fraud, and coercion. The code Force was used whenever the court narratives revealed physical acts of aggression including ways that physical acts of aggression were used to gain access to, and/or control the victim/survivor so as to be sold for commercial sex. Additionally, the coding procedure Force was used in instances portraying physiological methods of control in which direct physical threats were used against the victim/survivor or those close to that individual. The code Fraud was employed whenever the court narratives portrayed ways in which fraud; false promises or broken arrangements were used in the recruitment, harboring, gaining access to, or actual physical exploitation against the victim/survivor. The code Coercion was used whenever the court narrative revealed instances of non-physical manipulative strategies or tactics used against the victim/survivor in order to gain or continue access.

In addition to the established theoretical coding procedures including force, fraud, and coercion, I analyzed the data for empirical themes evident in the court documents. These themes reflected the depiction of relationship between trafficker and victim/survivor, the representation of key individuals within sex trafficking, how the concept of exploitation may change across contexts as exhibited within federal court narratives, and in what way cultural and structural conditions were identified as contributing influences.

The first empirical theme is Relationship between Trafficker and Victim/Survivor, and this involving court document data focused on the depiction of this relationship. It

was used whenever the court narratives identified ways in which the trafficker and victim/survivor interacted on a personal, public, or professional level before, during and/or after the period of exploitation.

The second theme is Representing Players and Action in the Court Narrative, and this involved the key task in the court proceedings of representing the motivations, particular conditions, and details as involving key individuals within sex trafficking. This theme underscores how the court narrative identifies individuals and the role that the narrative plays in laying out the case for the ways in which key players were are involved within the actual act of exploitation. Based on previously established theoretical inquiry these individuals included but were not limited to the victim/survivor, the trafficker, and the agents of the court.

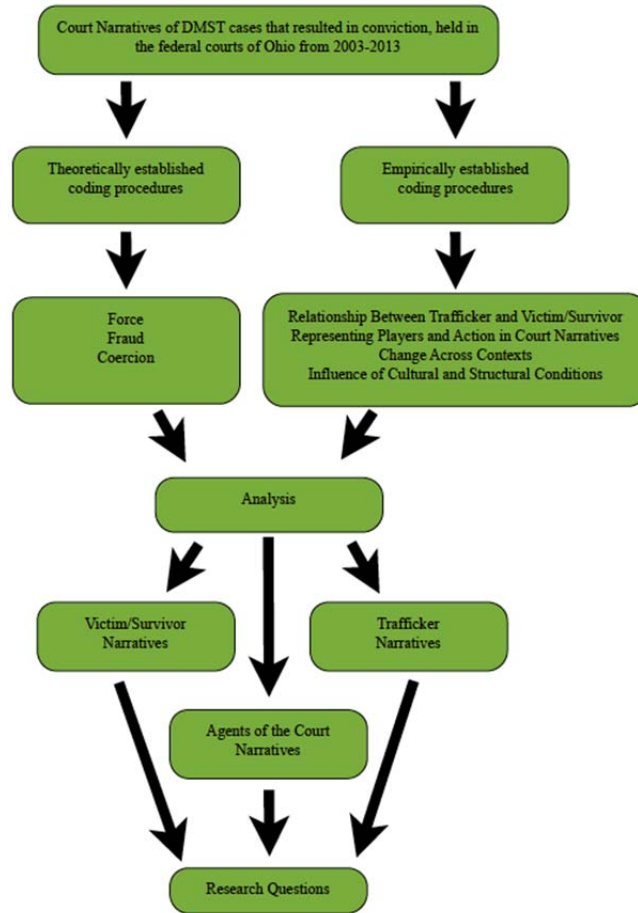
The third theme is Change across Contexts. This theme captures court narratives identifying micro levels of exploitation including prostitution, pornography, exotic dancing, and/or emergent forms of exploitation as well as macro levels of exploitation including how the agents of the court enacted power onto the key individuals involved in DMST.

The final theme is Influence of Cultural and Structural Conditions. This theme attends to narratives identifying differing structural (e.g. foster care facilities, schools, previous encounters with the court or law enforcement, and/or emergent structural agents) or cultural conditions (e.g. individual cultural beliefs, localized cultural beliefs, and/or emergent cultural beliefs) and if or how they are identified as contributing influences within sex trafficking.

The data once it was coded and categorized, was analyzed on multiple levels that include case-by-case, victim/survivor narratives, trafficker narratives, and narratives of the agents of the court. Initially, the court narratives were evaluated on a case-by-case basis paying close attention to what was being said and how all individuals contained within the individual case co-constructed the portrayals of force, fraud, and coercion within the federal court narratives. The second and third level of analysis examined the specific narratives as spoken directly by the victim/survivors and accused trafficker respectively, contained within the court narratives.

The final level of analysis examined the narratives of the agents of the court as they are the primary individuals in designing the trial and as such subsequently constructing the nature and understanding of sex trafficking. Evaluating what each said, how they said it, and in what interactional context the particular statement occurs, revealed important findings in understanding the unique lived experiences and the common factors between exploited individuals and their portrayals by individuals in power.

When the above coding procedures and various levels of analysis were complete, I compiled the data and evidence so as to answer my central research question as well as my four distinct sub-questions. Through answering these questions, I gained a much greater understanding of DMST and how the court system and agents involved co-construct the concept and meaning of sex trafficking.



**Figure 6.** Flow chart of data coding and analysis

## Ethical Concerns

Per university protocol, a description of the project including all questions, consent form and justification for conducting the research project was submitted to the university Institutional Review Board (IRB). Included within IRB paperwork was the duration and place of data containment. The completed IRB protocol can be found within the appendices of this dissertation.

It is important to note that federal court documents are public record and as such are not confidential as they pertain to the defendant. Within court narratives there were certain circumstances and/or individuals that were omitted or censored due to safety or

victim confidentiality but documents do link to specific people, places and situations and were not omitted.

Beyond the IRB, I must note my concerns as a researcher examining the criminal element and stories of exploitation. This project compiled the ways that the victim/survivor was abused and the recruitment methods employed by traffickers. I am concerned that this line of research may inadvertently provide a pathway for individuals to better exploit by learning from the failings of those who have come before. Additionally, as much of this research involves reading about abuses and atrocities committed on local residents, I was concerned about my own mental well-being and the potential for emotional distress. To address this I frequently consulted with my dissertation chair and allowed myself access to counseling services. Additionally, I regularly met with a small group of critical friends; individuals who work in the anti-trafficking fields and who were well versed in anticipating and aiding with individualized and professional emotional vulnerabilities

### **Researcher Subjectivity**

This avenue of research for me does not come without preconceived notions and bias. I am a teacher, and a well-established anti-sex trafficking advocate. As a teacher, I have been exposed to years of in-service and training which outline specific abusive situations as well as how to report and assist individuals in need. These in-depth trainings have shaped my interpretation of what constitutes abuse, the role of individuals in identification and assisting, as well as warning signs and at risk behaviors. Additionally, my years as an anti-sex trafficking advocate have exposed me to situations and knowledge that far exceed the scope of this project.

My first foray into the academic world involved a research project through Kent State University, which examined the industrial education capabilities of Havana, Cuba. During this time I witnessed a young girl being forcibly sold for commercial sex. Due to my own ignorance of the situation I did not take action, and did not report the situation to authorities. This singular act profoundly affected me, and in turn inspired me to create a nonprofit called the Imagine Foundation whose primary goal is to end child trafficking worldwide. This experience also led to my entrance into this doctoral program, so as to learn how to conduct research, which, in time, would contribute to building a more free world. In short, my professional interests and reason for pursuing advanced degrees lie primarily in ending sex trafficking.

While the subjectivity I bring to the research offers valuable knowledge and experience, it also poses challenges to my ability to maintain an open stance in interpreting the data. To counteract potential bias and preconceived notions that I have within this area of research, I took great care to maintain reflexivity throughout this project to reflect back and document assumptions that may obstruct the meaning in the data or decisions that could move the research in the wrong direction. Research reflexivity can be defined as a process of interrogating one's "conceptual baggage", or preconceived notions and assumptions (Holstein & Gubrium, 2011)

To maintain reflexivity, my methods included working very closely with colleagues who did not have the same experience and subjectivity within the field that I do. Through external audits by my advisor and methodologist, my development of thematic codes and categories were reviewed for clear connections with the data, sustained meaning, and relationship to my research questions. Through member checks I

made sure that the narratives of the participants came through rather than my subjective viewpoints of the narratives. Additionally, I conducted frequent, nearly obsessive, reflexive writing so as to document my thoughts to self-check any potential bias or preconceived notions that emerge. Through these methods, my interpretation of the data and development of research findings should have increased trustworthiness. It is exceedingly important to note however that for me, the participants voice represents a means to an end. In the tradition set forth by critical theory, I am examining the structures, systems, and institutions so as to end a system of abuse and oppression, rather than just document it.

### **Limitations**

Although every step was taken to give a thorough and exhaustive exploration into federal court narratives related to (DMST) in Ohio, it is important to note that court narratives are co-constructed in a socially situated, emotionally charged environment and as such are subject to a potential bias in their telling. The individuals in power (judge, prosecutor and defense attorney) decide which narratives are told and when, what is admissible and what is not, and what stories are relevant to the case. Hence, narratives as presented to the court and subsequently contained within the court transcripts may not be an accurate representation of the actual lived experience of the event. Additionally, those same individuals in power decide which cases are brought to trial, what charges are filed and how the case is prosecuted or defended. In short, court narratives are subject to a powerful initial “filter” that decide the direction to proceed.

Due to safety and confidentiality of the children involved, certain parts of the court transcripts were censored or modified to remove any identifiable information from

them. There were also closed-door sessions and items not available to the public due to the sensitive nature of the subject matter. This created additional limitations on the interpretation of the data and must be considered in the findings the study generates.

### **Summary**

The purpose of this narrative analysis was to explore federal court narratives related to domestic minor sex trafficking (DMST) in Ohio so as to examine the portrayal of force, fraud and coercion, which are the necessary legal elements in proving sex trafficking has indeed taken place. The study of sex trafficking is exceedingly important as current lines of research suggest that gangs and organized crime are increasingly employing the tactic (Bales, 2004, 2007; Bales & Doodalter, 2009; Skinner, 2008). To examine the portrayal of force, fraud, and coercion within court narratives pertaining to DMST, I used a narrative analysis approach so as to conduct a qualitative, existing-document review of court documents of cases involving individuals who have been convicted of violating one or more federal statutes related to the sex trafficking of minors. This line of study allows a greater understanding of DMST and how the court system and agents involved co-construct the concept and meaning of sex trafficking.



## CHAPTER IV

### FINDINGS

DMST, according to popular discourse is a linear crime involving two agents, the trafficker and the victim/survivor. This viewpoint holds in opposition to the literature on the subject, which suggests that DMST involves numerous actors, locations, and social conditions. The findings that emerged from this data indicate that the phenomenon of DMST does not occur in isolation, it is a physical manifestation of many other social dysfunctions. This conclusion is the result of pouring over several thousand pages of information pertaining to these 15 cases of DMST in Northern Ohio. Much of what was said within the analyzed court narratives was postured central to the conviction of the defendant, therefore, these findings, at times, focus as much on what was *not* said pertaining to DMST as much as what *was* said about it.

After reviewing the court narratives so as to establish the coding procedures within the individual cases, and organizing the narratives into a temporal re-storying of the transcripts, the data was compiled so as to analyze the information within the individual case and compare the content between the cases. This process initially involved organizing the previously developed codes into themes, which were grounded in the court transcripts and the testimonies of the individuals found within the court

narratives. These themes included analytically derived terms including force, fraud, and coercion but also reflected various aspects the iterative process of empirically developed themes pertaining to agency, responsibility, and the specific discourse used to describe both.

The theme of *Responsibility* pertains to how both the primary individuals involved in DMST, the defendant, the victim/survivor and the consumer take action, and make particular choices—both positive and negative to themselves and others. This theme acknowledges that particular activities engaged in by these individuals may occur outside legal boundaries, but may, in certain circumstances be seen as understandable within the given context of the situation. Within responsibility, the primary individuals can be seen as accepting or evading responsibility for the phenomenon of DMST. Each individual represented within the court narratives has a differing agenda pertaining to responsibility and in the adversarial justice system, each of which is concerned with winning the case for their respective client (Tannen, 2012)

*Agency*, the second theme of this dissertation examines the juxtaposition of an individual's human right to engage in choice versus the legal ramifications of engaging in that choice. This theme especially involves the level of agency given to individuals under the legal age of sexual consent and if they, or a secondary source is in charge of their bodies. This analysis of agency will especially examine the influence that structure (the court system) has on individual choice and to what extent one's actions are constrained and influenced by social systems.

Intertwined with both *Responsibility* and *Agency* is the *Discourse*, the actual words that are used to imply, admit, concede, remove and/or evade responsibility for

DMST and the words that are used to remove or grant agency. The words that are used within the narratives are discreet, in that it is easy to glance over them not considering the way in which they influence or are influenced by the DMST narratives. However, it is exceedingly important to acknowledge words as a form of power and the influence that they hold over the interpretation of situations (Gee, 2010). The analysis of discourse within the court narratives generally involves the portrayal of the main individuals within DMST, the defendant, the victim/survivor, and the consumer by the agents of the court. However, the discourse used within the trials also reveals differing subtexts and interpretations of the crime of DMST as a whole. The discourse found within the court narratives are incredibly powerful as it is those words that determine guilt or innocence and, ultimately, define DMST.

In the table below, the themes are delineated according to the data as it emerged from the analyzed court transcripts. It may appear, at times, that the findings as written somewhat deviate from the themes. However, in certain instances it was necessary to include background information not immediately related, so as to understand how the data is constructed.

Table 1.

*Findings Arranged By Thematic Category*

Elements of DMST	Relationship Between Trafficker and Victim/Survivor	Representations of Players and Action	Change Across Contexts	Cultural and Structural Conditions
Force	Agents of the Court	Defendant	Government Power	Poverty
Fraud	Consensual Relationships	Victim/Survivor	Defining Victimhood	Drug Addiction
Coercion	Financial/Managerial Partnerships	The Consumer		Race/Urbanicity Locations

## Elements of DMST

**Force.** The elements of DMST include force, fraud, and coercion. To understand the data pertaining to these elements, one must initially separate them and inquire their meaning from the judicial perspective. The first element of DMST, force, is defined through federal jury instructions as a physical manifestation. According to the very brief definition as issued by the court, to juries, force includes any aspect of violence, compulsion or constraint.

The Court: In considering whether force, threats of force, fraud, or coercion were used, the term "force" means any form of violence, compulsion or constraint exercised upon another person in any degree.

The examined court narratives did indeed reveal several aspects of physical abuse. These episodes suggest that generally, abuse was delivered as a method of control, or a strategy to inspire compliance, rather than that of an emotional loss of reasoning or temporary, abusive psychological break. In the narrative below, the victim/survivor informs the prosecutor of the defendant's use of physical abuse, using a belt as punishment for making a phone call and for not obeying an established set of guidelines.

Prosecution: SW, when you were with AW, were you ever beaten?"

Victim/Survivor: Yes, I was."

Prosecution: About how many times?

Victim/Survivor: About three.

Prosecution: Do you remember why that happened?

Victim/Survivor: One was I used his cell phone to make a phone call, and two was just because he said I wasn't obeying rules.

Prosecution: When you say one was over you used his cell phone, what can you tell us about that?

Victim/Survivor: I used his cell phone to call someone that I had been staying with, and they didn't answer, and they ended up calling back.

Prosecution: Why did you call that person?

Victim/Survivor: For them to come get me.

Prosecution: You were trying to get away?

Victim/Survivor: Yeah.

Prosecution: And that person called back?

Victim/Survivor: Yes, they did.

Prosecution: Was AW angry?

Victim/Survivor: Yes.

Prosecution: Did he beat you with his hands or anything else?

Victim/Survivor: He used a belt.

In addition to the actual use of force, the narratives reveal that prosecution employs dialogue and lines of questioning that portray physical force was used as a compliance tactic, a tactic that did not necessarily rely on the actual physical abuse that was doled, but rather the fear that it propagated.

Prosecution: Did you ever observe any incidents involving Cxxxxxxx and the defendant JM?

Victim/Survivor: Yes. One time he was choking her and held her up and was yelling at her.

Prosecution: Do you remember where that was occurring in the house?

Victim/Survivor: Like in the dining room area, the kitchen dining room area.

Prosecution: Do you know why JM was choking Cxxxxxx

Victim/Survivor: No

Prosecution: Was he saying anything?

Victim/Survivor: Not that I can remember right now. I know he was, but I can't remember exactly what was said.

Prosecution: What did you observe about him and his behavior?

Victim/Survivor: That he was angry. He was enraged.

Prosecution: Was that uncommon?

Victim/Survivor: No

Prosecution: What was Cxxxxxx's response?

Victim/Survivor: She was scared. I mean, she was crying.

Prosecution: Was there anyone else there besides you?

Victim/Survivor: I'm sure, Yes. But I don't—AO was there. But I don't know who else was there. There as always people there, like, either AO or me or Cxxxxxx.

Prosecution: What affect did it have on you to see JM choking Cxxxxxx

Victim/Survivor: Scared. Really scared. I mean, if he was capable of doing that to her, like he was capable of doing that to me.

Prosecution: Did that have any effect on the way that you would respond to JM?

Victim/Survivor: Yes.

Prosecution: In what way?

Victim/Survivor: I was nice. I did everything he asked. I didn't talk back. I didn't question anything. I didn't have an opinion at all.

It should be noted however, that actual physical evidence, rather than verbal testimony of physical abuse was nearly absent within the court transcripts. There was in fact, only one example of actual piece of physical evidence found within the narratives that corroborated physical abuse.

Victim/Survivor: They took pictures of bruising on my legs.

Prosecution: That came from what?

Victim/Survivor: Getting hit by AW.

The defense, at times, remarked on the lack of actual physical evidence to corroborate any aspects of physical force or abuse perpetrated onto the victim/survivors.

Defense: It's my understanding, and that there's never been any credible evidence to support that Mr. BR engaged in any of these activities with force or threat of force. I've carefully reviewed the government's synopsis of how the victim in this case came to be involved with Mr. BR and Ms. AW. There doesn't appear to be any coercion in that regard. And in fact, during the I think approximately two week period of time that the victim was involved with Mr. BR and Ms. AW, there doesn't appear to be any indication that she remained there under force or threat of force.

Generally, the analyzed transcripts rely on verbal descriptors and testimony rather than physical evidence such as hospital reports or photographs. Quite often the word "force" was used to describe the antecedent period or condition in which some sort of

action occurred which caused compliance within the victim/survivor. This concept of a dimension of force-without-evidence is revealed in the narrative below, when the witness, a law enforcement officer states the victim/survivor was “forced” to perform on a consumer but did not elaborate on the level of force, type of force, or imply how that force would be issued. He identifies that two cooperating witnesses experienced physical and mental abuse but does not continue to describe how SJ, the subject of the paragraph, was subject to comply.

Prosecution: Okay. In the investigation, have you developed several cooperating witnesses?

Witness: Yes, we have.

Prosecution: Okay. And what have they told you about SJ’s involvement?

Witness: Specifically, they told us of—that the force and the coercion that was perpetrated upon her. Both of these witnesses have stated that although they received some physical abuse and mental abuse, that it far outweighed what SJ had experienced. They knew that SJ was there. SJ was forced to prostitute. The occasion that I remember most is one of the individuals telling me that when these clients show up and have sexual intercourse with the—with these females, the females insist that condoms are worn. But the defendant here oftentimes would—if the males paid additional money, they wouldn’t have to wear condoms. And the girls—the victims in this matter didn’t want that to occur. So we have witnesses that were there when an individual came and paid \$80 to actually go into the



basement, and at that time, was instructed by the defendant here to perform unprotected oral sex on this male. She did not want to do it. There were threats made against her. The witness stated that SJ was then forced to perform oral sex on this male unprotected. She was instructed that the male was to ejaculate in her mouth. Then after the male ejaculated in her mouth, she witnessed the defendant here receive money for that act.

**Fraud.** The second element of DMST, fraud, was exhibited within court transcripts in two differing ways. In the first, the victim/survivor was given/advertised under a false name or identity for commercial sex. The second was that of the victim/survivor using false identification so as to ascertain legitimate employment within adult industries. While this application of the term fraud is not what is intended from a legal perspective (it is intended for fraudulent job offers, such as modeling that turns into DMST) several cases indicated that the victim/survivors use of false identification was an initiative factor of DMST. According to jury instructions as issued by the federal court, fraud is a broad term simply referring to deception or misrepresentation. Therefore, the use of false identifications falls under the stated definition of fraud as given by the court.

The Court: The term "fraud" means any act of deception or misrepresentation.

Many cases identified that commercial sex was advertised on the Internet. One part of the Internet commercial sex process is that of using a "stage name", or a differing name and identity to appear associated with advertisements for commercial sex. This was not portrayed within court narratives as a substantial part of DMST.

Witness: Through the investigation, we determined that these females that were forced to prostitute there were given various names, alias names. And we saw those exact alias names in these logbooks.

Prosecution: To your knowledge, was SJ given one of those names?

Witness: SJ was gone by -- went by the name Chocolate.

The second, and more evident aspect of the portrayal of fraud in court narratives was that of the victim/survivor initially misrepresenting themselves as adults through the use of a fake identification. Several of the cases of DMST, were identified as being initiated, in part, as a result of the victim/survivor using a fake identification so as to ascertain employment in an adult entertainment club and engaging in behavior that could have been construed as, as adult in nature.

Defense: You indicated that this HM said that she met my client at Secrets Nightclub. Is that correct?

Witness: Correct.

Defense: And your knowledge of Secrets Nightclub is what? Where is that—where is that located?

Witness: I think it's located a hundred—West 130<sup>th</sup> and Brookpark.

Defense: And is Secrets a topless place, or all nude, or if you know?

Witness: I believe it's topless.

Defense: Okay. And do you know in what capacity HM was working there?

Witness: She was an exotic dancer, stripper.

Defense: So she would have actually been topless, is that what she told you?

Witness: That's what we can—that's what we can assume, yes.

Defense: Okay

Witness: She was not working as a bartender.

Defense: She wasn't a server, a bartender?

Witness: No.

Defense: She was actually up on stage?

Witness: Yes.

Defense: On a pole, I presume? And when was this?

Witness: This was in September, 2010.

Defense: Okay, Is there a particular age that, if you know, Ohio might require somebody to be able to work in one of those type of establishments?

Witness: Eighteen

Defense: At least eighteen, correct?

Witness: Yes

Defense: And have you or anybody working with the Sheriff's Department, anybody part of this investigation, followed up with Secrets to see how she obtained that position?

Witness: No.

Defense: Is that something that your office intends to do or anybody a part of this investigation intends to do?

Witness: We intend to do it, but she's already told us that she used a fake ID to actually get the job.

**Coercion.** Coercion, the third element of DMST was quite evident within the analyzed court transcripts. According to federal jury instructions, "coercion" mostly

involves a state of threat or intimidation—a scheme or plan that make a person believe that they would be party to physical harm. Additionally, the court elaborates upon the legal definition of coercion by removing common misconceptions of physical restraint or actual physical contact as a necessary presence so as to control someone. Coercion it seems, as defined by the court is mental intimidation, living in fear or a state of emotional compliance. The below narrative is taken from jury instructions, issued by the government, through the court, to help juries conceptualize coercion.

The Court: The term "coercion" means 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 law or the legal process.

The government does not need to prove physical restraint such as the use of chains, barbed wire, or locked doors in order for you to find the defendant guilty of sex trafficking. The fact that the alleged victim may have had an opportunity to leave is irrelevant if the defendant placed her in such fear or circumstances that she did not reasonably believe she could leave. A victim who has been placed in such fear or circumstances is under no affirmative duty to try to escape. In considering whether the alleged victim's commercial sex acts were caused by force, threats of force, fraud or coercion, it is not a defense that the alleged victim may have initially consented. The question is whether the alleged victim at

some later time wanted to withdraw but was then compelled by prohibited means to remain.

Coercion was portrayed differently in the federal transcripts than that of physical force. Whereas the application of physical force could be proven through physical evidence, coercive methods of control could not be. Therefore the agents of the court relied upon interviews, dialogues and witness statements to allude to an environment of fear or intimidation. It is important to note that while very few cases identified actual physical manifestations of control, every single case within the analyzed transcripts had multiple and varied examples of coercive methods of control portrayed within their narratives. These coercive methods included intimidation, direct threats of physical abuse, the presence of weapons, as well as the issuance and/or deprivation of illegal drugs as a method of coercive control. The below example exhibits one such portrayal of a method of intimidation, wherein it was suggested the defendant maintained an omnipresence by sitting outside the victim/survivors house and issued a direct threat to “make [her] life a living hell” if, once she stopped engaging in commercial sex, she went to the police.

Prosecution: And what you learned prior to the arrest? Back when she quit working for him, did she tell you what his reaction was?

Witness: He was not happy. She informed us that he actually sat outside of— of her grandmother’s house or her mother’s house, which forced them to move. And at that time that’s when she actually informed her mother that she had been prostituting for him.

Prosecution: Okay. Did she say anything about any specific threats that were made?

Witness: Well, she said that—that he told her that “If you go to law enforcement, I’ll make your life a living hell.”

One of the primary methods pertaining to coercion that emerged from the analyzed transcripts was that of illegal drugs. The cases involving an actual victim/survivor (two cases were government sting operations with no actual victim/survivor) listed some aspect of the issuance or deprivation of drugs as a method of coercive control or compliance. It seems, as evident in the example below, that the level of drugs that were given were portrayed by the prosecution as a part of an organized and concerted effort to inspire subordination and compliance within the victim/survivor.

Prosecution: Now, before you went on that first appointment, had things changed with respect to getting drugs for free?

Victim/Survivor: Yeah.

Prosecution: All right. Walk us through that.

Victim/Survivor: For a couple days I would get like twice as much as he would usually give me. And then in a couple days he would bump it down and barely give me any. And then I would just like cry because, I mean, I was an addict at that point. I was completely addicted. So I would just cry and cry and cry. And get migraines. And like, I don’t know. It was like—I mean he didn’t just do it to me, too, so I knew that it wasn’t an accident.

Prosecution: When you say “he didn’t just do it to me,” what do you mean?

Victim/Survivor: Like, give me more and more, and then stop giving me—like give me a lot less so that I am more dependent and sort of as like a punishment.

In addition to drug addiction as a tactic to inspire subordination, court transcripts revealed that some instances of DMST employed the actual financial debt incurred from drug addiction as a method of coercive control to engage in commercial sex. This method of indebtedness was only identified within one particular case; however, that case involved four different victim/survivors, each of whom were portrayed as being held in servitude due to a drug debt.

Prosecution: And so after receiving drugs and having sex with JM, did you believe that you owed him or the drugs?

Victim/survivor: No.

Prosecution: Were you told that you were being charged for the drugs?

Victim/survivor: No

Prosecution: Did there come a time when you learned that fact?

Victim/survivor: Yes

Prosecution: Can you explain that to the jurors in your own words?

Victim/survivor: He proposed the idea of prostitution and told me that it's—kind of like glorified it almost, like I would love it, and it's something that I should do, and that I owe him a lot of money. And then after—I was very hesitant to do it at first. And then I learned that I had a drug debt and that's what I was going to do.

Prosecution: How did you learn that you had a drug debt?

Victim/survivor: He told me.

Prosecution: Did he indicate to you at all how much of a drug debt you had?

Victim/survivor: I can't remember exactly how much. It was a lot. But I don't remember how much.

Prosecution: All right. When you say a lot, was it a hundred, a thousand, ten thousand?

Victim/survivor: A thousand.

Prosecution: When you learned that you owed this debt to JM, how did you feel about that?

Victim/survivor: Scared. I mean, I don't know. I was completely unaware of it until it happened. So I was kind of shocked and scared and didn't really know what to do, because I didn't have the money to pay that.

A sub-theme pertaining to coercion evident within the analyzed court transcripts was that of the defendant leveraging various aspects of emotional and physical dependence. In several cases, victim/survivors self-identified as having been involved consensual relationships with the defendant so as to escape from potential abusive ramifications.

Prosecution: And what does he say to you in that text message?

Victim/Survivor: I'm going to have to steel a little bit of time tomorrow to myself.

Prosecution: And then you responded, or there is a response on number 667. Also. That's March 14, 2013. Do you see that?



Victim/Survivor: Um-hum.

Prosecution: And that message says that, “Daddy’s gonna get some good head today.

Victim/Survivor: Um-hum.

Prosecution: Why did you send that text message?

Victim/Survivor: Because it was, like, I wanted to be his favorite, so—I don’t know.

Prosecution: So why did you want to be his favorite?

Victim/Survivor: Because—I don’t know. It was like, I saw how he treated, like how he yelled at the other girls sometimes, and I didn’t want that to happen to me.

It should be noted that not all relationships were male/female, in one case, a female victim/survivor self-identified as being involved in a relationship with a female defendant.

Witness: In that police report, she stated that there's prostitution going on at that house, and she also indicated that she has been in a relationship, a dating relationship, I believe is what she called it, with the defendant.

In addition to leveraging emotional dependence, court transcripts identified the defendants as having leveraged living conditions as an aspect of coercion. In the narrative below, the victim/survivor had previously run away from her foster parents home. After having been away for several weeks, and having found temporary residence with an individual named “Jody”, the victim/survivor, SW, found herself to be dependent on the defendant AW for shelter and transportation.

Prosecution: Did you come then to live with AW?

Victim/Survivor: Yes, I did.

Prosecution: And how did that happen?

Victim/Survivor: Jody was getting evicted from her home, and he said that I could come stay with him and his daughter.

Prosecution: And who was his daughter?

Victim/Survivor: GW

Prosecution: And how old was she?

Victim/Survivor: Eight years old.

Prosecution: Was she living at his house?

Victim/Survivor: Yes.

Prosecution: And where was his house?

Victim/Survivor: [redacted]

Prosecution: How did you get to his house?

Victim/Survivor: He—picked me up and took me.

Prosecution: Okay. Do you remember what car he drove you in?

Victim/Survivor: A white Cadillac.

Prosecution: And who was living at the house when you got there?

Victim/Survivor: Just AW and GW.

Prosecution: And then you moved in?

Victim/Survivor: Yes.

Prosecution: Okay. Did you have a place to sleep there?

Victim/Survivor: Yes, I did.

Prosecution: Okay, and can you describe that for the jury?

Victim/Survivor: It was a room with a mattress on the floor.

Prosecution: And again, SW, at this point did you have any money on your own?

Victim/Survivor: No.

Prosecution: And no transportation?

Victim/Survivor: No.

Prosecution: Were you dependent on AW to get wherever you needed to go?

Victim/Survivor: Yes.

A much smaller sub-theme of coercion, but important for consideration, was that of the use of or brandishing of weapons as a method of coercive control or intimidation. None of the court transcripts suggested that the weapons were actually used on the victim/survivor or anyone else, but it was suggested that their presence was enough to suggest and/or inspire compliance.

Prosecution: Did you see him with any other weapons?

Witness: Yeah. He had a knife, and then he bought a—I don't know If he bought it, but I was there when he got a stun gun.

Prosecution: Okay. Let's talk about those individually. The knife. Can you describe the knife for the jury?

Witness: It's just like a switchblade pocket knife. I can't really remember what it looked like.

Prosecution: Did he carry it on him?

Witness: Yeah, he had it in his pocket all the time.

Force, fraud, and coercion are the central elements for proving DMST has indeed taken place. However, in addition to these methods of control, the transcripts contain much more information that contributes to the DMST story. By themselves, force, fraud, and coercion are isolated terminologies; they require the human factor in order to construct the nature of their meaning and impact. The data reveals that, intertwined with force, fraud, and coercion is the portrayal of the relationship between the trafficker and victim/survivor; that portrayal often is constructed via witnesses to the situation, and agents of the court.

### **Portrayal of the Relationship between Trafficker and Victim/Survivor**

**Agents of the court.** Before one understands how the relationship between victim/survivor and defendant is portrayed, one must first ascertain the individuals within the court narratives who actually co-construct the nature of the relationship and the reasoning behind their testimonies. In short, one must understand the agents of the court, the individuals who are, in general, dissecting the nature of that relationship.

Within the examined court transcripts, the individuals who are primarily charged with co-constructing and subsequently portraying the relationship between the defendant and the victim/survivor involved can be arranged into four differing roles including the judge (the court), witnesses, prosecution (the government), and the defense. Several entities can have their involvement further organized into smaller roles corresponding to their level of involvement, title or authority. The judge can be subdivided into district judges and magistrate judges. Witnesses can be arranged by their roles as authority figures, character witnesses, direct witnesses and evidentiary (evidence) witnesses. Of

course, these roles are in addition to the main characters in the story, the defendant and the victim/survivor.

Beginning with the central authority figure, the court, transcripts identify two different types of judges available to hear cases pertaining to DMST, that of the district judge and that of the magistrate judge. According to court doctrine, the district judge (Article III judge) is one appointed by life so as not to be influenced by political influences; she/he is the more highly ranked authority figure. The secondary judge is that of the magistrate judge, appointed by district judges for a renewable eight-year term. The magistrate judge is the subordinate judge and therefore must report her or his recommendations to the district judge for acceptance. This relationship is described during the proceedings of every trial, as the defendant must agree to have their case tried in front of a magistrate judge.

The Court: So, there are two kinds of judges that work here. There are one kind of judge, which is called a District Judge, they are appointed, the president selects them, they serve a term for life. I mean, they just get appointed one time, they are appointed forever, and they are specifically talked about in Article III of the United States Constitution. The framers of the Constitution thought it was real important that there be judges in this country who are not subjected to any kind of political pressures for reappointment or election or anything like that, so Federal judges, Federal District Court judges and Court of Appeals judges and Supreme Court justices are picked by the President, confirmed by the Senate, and they serve a term of

life, and they are called Article III judges, and you have an absolute right to have this proceeding conducted before an Article III judge, okay? You got all that?

Defendant: Yes.

The Court: Now, I'm not an Article III Judge, I'm what's called a United States Magistrate Judge, and I'm created by statute. I'm not created by the Constitution. I'm not picked by the President nor confirmed by the Senate, nor do I serve a term of life. I'm picked by the other judges, and I serve eight years at a time, subject to being renewed every eight years, so that's -- I'm different. I don't -- I don't have a life term, and you have a right -- you have a right to appear before someone who does have a life term. I do have the ability to do a lot of the same stuff that a District Judge can do, but before I can do that, you have to consent, so, you know, I wouldn't have the right to force you to be here in front of me today; I can only conduct this hearing today if you consent to proceeding before me as opposed to a District Judge, okay?

There appears to be several roles that the judge exhibits and/or holds as evident by her/his narratives within court transcripts. The first, and most evident, is to make sure that the trial is conducted fairly and without any form of bias or influence from any party including individuals who may be attending the publicly held trial.

The Court: And frankly, the reason I want to take a break now is because there are people in the back and they are either nodding approval or

shaking their head for disapproval to the observers in the courtroom. I think it's best that we do this before the testimony begins.

Defense: I'm assuming they are not witnesses.

The Court: I don't know. You would have to be the judge of that. I don't know who they are.

[to the observers] Please give the jurors a moment to clear the hallways before leaving the courtroom, number one. Number two, you are welcome to attend this public trial; however, it is very important that you not interfere with the trial proceedings in any way. And so you may not, from your seats, either nod in agreement or shake your head in disagreement with what is being said, or the testimony. If you interfere in any way with the testimony when it is being presented, I'm going to instruct the U.S. marshals to escort you out of the courtroom and you will lose the privilege of observing this public trial. I hope you understand why the Court has to implement this rule, but it is very important that the jurors not be distracted by what is happening by those who are observing in the courtroom. What they need to hear is the testimony from the witnesses. Not the opinion of those observing. So with that, I hope you understand this instruction. Marshals, you are now instructed that should anyone be interfering with the proceeding, they are to be escorted out of the courtroom. With that, any questions?

The second role that the judge seems to hold is one of maintaining the structure of the proceedings and clearly delineated roles pertaining to the judicial proceedings. This is especially evident when the court encounters defendants who may be unfamiliar with the judicial process.

The Court: Well, I appreciate the advice. Ms. PR, there is one thing that I'm not allowed to do as a federal judge. I'm not allowed to intervene in any plea discussions. The law is very clear that I'm not allowed to do that. I'm not allowed to say to you, "Well, I think that is a pretty good plea offer. I think you ought to take it." I'm not allowed to say to the government, "Maybe you ought to adjust the offer." I'm simply not permitted to be involved in any plea discussions. There is nothing I can do about that. The rules are very, very strict about that. And properly so in my view. So I'm simply not allowed to engage in any colloquy between the government and you with respect to plea negotiations.

Although the judge does not influence the process of procedure, she/he often interjects to the defendant individually and directly so as to make sure that they are fit to stand trial and will not unfairly bias even themselves to a jury.

The Court: Additionally, Mr. ET, make certain that you have clothing available. You need to -- I would make sure you have a suit and tie or some other suitable clothing so that you're prepared to appear in front of the jury and that you do not appear in your orange coverall. So reach



out to family or friends. Make certain that you have those clothing available.

The judge also exhibits condemning and emotional reasoning for the need for criminal punishments and the roles that the judicial system holds in society. This narrative seems to be exclusively reserved to occur after the defendant has been convicted by a jury or pled guilty. There was no narrative evidence of any emotional or condemning statements in any of the analyzed documents pertaining to the defendants—pre conviction. However, once the conviction is announced, the conviction appears to create the space for a narrative of condemnation, as in the following statements by the court:

The Court: Men like you who prey on young women are going to go to prison for a long time until men like you learn that that's not something you should be doing to the children and young women of our community, even adult young women.

The Court: Let me tell you what I am concerned about here. It appears to me that Ms. PR has made almost a life history out of being involved in prostitution. Her only concern was the claim that she didn't know the girl she was prostituting for was under 18. But there's never been an indication that she follows any other pursuit other than prostitution.

The Court: You basically have participated in what used to be called the corruption of a minor. That young woman, no matter how she may have appeared or what she did, was still a child, and that is why the law protects her. I think that that remains a fair and accurate term.

And no one of that age should be subjected and even given the opportunity to be subjected to or given the opportunity to engage in the conduct which you undertook to facilitate and did facilitate. One does not even have to read the victim impact statement, which I have done, and it is a powerful condemnation of what you did to her and its lasting effects. There'll be a time when you come home and you're out of prison and you've served your time and go about your life. That young woman will bear the scars of your conduct for her entire life. She will never overcome them. She will never outgrow them. They'll be a fact and feature of her life forever.

But you didn't think about that. You didn't think about that, perhaps she in the eyes of the law and society, she was incapable of understanding the consequences that you helped to cause and to have happen. And I want people in this community to understand men who treat women, especially young women the way you did, when they are caught violating federal law will be convicted. And when they are convicted, they will be punished severely, more severely than most defendants who appear before me who have committed what some might label less serious, or excuse me, more serious offenses.

Although the judge may impart her or his own emotional or condemning discourse on the defendants actions or demeanor, she/he clearly states that their role as a

federal judge is in interpreting laws and imposing sanctions or punishments that were designed and enacted by Congress.

The Court: As far as the guidelines go, they reflect Congress' view and the Sentencing Commission's view as to how horrific these crimes are. There's often discussion about the severe sentences for child exploitation and child porn wherein many cases there isn't a live victim. There's reasons why Congress has reflected and the Sentencing Commission, under the guidance of Congress, why they have -- have reflected this kind of a 14 treatment. I mean, 15 year mandatory minimum where force fraud and coercion is used or the victim is under 14 up to 16 a life sentence is a direct reflection of Congress' view that this is modern day slavery. There are many other provisions in the criminal code that reflect Congress' view as to how serious this is. Another one is the presumption in favor of pretrial detention for 1591 offenses. The provisions for social services and restitution, victim care, all of those provisions are meant to reflect that Congress views this as an extremely serious horrific crime. And they have raised, when you look at the provisions in the law, 1591(C) is another example where Congress has gone from requiring actual knowledge on the part of the defendant to the age of the victim to reckless disregard. And today, since 2008, it is mere reasonable opportunity to observe. Again, a reflection of how serious they take this. You deal with your victim at your peril. And in this

case it's only a guideline sentence within the correctly determined range 8 that would appropriately address the conduct of this defendant.

Outside of the judicial rhetoric, and on a personal level, at times, the judge attempts to interject humor into an otherwise humorless and stoic federal court setting. This generally is evident through “off the cuff” remarks aimed at and towards the agents of the court although several pieces of humorous and/or sarcastic comments were directed towards the defendants pre-sentencing.

Prosecution: It is showing green now?

Clerk: Yes.

Prosecution: Testing.

The Court: Yes. Thank you. If you say, "Can you hear me now," Verizon pays us 50 cents.

Prosecution: Can you hear me now?

The Court: I can, yes. Mr. Moroney, we can hear you now. Please proceed.

The Court: I'll explain to you why I'm neither as smart or as good looking as a District Judge, but it might be in your best interests to go ahead and plead today.

The Court: Okay. They called me Speedy in grade school, if you can believe that. You don't believe that, do you? Not for a minute. I'd go with Slim, too, but you wouldn't believe that either.

Reporting and arguing the case before the judge are the prosecution and the defense. Assistant U.S. attorneys argue the case on behalf of the United States

government. In court transcripts, they are referred to simply as the prosecution. From a judicial perspective, their involvement initiates the phenomenon at the court level as they issue indictments, warrants and other varying forms of prosecution. According to transcripts, the prosecution is portrayed as having a tremendous amount of leeway to define the situation, determine who is involved, what level of complicity they hold, who is charged with the crime, and who is not charged with criminal conduct.

Defense: If they believe somebody is a material witness, they don't even have to believe they committed a crime. If they believe they are a material witness, they have the authority to arrest them. They have the authority to bring charges against them. Miss [witness] could just as easily be charged with production of child pornography if that camera belonged to her and she participated in these pictures along with the juvenile in this case as Ms. PR could be charged. She could be looking at a mandatory minimum 15 years just as easy as Ms. PR is looking at a mandatory minimum 15 years. Yet the FBI and the United States Attorney's Office and the task force officers, they have ultimate discretion. They have this huge amount of power. Power that may even go beyond the power of the Court to say, "Don't worry, you're not going to be charged." Plus, Your Honor can't issue an indictment against her. We can't issue an indictment against her.

But they can use their discretion as law enforcement officers to say, "Hey, you're on our side. You will be on our team. And we won't bring charges against you."

The opposing force, the defense, exists in an adversarial judicial system to represent the interests of the defendant against allegations made against them by the prosecution. There are two differing categories of defense attorneys represented in the analyzed court transcripts: the public defender and the private attorney. Regardless of the status, the defense attorney's primary responsibility is to investigate the situation so as to construct a version of events that will prove their client is not guilty of the crime as charged.

Defense: There are far too many ineffective assistance of counsel claims that are denied where defense counsel have not done adequate investigations, where they have not gone out and done everything that they should have done on behalf of their client. There are far many innocent people imprisoned today or who are released from prison after being exonerated through DNA evidence where defense counsel could have, if they zealously investigated the case on behalf of their client, could have potentially exonerated them before. What my colleagues did in this case, Your Honor, again I reiterate, is what defense counsel should always do, and that is a dogged investigation.

If the defense attorney is not able to construct a version of events that proves the defendant not guilty as charged, it is their responsibility to advise the client on the best course of action. This advisement may include pleading guilty, facing trial or working out a plea deal with the prosecution.

The Court: And is it your understanding that if you had gone to trial, your potential sentence might have been a lot greater than it might be today?

Defendant: Yes.

The Court: And Mr. Geller (the defense attorney) discussed those things with you?

Defendant: Yes.

The Court: Answered any questions you might have had about it?

Defendant: Yes.

The Court: And I don't want to know what he told you, but he's giving you his advice and suggestions about what seemed to be the best choice among some terrible choices, do you understand what I'm saying?

Defendant: Yes.

The Court: Nothing looked real good, right?

Defendant: Right.

The Court: Everything looked more awful than you could have imagined?

Defense: Right.

The Court: Especially at your young age. But are you confident that he thought through what it was he was suggesting to you, number one, that he gave it thought and attention before he said, you know, I really think you should do this, that or the other thing?

Defendant: Yes.

The Court: And are you confident that to the best of your understanding, he also was aware of the likely evidence and the consequences of going to trial and being convicted?

Defendant: Yes.

In addition to the agents of the court (the judge, prosecution and defense) there are several differing categories of witnesses represented in court trials and may or may not be directly related to the phenomenon of DMST. Witnesses are an integral part of every trial as they provide a differing testimony pertaining to the story that has been constructed through the interaction of defendant and complainant. This is not saying that every witness is credible or without an agenda during their testimony. In fact, the judge specifically instructs juries on their relationship regarding witness credibility and potential bias.

The Court: Another part of your job as jurors is to decide how credible or believable each witness was. This is your job, not mine. It is up to you to decide if a witness's testimony was believable, and how much weight you think it deserves. You are free to believe everything that a witness said, or only part of it, or none of it at all. But you should act reasonably and carefully in making these decisions.

Court transcripts indicate that there are three categories of witnesses that are involved in the examined DMST trials. Each category of witness represents a different contribution or individual take depending on their level of expertise, involvement, lived experience and the way in which they have been situated within the case. The first witness category is that of the authority figure, she or he is generally some form of law



enforcement or a credentialed individual in some aspect of criminology, sociology or psychology. During the testimony of each authority figure as a witness, there is an initial recitation of their credentials, education, experience and level of involvement with the case.

Prosecution: Would you state your full name, spell your last name.

Witness: John Louis Morgan, M-O-R-G-A-N.

Prosecution: And how are you employed?

Witness: I'm employed with the Cuyahoga County Sheriff's

Prosecution: And what is your title?"

Witness: I'm a deputy assigned to the Detective Bureau.

Prosecution: Okay. And how long have you been so employed?

Witness: Been so employed since 1999.

Prosecution: Okay. Any prior law enforcement experience?

Witness: No.

Prosecution: Okay. And what is your current assignment?

Witness: Current assignment is I'm assigned to the Crimes Against Children Task Force with the Federal Bureau of Investigation.

Prosecution: Okay. What do you do with that task force?

Witness: We work on juvenile prostitution and adult forced prostitution or, more specifically, human trafficking.

The second category of witness as made evident by the examined transcripts are the witnesses who may not have any direct involvement with the case but are testifying regarding various forms of physical evidence. These individuals are often employed as

lab technologists, data analyst or individuals who work within industries that provide material goods or services that were used by the individuals in question.

Prosecution: I put in front of you Government's Exhibit 111. And if you would open up Exhibit 111 and tell us if you 14 recognize it?

Witness: I -- I recognize this packaging.

Prosecution: Okay.

Witness: I don't recognize anything inside of here.

Prosecution: So you never opened it up?

Witness: I did not.

Prosecution: Okay. And let me ask you to describe how you recognize the packaging and what you did with it?

Witness: I recognize the packaging as an item that Agent Jay Hardie gave for me to transport to the Bowling Green office.

Prosecution: What was the item?

Witness: Anal beads and lubricant in a gray and black bag. And my initials are on the package.

The final category of witness evident within the examined court transcripts is that of the direct witness or the character witness. This type of witness is an individual who testifies regarding her or his own direct involvement with the individuals or has direct knowledge regarding the situation in question. This individual quite often testifies to the nature of the defendant or victim/survivor as well as the conditions involved as it relates to the relationships and roles operating within DMST.

Prosecution: Did you ever see -- did you observe the conduct, I think, between Mr. JM and these women?

Witness: Yes.

Prosecution: Okay. How would you characterize what you saw?

Witness: Loving.

Prosecution: What was that?

Witness: I -- he was very loving towards the girls. I mean, he genuinely cared for them very, very, very much.

Prosecution: And that's what you observed?

Witness: Yes.

Those entities, the judge, the prosecution, the defense, and the witnesses generally co-construct the portrayal and interpretation of the relationship involving the defendant and the victim/survivor. However, it should be noted, that this is a processes rooted in tension in that these individuals construct a narrative that is pulled in differing directions. At times, though exceedingly rare in the analyzed transcripts, the defendant and the victim/survivor also testify on their own behalf pertaining to their involvement. It is this co-construction of events that outlines and influences the jury so as to decide on the guilt or innocence of the defendant.

**Consensual relationship.** The portrayal of the relationship between defendant and victim/survivor consistently identifies (minus the two cases of a government run sting operation) that the endeavor initially began with a certain level of willingness on the side of the victim/survivor. The portrayal of these relationships within court transcripts can be further subdivided into two different categories: a romantic or sexual relationship,

or that of a financial partnership. The first type of relationship, that of a romantic or sexual relationship is shown as initially beginning with consent, but then turning to a non-consensual proposition. In the dialogue below, the prosecution inquires as to the initial conditions pertaining to a sexual relationship between the defendant and the victim/survivor.

Prosecution: SW, once you moved in, did he have sexual relations with you?

Victim/Survivor: Yes.

Prosecution: How often?

Victim/Survivor: On a daily basis.

Prosecution: And what was said for that to happen, how did that happen?

Victim/Survivor: I seen it as a relationship, we were boyfriend and girlfriend.

Prosecution: Did he tell you he loved you?

Victim/Survivor: Yes, he did.

Prosecution: And you thought that you were his girlfriend.

Victim/Survivor: Yes, I did.

Prosecution: Did you feel like you could say no?

Victim/Survivor: I didn't feel like I needed to at the time.

Prosecution: Because why?

Victim/Survivor: Because we were supposedly boyfriend and girlfriend.

Within this narrative, the discourse that the prosecutor employs identifies a particular framing that reads “did *he* have sexual relations with you”. This holds in opposition to the victim/survivors testimony of consent, a *boyfriend and girlfriend* relationship.

After acknowledging the consensual beginning of a romantic or sexual relationship, the involvement between victim/survivor and defendant is often portrayed as having somehow “gone wrong”. Below is the continuation of the same narrative as was previously shown.

Prosecution: SW, did there come a time when you decided to get away from AW?

Victim/Survivor: Yes.

Prosecution: And approximately when was that?

Victim/Survivor: Around middle of March.

Prosecution: Okay. And why were you trying to get away?

Victim/Survivor: Because I was scared.

Prosecution: What were you scared about?

Victim/Survivor: Him hitting me, and I didn't want to prostitute.

Prosecution: Do you remember what you did to try to get away?

Victim/Survivor: I bit the inside of my lip to make myself bleed and make myself throw up.

Prosecution: Why were you doing that?

Victim/Survivor: To make him think I was throwing up blood, I was sick.

Prosecution: Did you do anything else as part of your effort to get away?

Victim/Survivor: I made a phone call to my old placement.

Prosecution: And did you reach anyone there?

Victim/Survivor: Yes.

Prosecution: Okay. Did you say anything to AW?

Victim/Survivor: Yes.

Prosecution: What did you say?

Victim/Survivor: I told him that the FBI was looking for me.

Prosecution: And what, if anything did AW do when you faked sickness and told him the FBI was looking for you?

Victim/Survivor: He eventually took me back to—back to Mary and Larry's.

The victim/survivor within this narrative case did not reveal that the episode involved kidnapping or any form of restraint; however, the prosecutor employs the specific phrasing *get away*. The use of this linguistic device suggests the idea of some form of physical confinement without actually stating that the victim/survivor was somehow bonded to the defendant.

**Financial/managerial partnership.** In addition to the romantic or sexual portrayal of relationships, in several cases within the court narratives, the defendant and victim/survivor were portrayed as having that of a financial arrangement or a business partnership.

Prosecution: Okay. Did she say anything about working as a prostitute?

Witness: Yes, she did.

Prosecution: What did she say?

Witness: She said that she began working at two strip clubs when she was 16 years old, strip clubs meaning adult entertainment clubs, one at Club Secrets and the other one was at the Lido Lounge. And she told us about the first night that she worked there, when she was approached by a guy that she only knew as TD and he approached

her, said she could make a lot of money, they could make a lot of money together. On the second evening that she was working at this place, the establishment discovered that she was underage and she used a fake ID to actually get on stage, so they terminated her employment at that time. And just a few short days after that is when she and TD hooked up and began working together.

Prosecution: Okay. And now, she referred to TD as what?

Witness: She referred to him only as [redacted]

Prosecution: And again that's [redacted]

Witness: [redacted] yes.

Prosecution: Okay. And did she provide his phone number, the 202 number?

Witness: Yes, she did.

Prosecution: Okay. Did she tell you what her arrangement was with TD in terms of working?

Witness: Yes. She told us that the arrangement was that the hotel— everything was split 50/50, the hotel room included. So it it's \$200 for a half an hour of time with her by a client, then she gets a hundred and then TD gets a hundred. And that was for three, four, five dates in a particular evening. The hotel room would be taken out of that, so 75 or a hundred dollars would be paid by Mr. TD and a hundred dollars would be paid—however much the hotel room was split in half, so everything was 50/50.

The prosecutor within this dialogue initially inquires about the victim/survivor *working* as a prostitute, seeming to acknowledge her own agency and level of willingness to engage in such behavior. The witness, a law enforcement official, also uses the term *working* when discussing the victim/survivors employment in adult entertainment venues. The witness even expands upon the usage of the verb *working* and interjects that the defendant and the victim/survivor were *working together* holding an equal financial relationship pertaining to the profits of engaging in commercial sex.

### **Representation of Players and Action**

The key individuals, according to both the reviewed literature and the analyzed data are that of the defendant, the victim/survivor and the consumer. It is these three individuals/roles that are identified within the literature as being responsible for DMST actually occurring. According to the literature, the consumer initiates the episode by providing a financial incentive for commercial sex. The defendant (trafficker) then acts as an intermediary, a recruiter, so as to provide an individual to the consumer so as to engage in commercial sex. The victim/survivor through force, fraud, or coercion provides commercial sex to the consumer thus completing the system.

**Defendant.** The defendant is the individual accused of being the central recruiting factor in the phenomenon of DMST. Court transcripts indicate that there were a total of 27 defendants represented in the 15 cases of analyzed DMST. These defendants were predominantly African American (18 defendants), male (16 defendants) and between ages 21 and 69. Within the analyzed court narratives there were two opposing portrayals of the defendant: that of holding responsibility for DMST, and that of not holding responsibility for the situation. Generally, the defense relayed situations and



employed discourse that attempted to identify their client as either accepting and repentant, or absolved of responsibility for DMST due to difficult life circumstance. The prosecution, in contrast, identified situations and employed discourse that portrayed the defendant as cold, calculating, methodical and predatory and thus holding direct responsibility for DMST. It is important to note that two defendants were of German descent and did not have their races made evident. Additionally, one defendant did not have his/her gender revealed within court transcripts. Defendants ranged in education level from having left school after the eighth grade to being a credentialed medical doctor.

The Court: "How old are you, sir?"

Defendant: "28."

The Court: "And how far did you go in school?"

Defendant: "The last grade I completed was the eighth grade."

The Court: "Are you able to read and write English?"

The Defendant: "Yes, sir."

Prosecution: "The defendant is a 63-year citizen of Germany with no prior juvenile or adult convictions. There are no signs of violence in his past. And he did not report suffering from any type of abuse. He is a college graduate and obtained his medical degree in Germany where he reported operating his own medical practice for the past 25 years."

The defense, within their arguments, postured the majority of defendants as being absolved of responsibility because of difficult early-life scenarios, involving unstable

family situations and chemical dependency. Some defendants were identified as having both mental health and medical issues.

Defense: Mr. BJ has suffered from several mental health issues starting early in life, including attention deficit disorder, paranoia, and schizophrenic disorder. He also suffered abuse and neglect as a result of his parents difficult relationship and their own issues with alcohol. Thankfully his father has now been sober for 15 years, but the effect on his son during the formative years was severe. In addition, Mr. BJ's infant brother and mother both passed away when he was approximately 15 years old. These events were catalysts that resulted in Mr. BJ using alcohol and drugs in excess to dull the pain of his losses. We request consideration of his mental health diagnosis for his sentencing. We also request that Mr. Jackson be placed at a facility with psychiatric services.

In this particular narrative, the defense uses the word *suffered* to describe their client's upbringing, referring to both the defendant's mental health issues and familial relationships. Additionally, the defense identifies that hardships including the loss of an infant brother and mother as well as a father's alcoholism were somehow *catalysts* pertaining to the defendant's use of drugs and alcohol. The defense attorney does not identify that these issues were a contributing factor related to the defendant being involved in DMST, it is merely suggested that the defendant *suffered* and as such there should be "consideration of his mental health diagnosis" pertaining to sentencing thus suggesting an absolution of the responsibility of DMST.

In a similar narrative, a defense attorney speaks of hardships faced by a female defendant who had been convicted for her participation in DMST

Defense: Ms. CB is 22 years old and has no prior criminal record whatsoever.

She has literally, since early in her life, has struggled to do things on her own behalf without trying to be a burden to her family. As it relates to being under indictment and the FBI being in contact with her family, there's no evidence to suggest that her family in any way harbored a fugitive or helped her to evade capture or anything of that nature. In fact, the evidence presented from Mr. Sullivan is that she was apprehended as she was leaving a friend's house, not a family member's house. Ms. CB is the youngest of, I believe, five children -- youngest of seven children. When she was 12 years old -- and I'm not sure that this was reflected in the Pretrial Services report -- but when she was 12 years old, she and her mother witnessed the death of her father who suffered a heart attack in their presence, and since that time things have been emotionally difficult for Ms. CB as it related to her situation at home. She was pretty much on her own, and by her own choosing was out on her own as a young adult, but while out on her own was able to enroll in college successfully, not only first completing a GED program, but then successfully completing an Associate's program at Bryant and Stratton and then getting accepted and getting enrolled in Cleveland State University, where she was a college student, a

successful college student as well, even while she was living in a, I would suggest, a difficult set of circumstances.

Within this narrative, the defense attorney opens with a primary verb, *struggled*, in attempting to sum up the life-situation of the defendant. She, the attorney states, had an *emotionally difficult* life having been the youngest of seven children and observing her father pass away at the age of 12. But, after leaving her house on her own accord, became a *successful college student* even though she was *living in a...difficult set of circumstances*. Similar to the previously examined narrative above, the defense attorney does not suggest that her upbringing or the hardships she faced contributed to her participation in DMST, but simply that these situations should be considered for her involvement, and such may suggest the removal of responsibility for DMST.

Quite a few defendants were identified as having been involved with the criminal justice arena and judicial proceedings before being accused of DMST. Several of them were labeled as “career offenders”, a category, at the federal level, that involves harsher sentencing than standard criminal proceedings. To be labeled as a “career offender”, the court applies a mathematical formula regarding past offenses.

The Court: The requirements are set forth in section 4D1.1, which allows for classification as a career offender if, one, you were at least 18 years old at the time you committed the crime in this case; two, the crime is a crime of violence; and three, you had at least two prior felony convictions of controlled substance.

The prosecution, many of the witnesses and at times, the judge, generally identified defendants as cold, calculating and a dangerous individual(s). The discourse

that is employed in their description is unique to the trials, using words such as methodically, predator, intimidating, exploit demean and abuse. In the narratives below, we observe as three differing individuals, each holding differing interpretations, describe the same defendant using very similar wording. In the initial narrative, the prosecution invokes discourse that identifies the defendant as an uncaring pimp and drug dealer, who, through a carefully concerted effort, exploited women without consideration for recourse.

Prosecution: So on Friday you got kind of a glimpse of what this case is about and why you're here. Well, let's actually just get right to it. You're here because the defendant, JM, is a pimp and a drug dealer who methodically manipulated and exploited these girls for his own benefit, and he did not care about the damage.”

Within this particular narrative, the prosecution utilized noun *pimp* to expulse the necessary information for the jury. The prosecution goes on to identify the defendant as a *drug dealer* who *methodically manipulated* and *exploited* girls while simultaneously using the verbs *manipulated* and *exploited* to suggest a longer-term and concerted effort on the part of the defendant so as to take advantage of the victim/survivor; this establishes the crime as more involved, potentially more damaging than a crime of spontaneity or opportunity.

The defense, within the narrative, did not challenge the notion of the defendant being identified as a pimp or a drug dealer, and, as well, describes his client as such. However, for the defense, employing discourse that categorizes the defendant as a criminal does not appear to be the main concern, but rather that of the defendant “forcing” individuals to engage in behavior.

Defense: But see, we're not here to talk about whether or not JM is a pimp or is a drug dealer. That's not the issues here. The issues in this case that we will try are whether or not this pimp and this drug dealer forced these people to do it and used a minor under the definition that the Judge will give you. Those are the issues.

The prosecution, in keeping with the initial portrayal of a dangerous defendant, leads one of the victim/survivors in a dialogue that appears to attempt to link physical appearance with the propensity to engage in crime. The use of physical appearance to be suggestive of behaviors is a tactic that seems to be based in stereotype.

Prosecution: Tell me what JM looked like when you met him?

Victim/Survivor: How he does now.

Prosecution: Which is what? Describe him.

Victim/Survivor: Intimidating. I mean—

Prosecution: What did he physically look like?

Victim/Survivor: He had tattoos almost everywhere. He was bald.

Prosecution: All right. How about his physical stature, his fitness?

Victim/Survivor: He was bigger.

Prosecution: Do you remember what he was wearing?

Victim/Survivor: No.

Finally, the prosecution in this particular case closes their argument with employing the word “predator”.

Prosecution: Because what we know now is that JM is a predator. He looks at a young girl or a drug addict or even his own children as

opportunities. They're not people. They're not children who need a father. They're opportunities and they're dollar signs to him. He sees a young girl whose drug addicted and to him that is a gold mine. That is his ultimate opportunity to exploit, demean, and abuse these girls.

In contrast to being identified as a dangerous individual, the defendant was alternatively portrayed as not holding responsibility to DMST due to her or his personal or familial situations, especially during youth. In the monologue below, the defense attorney identifies that the defendant may not be completely responsible as the defendant and everyone he knows is a part of a cycle of crime. This cycle, the defense states, began at childhood and involves a general lack of education and positive role models.

Defense: The government seems to make a lot out of the fact that he got out of jail and got out of prison and went right back to criminal activity.

That's true. And it's because that's all he knew was criminal activity.

If you look at his background, Your Honor, I think it is relevant. I mean, the law makes it relevant and I know you make I relevant, that his whole family has been in prison. His brothers, his sons are all headed that way, his parents. He was raised in such a—with a dynamic of criminal activity that that's all he knew when he got out of the penitentiary. He bounced around from group home from group home as a child. I think he spent seven or eight years away from his home before he was of age. He's got, as you can see, a criminal history as a juvenile.”

And I think that's so important, and I would ask the court to consider the act they way he was raised. He was raised by people that said the way to earn money is to pimp or sell drugs or to steal rather than "Go get education, Larry. Go get an education. Take your brothers with you and get educated. If you do something wrong, you're going to get it from me. Rather than great job", that kind of thing.

And maybe it's just—I guess the older I get the more I see this, and I just wonder and I think that's the formula. And I think that is a formula that we don't see in this family dynamic that he was raised in. So why did he do that? He did it because that's all he knew."

Now, punish him I think, for what he did. I think he would be satisfied if he were to be punished for what he did. If we look at these victims that come into this case, none of these victims—it's as if the government says that he created this addiction for these people, that he created this atmosphere.

They came to him, Judge. And brought with them their addiction. They brought with them all these problems. He didn't create these problems.

In addition to suggesting that the defendant is not responsible due to an unstable upbringing, "all he knew was criminal activity", the defense attorney also uses specific words and phrases to suggest the idea of penitence or confession. The word *penitentiary* is used in place of jail or prison. The penitentiary is a Victorian era term for a prison



where the inmate would primarily live in silence and solitude so as to make their peace with a higher power. The term is unique to this defendant and this trial as it is not used anywhere else in the analyzed transcripts to describe the actual place of incarceration. The defense attorney also suggests that the defendant would be “satisfied if he were to be punished for what he did”, corroborating the feeling of penitence and of accepting responsibility for his actions. Additionally, the defense also attempts to diminish the defendant’s responsibility to DMST by devaluing the importance of the victim/survivors suggesting that they somehow flawed, lesser human beings due to their addiction, and as such, brought these problems onto the defendant “[they] brought with them their addiction”.

One aspect of the defendant holding responsibility for DMST identifies the defendant as being uncaring to the emotional or physical well-being of the victim/survivor and only being interested in the financial impact. In the below monologue, the victim/survivor speaks of engaging in commercial sex.

Victim/Survivor: I had four or five appointments that day. But like the first one was a 6:00in the morning. And that was, I mean, what happened, happened. The second one, same thing. The third one I think might have been the guy that, like he came and knocked on the door and I answered. And I was like, Hi, I’m [redacted] and whatever. And he was just like, oh, you weren’t what I was expecting and so I’m going to pass on this and walked away. So I call AO and told her that. And I was like kind of upset because, ouch. That was kind of rude. And she

told me that another person was coming, so just stay there. And that guy, yeah, I had sex with that guy for money, too. And then I went back to the house, but then I had to go right back to the motel because another guy came around like 5:00. But he scared me a lot. And—because he was like pushing me and like trying to like strangle me as he walked in the door. So I started crying, and I was screaming. Like, I thought this guy was going to kill me. And he like ran out the door. And then when I went back to the house—well, because I called AO and I was crying. And I told her I didn't want to talk about it. Just come pick me up. So she came with [redacted] and two of his friends to get me. And I just told them I didn't want to talk about it. And then I got back to the house and I told JM about it. And he told me that I had no reason to freak out because that guy is a regular, and he just likes rough sex. So there was no reason for me to be acting the way that I was acting and there was no reason to miss that appointment.

An additional aspect of the defendant being portrayed as directly responsible can be found through the diminishing of the victim/survivors individual agency. The prosecution generally structured the narratives temporally with the defendant initially meeting the victim/survivor, forming some sort of relationship, and then developing or implementing a form of control, which subsequently ended in DMST.

Prosecution:       And how did it come to be that you went upstairs?"

Victim/Survivor: I think he just asked me to go upstairs with him. It's pretty hard to remember.

Prosecution: Did you know why you were being asked to go upstairs?

Victim/Survivor: No.

Prosecution: What room did you go to when you went upstairs?

Victim/Survivor: His bedroom.

Prosecution: And what did—did he take you into his bedroom?

Victim/Survivor: Yeah.

Prosecution: And after you walked into the bedroom, what happened next?

Victim/Survivor: He shut the door. And we sat on the bed. And he pulled out a plate with coke on it and told me I could have some. He asked me if I wanted to get naked with him.

Prosecution: What did you do Mxxxx. What happened next?

Victim/Survivor: Well, I told him I couldn't have sex, but I felt like I owed him. So I mean, we did other things.

Prosecution: You felt like you owed him? What do you mean?

Victim/Survivor: Because he had given me coke but he didn't make me pay for it. So I kind of figured, I mean, what other reason is he going to bring me up to his room and give me free drugs.

Prosecution: Did he force you...

Victim/Survivor: No.

Prosecution: ...to do anything that night?

Victim/Survivor: No.

Prosecution: So at that point, did you have any attraction to him? Any interest in him?

Victim/Survivor: Yeah.

Prosecution: And after that, do you guys leave that room?

Victim/Survivor: Yeah. I think we went back downstairs for a little bit because there was still people over.

Prosecution: And when you went back downstairs, what things are you seeing around the house?

Victim/Survivor: Just the same things. Just a lot of people there. People shooting up.

Prosecution: Now, is this a school night that you were there?

Victim/Survivor: No.

Prosecution: It was a Friday or Saturday?

Victim/Survivor: Yeah. I think it was a Saturday.

Prosecution: Did you go home that night?

Victim/Survivor: No.

Prosecution: Where did you sleep?

Victim/Survivor: I slept at JM's.

Prosecution: Where in the house did you sleep that night?

Victim/Survivor: In his bed.

Prosecution: With him?

Victim/Survivor: With him and Jxx and Mxxx and Cxxxxx.

In the above dialogue, the prosecutor engaged the victim/survivor in an inquiry pertaining to the initial conditions that she came to know the defendant. It appears as though that this dialogue portrays the initial relationship as consensual, however, the prosecutor interjects a phrase that does portray the relationship as age-inappropriate.

The next step in the narrative the defendant identified a specific time or place when the relationship between the defendant and the victim/survivor as somehow gone wrong. During this line of questioning, which was evident whenever a victim/survivor testified on their on behalf, the prosecutor positions the treatment as initially favorable and then turning into an arrangement pertaining to commercial sex.

Prosecution: How did the defendant act with you in that early part of March?

Victim/Survivor: At first he was really sweet.

Prosecution: Really sweet how?

Victim/Survivor: He treated me special, like he cared about me.

Prosecution: Did that change?

Victim/Survivor: Yeah.

Prosecution: How long do you think you had been going back and forth to the house before it changed and he stopped treating you that way?

Victim/Survivor: Like, I don't know, maybe two and a half, three weeks-ish."

Prosecution: After that advertisement was posted to Backpage.com, what happened next?

Victim/Survivor: I don't really remember, like because I think we were all just sitting around getting high for the rest of the night until like 6:00AM when somebody called for me.

Prosecution: When that call came in at 6:00am, what were you then expected to do?

Victim/Survivor: Go to the motel, have sex with a stranger for money, and then give the money to JM.

After portraying the time when the victim/survivor testimony changed from willing and responsible to potentially unwilling, the prosecution engages in a dialogue to reveal the emotion of the situation and portray the defendant as engaging in long-term calculative and manipulative strategies for financial gain.

Prosecution: Well, before going to that hotel for the first time, did you tell anybody whether or not you wanted to be going?

Victim/Survivor: Yeah. I told Mxxx. That's why she was talking me through it.

Prosecution: You told her what?

Victim/Survivor: I told her that I didn't want to, and I was like, terrified. And I was shaking so bad, and I was about to have a panic attack. And she was, like, holding me and trying to calm me down and telling me it's not that bad.

Prosecution: Did you go?

Victim/Survivor: Yeah.

Prosecution: Did you feel like you could say no?

Victim/Survivor: No.

Prosecution: Why not?

Victim/Survivor: It's—It's hard to explain, but it's like, when you're around somebody that like terrifies you, saying no isn't an option.

**Victim/survivor.** The victim/survivor is the central body of concern in the analyzed transcripts pertaining to DMST. The involvement of minors in sex trafficking is the trigger that sets off the system of judicial proceedings. There are however, very few instances of the victim/survivor actually testifying on his/her own behalf against the defendant within the analyzed court narratives. Because of this, the demographics of the victim/survivor are somewhat difficult to discern due to confidentiality laws put in place to shield them. However, certain characteristics were gleaned from intense scrutiny of witness testimonies and the few in-person testimonies of the victim/survivor. In the 15 analyzed cases of DMST, there were 23 individuals designated as victims of the crime (referred to in this dissertation as victim/survivor in holding with feminist epistemology and the literature on the topic). Of these victim/survivors, three were not actually physical individuals, and were in fact, avatars used in a government run sting operation. Of the actual physical individuals involved in DMST, all were female and ranged in age from 14-23 years old (the individuals who were above the legal age of consent of 18 were a part of trials involving underage individuals and were still listed as victims by the prosecution). Most victim/survivors did not have their race evident within transcripts, however, of the four who did, three were Caucasian and one was African American.

The majority of victim/survivor testimony within transcripts was that of dialogue between agents of the court and themselves—a question and answer period. During these testimonies, the agents of the court were primarily concerned with portraying the initial

conditions, relationship and financial aspects involved in the period of DMST in a position favorable to proving the defendant responsible for the crime.

Victim/Survivor: I seen it as a relationship. We were boyfriend and girlfriend.

Prosecution: Did he tell you he loved you?

Victim/Survivor: Yes he did.

Prosecution: And you thought that you were his girlfriend.

Victim/Survivor: Yes, I did.

Prosecution: Did you feel like you could say no?

Victim/Survivor: I didn't feel like I needed to at that time.

Prosecution: Because why?

Victim/Survivor: Because we were supposedly boyfriend and girlfriend.

Court transcripts additionally portrayed the victim/survivor as having a difficult life pertaining before being involved in DMST. There were numerous mentions of unstable family situations, low self-esteem, masochistic behavior, drug addiction, homelessness and previous sexual abuse. In the below dialogue, the prosecutor interviews the foster mom of a victim/survivor. She states that before the victim/survivor was in foster care she lived in a group home where she would engage in swallowing batteries to cope with an emotional problem.

Prosecution: Okay. As time went on in 2008, did SW develop some problems or have some problems?

Witness: She did. She was—had a boy at school that she liked a lot. And he was kind of – his parents were kind of leery about that relationship,



and I think that she felt that with her background maybe nobody would want her is what her opinion was.

Prosecution: Did she have low self-esteem?

Witness: Yes she did. She did.

Prosecution: And again, as time went on, the problems got—did they get worse?

Witness: Well, she-she's—what happens when she was at a group home, what she would do when she would really feel bad is she would swallow a battery, and it was the little AA or AAA, whatever they are, and that's what she was accustomed to what she did when she was at the group home. Well, then she told me that she swallowed a battery, and I really wasn't sure whether that was really true or not. But eventually I decided after the second day I better take her to the hospital and have her checked out.

Prosecution: So you got her some medical attention?

Witness: Yes.

Prosecution: And did she end up in a facility because of that?

Witness: Well, what happened was she\_\_ I took her to St. Ann's because I wouldn't be there all night, so I took her to St. Ann's and when the doctor checked her out and everything, they called Rescue Crisis, and then they asked us to take her to Rescue Crisis.

The victim/survivors were also, at-times, portrayed as homeless, having run away from their biological parents or foster-care.

Prosecution: She ran away, she's literally on the street. She's homeless, looking for a friend that she couldn't connect with. She's penniless, she has no transportation, no means of getting herself around except on her own feet. Just about has the clothes on her back.

Additionally, victim/survivors were often portrayed as being associated with drugs.

Prosecution: When it was first prescribed for you by a medical doctor, where did you obtain the OxyContin?

Victim/Survivor: After it was prescribed?

Prosecution: When it was first prescribed and you had a prescription from a doctor?

Victim/Survivor: From the pharmacy.

Prosecution: How did you get your prescriptions?

Victim/Survivor: The pharmacy.

Prosecution: Did there come a time when you had to seek OxyContin elsewhere?

Victim/Survivor: Yes.

Prosecution: And how did you do that?

Victim/Survivor: Bought it from dealers on the street.

Prosecution: Drug dealers?

Victim/Survivor: Yes.

Prosecution: Was it expensive?

Victim/Survivor: Yes.

Prosecution: Can you tell me about that.

Victim/Survivor: At first I could afford it. But then I couldn't afford it. And that's when I switched to heroin.

Prosecution: How old were you when you first recall using heroin?

Victim/Survivor: Fifteen, maybe.

Prosecution: And where would you get your heroin from?

Victim/Survivor: Dealers, drug dealers.

Prosecution: Approximately how much heroin were you using at that time on a daily basis?

Victim/Survivor: At that time? At 15?

Prosecution: Yes.

Victim/Survivor: Like \$20 worth of heroin.

The defense often identified the victim/survivor as holding responsibility and complicity for DMST; within the literature, this often goes by the term “victim-blaming”. Often, the defense categorizes the victim/survivor based upon their physical attributes and engaging in behavior that could be characterized as “adult-like”.

Defense: But although this is a person who's chronologically a minor, physiologically, for all intents and purposes, has the appearance of an adult, or someone who could just as easily be 20 years old or even older based upon her physiological appearance.

First, as it relates to chronologically versus physiologically, I think I should have added behaviorally as well, because our investigation revealed that S.J. was going to night clubs and drinking in bars and smoking cigarettes and going and purchasing cigarettes,

which you have to be 18 to do in any convenient store all around, engaging in drug-related activity, selling drugs. Ms. Richardson first met her when she was acting as an exotic dancer in an after-hours club that she was engaged in sex acts in public at an after-hours club, involving things that not only with someone who appeared to be an adult, but was acting like an adult. So there's a chronological age that comes into play here, and there's a physiologically agent, behavioral agent, when someone is acting like an adult and they look like an adult and when you're in that part of society where you're at an after-hours club, and there's alcohol and there's drug abuse and sex acts going on in front of lots of people, if you're in that environment, too, admittedly

As a response to portraying the underage victim/survivor as appearing adult-like or engaging in adult-like behavior, it appears as though the prosecution is quick to remind the defense that children can appear physically mature but are not emotionally mature. The prosecution also continues to remind the defense that the temporal mismatch between physiological and emotional mature is why sexual consent laws exist.

Prosecution: He was promoting the fact that the child physiologically didn't look like a minor, but chronologically she was. I think, having been a prosecutor for 24 years, I am pretty sure that would be the purpose behind crimes that have statutes of ages of consent, because children physiologically may develop quicker than they do

mentally, so there's purposes in why we pass these laws, and that's why we're here for things such as we are.

**The Consumer.** The final key individual represented within the court transcript is that of the consumer, commonly referred to in the literature as the “john” (referred to as the consumer in holding with feminist epistemology that removes gender bias). There were very few examples of consumers mentioned within the analyzed court transcripts, even fewer of the consumer actually being called as a witness to speak of DMST. Although the analyzed transcripts rarely mentioned the consumer, there are two differing aspects of consumer portrayal that can be gleaned from the narratives. The first aspect of consumer portrayal is that of a violent individual, who treats the commercial sex worker roughly. The second aspect of consumers being mentioned within the court narratives is having their role in DMST dismissed, not holding complicity in the perpetration or continuation of DMST.

The first aspect of consumer representation within the analyzed transcripts is that of violence, using weapons and treating the victim/survivor with physical abuse. In the dialogue below, the victim/survivor identifies that the consumer had a knife and “continued to rape [her]”.

Prosecution: When you were on an appointment in response to a Backpage ad, did anything of violence or scary happen to you?

Victim/Survivor: There was one time a guy wedged a chair in the door of the hotel room and had a knife and continued to rape me. And then the second time someone held me down and came inside

of me and didn't use a condom in the hotel room. Those were the two, like, violent times.

Prosecution: Did you routinely use a condom when you engaged in a sexual act for money?

Victim/Survivor: Yes.

Prosecution: Why first?

Victim/Survivor: Because diseases and it's disgusting.

In addition to being represented as violent and abusive, the consumer generally had their role dismissed by agents of the court. In the dialogue below, the victim/survivor, SJ identifies that she engaged in commercial sex with Chip for the benefit of the defendant AW on at least two occasions. The prosecution then goes on to interview Chip, the consumer where he admits to purchasing time with the underage victim/survivor. He then states that he is a registered sex offender having been previously convicted of, and serving jail time for, corrupting a minor.

Prosecution: Do you recall a customer named Chip?

Victim/Survivor: Yes, I do.

Prosecution: Was Chip on the list that you identified?

Victim/Survivor: Yes.

Prosecution: Did you meet him for sexual acts?

Victim/Survivor: Yes, I did.

Prosecution: Do you remember how many times?

Victim/Survivor: A few, a couple.

Prosecution: How did you get there?

Victim/Survivor: AW drove me.

Prosecution: Okay. And how old are you, Chip?

Witness: Turning 50 in January.

Prosecution: And what is your education?

Witness: High school graduate and some college, couple years of college.

Prosecution: Did you have any girls that came to your house?

Witness: Yes, I did.

Prosecution: How many times?

Witness: Twice.

Prosecution: And was it the same girl or different girl?

Witness: This was the same girl.

Prosecution: Okay. And do you know how she got to your residence?

Witness: She was dropped off.

Prosecution: And after her time was completed at your residence, how did the person know to come back and pick her up?

Witness: She called the other person back at this time. I don't recollect whether she used a cell phone or my phone.

Prosecution: Chip, have you had some contact with the law in terms of being in trouble for something?

Witness: Yes, I was in trouble back in 1999.

Prosecution: For what?

Witness: Corruption—

Prosecution: What were you convicted of?

Witness: Corruption of a minor.

Prosecution: You were convicted of corruption of a minor?

Witness: Yes.

Prosecution: Was there more than one count?

Witness: Yes, there was two counts.

Prosecution: Can you tell us what your sentence was on those counts?

Witness: I had one count suspended. One count, six months, county work release, and I'm a registered sex offender.

Within the analyzed transcripts, there were other consumers evident within the narratives. In the dialogue below, the witness, a federal law enforcement agent states that the consumer in question could be considered a “good Samaritan” for bringing the situation to the attention of police after he had engaged in commercial sex with an underage victim/survivor.

Defense: Okay. And that was when you indicated that you interviewed a male who alleged to have actually been a customer of these services?

Witness: That is correct.

Defense: Okay. Was this male somebody who was in the FBI's custody?

Witness: No.

Defense: Was he -- did he -- was he someone who just came in off the street?



Witness: Yes, he did. He contacted a detective, Cleveland police detective, who referred him to us.

Defense: All right. So do you know whether or not he had any involvement with law enforcement at all before he was put in contact with you?

Witness: I do not know that.

Defense: Okay. Do you know whether or not he was trying to barter this information for a favor in a criminal case against himself, either from state court or what have you?

Witness: Yes, I do.

Defense: Okay. And what do you know about that?

Witness: He is under no investigation whatsoever.

Defense: So would you characterize him as just a good Samaritan then?

Witness: In this matter, yes.

Defense: Okay. Do you know if he is getting paid for the information he is providing?

Witness: He has not been paid anything for this information.

Defense: Do you know if he is seeking payment for information?

Witness: He has not requested any money for this.

### **Change across Contexts**

**The Power of the government.** The data identified that the primary context pertaining to exploitation was that of the prosecutions interpretation of the events of what transpired. While there were numerous circumstances to choose from regarding exploitation, financial partnerships, consensual relationships; these constructs were

secondary to the charges that were filed, on behalf of the government, by the prosecution. Within almost every case, the defense attorney remarked on the power given to the prosecution to dictate events, file charges and label co-conspirators.

In the narrative below, the prosecution proposes initial Voir Dire questions, the questions that determine prospective jury members.

Prosecution:

Proposed Voir Dire:

This case will include testimony and evidence about prostitution, including the prostitution of girls under the age of 18. Are there any members of the jury panel who believe that prostitution should be legalized?

Do any of you believe that prostitution of minors – that is prostitution of girls under the age of 18 – should be legalized?

The defense, in response, challenged the way in which the preposition *of* was used, and outlined how it can potentially alter the perception of how the defendant and victim/survivor came to be involved, their relationship. The defense continues on to outline the power of the preposition *of* and how it may influence the entire case beginning with jury selection.

Defense:

Proposed Voir Dire Response:

AW also objects to question number 3 proposed by the government. It currently reads: “Do any of you believe that prostitution of minors – that is prostitution of girls under the age of 18 – should be legalized?” (emphasis added). It is not the subject of the question to which AW objects, but to

the form, which is anything but neutral. That question should more appropriately read “...prostitution by minors – that is prostitution by girls under...” because if read the way it is written the jury will assume that the prostituting was done by someone over the age of 18, like the defendant, when that is actually one of the elements the government must prove at trial, so a Voir Dire question should not be worded to create an impression of what the evidence is going to establish as a fact.

The government will attempt to prove that an underage person was forced or coerced into prostitution, but the jury should not start the Voir Dire process with that assumption in their minds.

The same Voir Dire question was used within multiple trials, but was only challenged during this one particular time. The use of the particular preposition *of*, generally went unnoticed and was a part of the prosecution’s construction of events explaining what occurred during and around the time of DMST.

The defense, in addition to the use of the preposition *of* within the Voir Dire, identified that the prosecution had the power to dictate if consumers were complicit within the DMST episode.

Defense: So as it relates to just investigating the case, doing the gumshoe work, getting out in the community, trying to interview individuals who may know something about the allegations themselves, including, quite frankly, the customers in the prostitution ring, there are a myriad of johns, for lack of a better term, that were visiting these young ladies and doing appointments with these young ladies. Every one of them, if

these women were forced into that, are a potential coconspirator. But the government hasn't chosen to bring cases against the johns who are involved in prostitution with women who are being forced into it.

And suggested that the US Attorney's office may have power that exceeds even that of the federal court system.

Defense: Yet the FBI and the United States Attorney's Office and the task force officers, they have ultimate discretion. They have this huge amount of power. Power that may even go beyond the power of the Court to say, "Don't worry, you're not going to be charged." Plus, Your Honor can't issue an indictment against her. We can't issue an indictment against her.

But they can use their discretion as law enforcement officers to say, "Hey, you're on our side. You will be on our team. And we won't bring charges against you."

The defense even suggested that the prosecution, the government dictates if a business is knowingly profiting from a business, like backpage, a website mentioned in nearly every analyzed DMST trial

Defense: ...I think important to note about that is what I began with, and that is that backpage.com is a website, like Craigslist or any other type of website, where services are being offered over the Internet that has not been shut down by the Government, has not been prosecuted as a complicitor by the Government. They have not alleged backpage.com has not done anything at all.

**Defining victimhood.** In addition to the defense observation regarding the power of the prosecution in defining DMST, the defense, in almost every trial, raised issues regarding the defining of victimhood. In this narrative, a member of the FBI defined an adult woman as a victim/survivor herself, although she worked with DMST victim/survivors and packaged drugs for sale. This, she states was against the law, and she knew she was committing criminal acts, but would face no repercussions based upon the FBI's determination.

Defense: And to whom did you talk to?

Witness: Agent Kelly Liberti.

Defense: Did she tell you, for instance, that you were being talked to as a witness -- or as a witness victim?

Witness: Yeah.

Defense: Okay. She, in other words, didn't tell you that you were being talked to as if you had broken some law?

Witness: No.

Defense: Correct? Is that correct?

Witness: Yeah.

Defense: Okay. In fact, she told you that you wouldn't be charged with anything in this case? Witness: Yeah.

Defense: Now, you, of course, know that it's against the law to prostitute, correct?

Witness: Not if you're forced.

Defense: Okay. Do you know it's against the law to weigh drugs?

Witness: I got clean.

Defense: Okay. So then it is your thought then that nothing you did over there was against the law?

Witness: Oh, I'm not saying that.

Defense: What are you saying?

Witness: I broke the law

Defense: Okay. That's what I'm asking you. You know you broke the law over there correct?

Witness: Um-Hum

Defense: And you're not going to be prosecuted for that? That's your understanding, is that fair?

Witness: Yeah.

In a similar narrative, the witness, a law enforcement agent *told* adult women, who worked with juveniles involved in prostitution, that they, as well, were victims of a crime.

Defense: Well, did you threaten these adult female prostitutes that they could be criminally responsible if they were involved in the juvenile prostitution, in assisting with the juvenile involved in prostitution?

Witness: No. I specifically told them they were victims of crime.

Defense: You knew they were victims of crime, even though they were adults at that time?

Witness: That's correct.

The narratives pertaining to power indicate that the context of exploitation as well as the definition of victimhood may be a secondary consideration to that of the prosecutions, the government's construction of events. The data suggests that the defense believes that there is an asymmetric power differential between the government and that of the defense.

### **Cultural and Structural Conditions**

Within the analyzed court transcripts, there were numerous mentions of structural and cultural conditions; however, they were generally not overtly identified as contributing influences pertaining to DMST. The primary condition mentioned outwardly as a contributing factor was that of an unstable family situation. This condition, according to the agents of the court, held influence in the lives of both the defendant and the victim/survivor. However, there were many mentions of structural and cultural conditions that were covertly (rather than overtly) mentioned as holding influence in DMST.

**Poverty.** The most obvious structural and cultural condition was that of poverty, and using DMST as a method to exit and/or improve upon impoverished circumstance. This theme was recurring throughout all analyzed court cases (except for the two which were in fact, government run sting operations). In the monologue below, the defendant reveals that she was using DMST as a way to “pay the bills”, and to “survive” (assuming economically) and that she was unable to earn gainful employment.

Defendant: I'm not a person that just, like -- like I'm not a criminal person. I mean, what I did is, like, I guess it was just my way of trying to survive. I had a job. I got - I was trying to be careful and keep us all safe. All we wanted to do was pay our bills. This is what we did, and

it was wrong, but we did it. I mean, I tried to -- I wasn't making millions, not even thousands. I was just making enough to pay the bills, because I couldn't get a job, and I tried to get a job. I love working a 9:00 to 5:00. I would love to.

In examining the discourse the defendant used to describe the impoverished circumstance, she eludes to the fact that DMST was not just a method for her as an individual to escape impoverished circumstance, but that she may have included the victim/survivor as privy to those methods as well. The defendant begins by using the singular *I* as in “what I did”, but then proceeds on to switch to using pluralized words such as *us* and *our*. One can see this when the defendant refers to everyone involved when she stated, “keep us all safe” and “pay our bills”. At the end of the testimony, the defendant returns to employing the singular form of words with “I was just making enough”, “I couldn't get a job” and “I love working”.

In a second example, the prosecution's trial brief outlined that a defendant was “desperate” for money, so much so that he sold a 16-year-old girl for three hundred dollars.

Trial Brief: In the statement, Defendant admitted he knew SJ was 16 years of age, that he knew CW (whom he knew as “Marie”) was a madam, that Defendant agreed to sell SJ for \$300, and that “Marie” wanted to use SJ for sex. Defendant said he had sold SJ to the madam because he was “desperate” for money.

In this final example of poverty being revealed as a structural, contributing factor, a witness outlines how homelessness may have influenced the defendant's decision to



engage in DMST related enterprise. Within this example, there are two co-defendants, a male and a female. It appears as though the female was working as an exotic dancer, which turned to prostitution for financial benefit of both parties. It is important to note that the female in this statement is not a victim/survivor, she was a co-defendant who was also charged with DMST.

Witness: She was employed as a stripper on the east side of Cleveland. She befriended a couple of prostitutes that she worked -- at least one of the prostitutes that she worked with at that strip club. About a year and a half ago, she began prostituting herself to raise money for her and Mr. EM to sustain themselves. They resided at the [redacted] Street, and that's the residence of Mr. EM's mother. That house eventually got foreclosed on, and they have been homeless since that time, about a year and a half. About that time she began prostituting herself to raise money. She had been living out of his sports utility vehicle, as well as hotels throughout the area.

**Drug addiction.** In addition to poverty as a structural condition, drug addiction and/or the usage of illegal drugs are also covertly mentioned as a structural and cultural condition holding influence for DMST. Drugs can be considered as both a structural and cultural condition as the transcripts identify that, at times, they begin legally within the public health system (structural) and then become illegal when prescriptions run out. Drug addiction or usage then turns to the street or informal economy (cultural) where they are continued. As evidence of this, in this particular case, the victim/survivor had an emergency caesarian section for childbirth and was prescribed opiates by a medical

professional. When her prescription ran out she began to use heroin, as it was less expensive than purchasing illegal prescriptions.

Victim/Survivor: I had an emergency C-section with my daughter and they prescribed me pain pills. And that was the first time that I ever took any type of narcotic. And I liked it. And eventually my insurance, my deductible, I had to meet another deductible so I couldn't afford my pain medication anymore because they -- well, they prescribed it to me for the C-section. And then I ended up getting it prescribed to me after. And I couldn't afford it anymore because of my insurance. So then I started buying them illegally on the streets. And I kind of just got to know people who knew people. And when you, you know -- when you're involved with those kind of people, you know, they're involved with other kind of people that have other drugs. And you just eventually find out that heroin's cheaper and it lasts longer. And so I eventually, you know, turned to that.

Prosecution: Tell me what it feels like for you when you use heroin, shooting it. What's the high like?

Victim/Survivor: It just takes you out of your body. It almost feels like you just—it just relaxes you and kind of numbs you out.

Prosecution: Tell me the opposite end of what it feels like when you start to come down from the heroin?

Victim/Survivor: You just feel kind of—withdrawal? Or just come down?

Prosecution: When you first start coming down from heroin.

Victim/Survivor: You just feel tired.

Prosecution: Now, what's the difference between that and withdrawal from heroin?

Victim/Survivor: Withdrawal is you shake. You have hot sweats, cold sweats.

Your nose runs. You can't sleep. You have restless leg

syndrome. You feel like your body just can't stretch enough.

You sweat a lot. Depending on the person, you could vomit or have, you know, diarrhea. It's just bad. Shakes. Trembles.

Prosecution: Did there come a time during your heroin use that you started to use another drug in connection with the heroin?

Victim/Survivor: Yes.

Prosecution: What other drug did you begin to use?

Victim/Survivor: I would shoot cocaine also.

Prosecution: And what was the purpose of using cocaine with the heroin?

Victim/Survivor: To stay awake.

Prosecution: Why would you need to stay awake?

Victim/Survivor: To work and make money.

In addition to just being identified as a contributing influence to DMST, the dialogue that the prosecution and the victim/survivor engages in, seems to identify that drug use eventually becomes cyclical and can increase to involves additional drugs. After having given birth and become addicted to heroin, the victim/survivor seems to speak of

the withdrawal symptoms with fear and that she will work to avoid them, even taking cocaine so that she can stay awake “to work and make money.”

**Race and urbanicity.** Race and/or urbanicity, reflecting cultural and structural conditions, were never directly mentioned as a contributing factor to DMST. Court transcripts indicate that there were a total of 27 defendants represented in the 15 cases of analyzed DMST. These defendants were predominantly African American (18 defendants), male (16 defendants) and between ages 21 and 69. It is important to note that two defendants were of German descent and did not have their races made evident.

In addition to the demographics of the defendants, court transcripts identified covert racial suggestions pertaining to evidence. In the below example the witness, a law enforcement official identifies the titles and authors of several books found via search warrant within the defendants house.

Witness: What we have here is Exhibit 13. It’s a book, it’s called—  
it’s Iceberg Slim, and the name of the book is Trick Baby.

Prosecution: Okay.

Witness: And then item four is another Iceberg Slim book Airtight Willy and Me. Item 15 is an Iceberg Slim book, and it’s called Pimp. Item 16 is a—is another Iceberg Slim book, and it’s called the Naked Sole of Iceberg Slim.

Additionally, the same witness continues on to describe the contents of a search warrant pertaining to the defendant’s vehicle. Within the narrative the witness describes written rap lyrics and business plans.

Witness: When we searched the vehicle these are also the contents from the trunk of that vehicle, the Cadillac. 80 is a notebook that has a lot of rap words in it. Some of them are talking about pimping on that one, and then item 81 is a black composition book, and then there's tagged items there. Again, it's—it's rap lyrics that talk about prostitution and pimping. Exhibit 82 is just a regular notebook. There are tab—there are a lot of drawings in there that talk about an escort agency, a cleaning service, a naked cleaning service. It's almost like somebody was writing out a business plan on this.

Prosecution: Came from the car?

Witness: Came from the vehicles trunk. And then Exhibit 83, which also came from the trunk, is just rap lyrics talking about pimping and prostitution.

To explain the link between urban and/or African American culture and crime, the prosecution calls a witness to speak specifically to rap, clothing and jewelry worn by individuals who participate in “pimp culture”.

Witness: So there's a vocabulary in and of itself amongst the pimp culture.

Prosecutor: Some of these markers or identifiers would include things like rap lyrics?

Witness: There are a lot of rap lyrics that glorify the pimp lifestyle.

Prosecutor: And pictures?

Witness: Yes, there's photographs that would do that as well.

Prosecutor: Items of clothing?

Witness: There are items of clothing, I mean, typically what we've both seen on some occasions are very colorful clothing, very—very extravagant jewelry, things of that nature.

Within one case, the defendant, identifying as having seen covert racism during trial, verbally addressed this during his sentencing. During his monologue, he identified not having an urban or African American individual on the jury, and accused the agents of the court of having singled him out as the case involved a “black man” with a “white girl”.

Defendant: This was a Jim Crow investigation, This was the kind of trial that was held before there was civil rights, a black man accused of a heinous crime against a white girl who lied about her age and identity, had jungle fever and was scared to get locked up until she was 21 for running away again after she had been given chance after chance. This was her last shot. Instead of taking responsibility for her own actions the blame was shifted, with the encouragement of the Federal Task Force of Northwest Ohio Violent Crimes Against Children. I had an all white jury from rural Ohio, not one urban white person, not one black person.

Within the cases, there was one defendant, a Caucasian woman who was, according to the judge, given different treatment. Within this case, the female chose to plead guilty to the charges as filed as part of a plea deal so as to avoid further and potentially more intense charges for something that occurred.

Prosecution: The defendant agrees to plead guilty to the Information in the case, which the Court has gone over. The United States agrees not to bring any further charges against the defendant for criminal violations that are now known to the U.S. Attorney's Office at the execution of the agreement, or for anything that was pointed out by the defendant in the proffer that took place I believe in December of 2012.

Upon pleading guilty, and pending sentencing, the defendant was released on bond to her own accord, a very unusual move involving a case of DMST according to the court.

The Court: You heard Mr. Moroney say he's never had a case with these charges where the defendant has been released. The Court is releasing you because of the unique circumstances in your case. You have cooperated fully and the Court has -- the Government has acknowledged that. You have good counsel who has been involved in your case throughout. And so, the Court, under these circumstances, finds it appropriate to release you and I am instructing you to fully follow all the conditions of your release. ...All right. If there's nothing further, the defendant will be released once she completes the bond papers.

The Caucasian female was released on bond. She was not convicted of the more harsh charge of §18.1591 sex trafficking of a minor. She pled guilty via the plea deal to violating §18.2423(a), transporting a minor with the intent that the minor engage in

criminal sexual activity. She was sentenced to 36 months of prison with five years of supervised release. This stands in contrast to the more harsh charge, which holds a ten-year minimum federal sentence.

**Locations.** In addition to race, the locations associated with DMST, a structural condition, were mentioned as a contributing factor. Internet-based sites for commercial sex, such as the website [backpage.com](http://backpage.com), were evident in every court narrative pertaining to DMST.

Defense: In the first statement in the affidavit in support of the search warrant, the agent indicates that they received information from a confidential source that a person known to the confidential source as P but later identified by the agents as PR was operating a prostitution ring out of her home. She alleged that the person was advertising on [backpage.com](http://backpage.com). [Backpage.com](http://backpage.com) is a commercial Internet advertising source that is not illegal. It is a source where people advertise escort services –

The Court: You can advertise for prostitution on the Internet?

Defense: No, you cannot advertise for prostitution on the Internet. What you advertise the Internet is for dancing services, or escort services, or massage services. Nobody can blatantly go on the Internet and advertise that they are offering themselves as prostitutes or for prostitution. In fact, this has been a big thing in the media lately, where [backpage.com](http://backpage.com)



has come under fire because, quite frankly, a lot of what -- and Backpage is a multi-million dollar business, they make tens of million dollars a year nationally, people putting advertisements online under the auspices of being an escort service or massage service or providing exotic dancers, where in actuality a lot of these advertisements lead to a lot of prostitution taking place.

The defense outlines that backpage.com is a website that hosts advertisements for commercial sex. According to the defense, the website backpage.com earns millions of dollars a year hosting advertisements for commercial sex and that one cannot actually advertise "prostitution" on the Internet and instead advertise it under different services. At one point, the prosecution subpoenaed the custodian of records for backpage.com to explain what the website is, and what their job entails.

Prosecution: And tell us who you're employed by?

Witness: Backpage.com

Prosecution: How long have you been employed by Backpage.com?

Witness: One year.

Prosecution: And tell me what you do there?

Witness: Custodian of records.

Prosecution: What does that entail?

Witness: Basically what I do is provide records for law enforcement based on subpoenas that we receive.

Prosecution: And how are those records kept or stored at the Backpage facility?

Witness: Electronically on servers.

Prosecution: Where is your physical office for Backpage.com located?

Witness: Dallas, Texas.

Prosecution: This is an internet business; is that fair to say?

Witness: That's correct.

Prosecution: And are you aware of where the Backpage.com servers are located?

Witness: They are in Arizona.

Prosecution: You mentioned that part of your duties or responsibilities are to compile records pursuant to a subpoena for law enforcement?

Witness: Correct.

Prosecution: And on occasion have you had to testify regarding those records that you've provided to law enforcement?

Witness: Correct.

Prosecution: And how often or how frequently do you respond to subpoenas to testify?

Witness: As far as testifying, it might be two or three times a month, as going out to testify. But subpoenas, daily.

Prosecution: All right. So in fact, subpoena compliance takes up or is your entire job; fair to say?

Witness: That is correct.

The custodian of records testified that the majority of their position has to do with law enforcement subpoenas pertaining to commercial sex, and it is assumed DMST.

However, the defense carries on to identify that the prosecution, the government has not identified the website as complicit for DMST.

Defense: ...I think important to note about that is what I began with, and that is that backpage.com is a website, like Craigslist or any other type of website, where services are being offered over the Internet that has not been shut down by the Government, has not been prosecuted as a complicitor by the Government. They have not alleged backpage.com has not done anything at all.

The data within these findings indicate complex layers of tension revealed throughout the court narratives. This tension goes beyond the astriction of proving or defending against responsibility for DMST; it reveals a particular and deliberate framing of the issue. The agents of the court demand and rely upon a specific portrayal of agency and responsibility for DMST while at the same time negating the overt influence of racial, structural, cultural, and contributive conditions that hold complicity within the situation. There appears to be, within the analyzed cases, disproportionate racial demographics pertaining to the defendants, strongly favoring urban, African American men in their mid-twenties to mid-thirties. Additionally, pertaining to the victim/survivors, all but white females seem to be invisible within the narratives. There also seems to be near-absence of consumers and other complicit agents as they pertain to DMST. One must acknowledge that court narratives are constructed central to the defendant and as such will generally be framed around their prosecution or defense. However, within these court cases, it seems what is not said about DMST may be just as important as what is said.

## CHAPTER V

### DISCUSSION

This exploratory dissertation was never intended to stand alone within academia; it was conducted in the tradition of critical theory so as to establish a base from which further interventions and advocacy material could be drawn. The questions pertaining to this dissertation were quite often written containing the word *portrayal*. The word *portrayal* was used within the research questions to specifically acknowledge that data contained within the court narratives were not unbiased and were, in fact, constructed in such a way to centralize the stories around the defendant so as to gain or defend against a conviction. Due to this, one could not depend on any one narrative, or even combination of narratives, to adequately relay the lived experiences of those associated with Domestic Minor Sex Trafficking (DMST). In short, the word *portrayal* was used because the narratives were spoken with an intent to seek justice through the courts as it relates to DMST. In the following sections, each research question is addressed through a synthesis of the findings. Additionally, this dissertation quite often relied on items that appeared absent from the narrative just as much as items that were evident in the narrative. This was done specifically to understand why and how DMST occurred and how differing testimonies combined to co-construct a particular narrative about DMST.

Popular discourse identifies DMST as a stand-alone issue, a social ill in and of itself. These data, in contradiction to common interpretation, suggests that what we call DMST is, in actuality, resultant from numerous other social issues and not a stand-alone problem. While the systems approach (Senge, 2006) to sex trafficking acknowledges the complexity of the situation and departs from the traditional linear interpretation involving solely the trafficker and the victim/survivor; it does not sufficiently explain the subtle complexities and factors that establish the parameters and the lifespan of the crime.

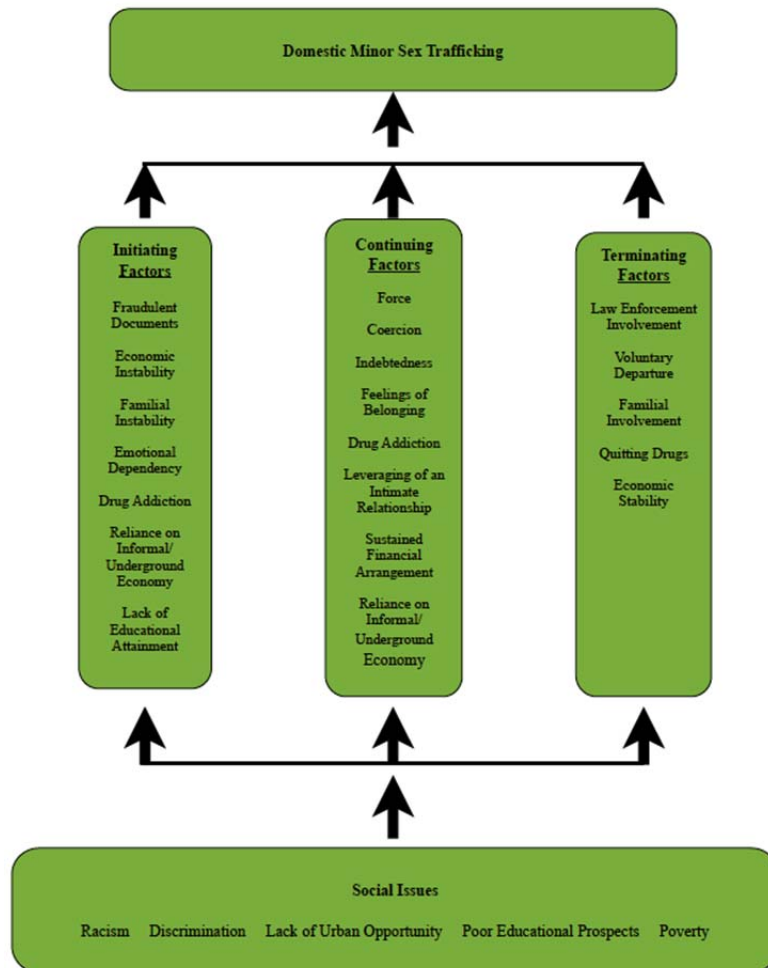
The systems interpretation to sex trafficking lays the framework for understanding DMST but loses focus when describing *why particular people* get involved instead of others, *why the crime continued*, and *how it ended*; in short, the specifics. The analyzed data revealed a number of factors involved that, within the literature pertaining to the subject, have yet to be combined into a cohesive unit. The systems approach identifies that demand, the consumer, who initiates the cycle of sex trafficking by establishing a financial incentive to exploit others. The trafficker then answers that demand by gaining access, or by recruiting underage victim/survivors so as to provide commercial sex. But why do both the trafficker and victim/survivor find themselves vulnerable to responding to the financial incentive to be involved in such a crime?

There were a number of factors that were outlined within the court narratives that, once temporally ordered, identified a consistent beginning, middle and end to the situation. To organize the interpretation, these will be referred to as *Initiating Factors*, *Continuing Factors*, and *Terminating Factors*. The *Initiating Factors*, or why certain individuals appear to become involved as a victim/survivor, or trafficker, were consistent across cases; these included the use of fraudulent documents, economic and familial

instability, emotional dependency, drug addiction, reliance on the informal or underground economy, and lack of educational attainment. The data identified that when an individual was subject to, or subjected to, one or more of these factors, the factor(s) acted as a triggering condition for the individual's involvement within the DMST system. It is important to note that these triggers do not just pertain to the victim/survivor; they are also supported by the direct testimonies of how and why the defendant became involved within DMST. Some of the individuals within the court narratives were affected by multiple factors (e.g. financial instability and familial instability), but the data did not exhibit any sort of compounding effect wherein being subject to multiple factors made the incident or their involvement somehow more severe.

Once the victim/survivor and the trafficker were brought into the DMST system via the *Initiating Factors*, the question was often asked by the agents of the court, why did they continue on in their lot? None of the cases involved direct or long-term confinement, abduction, kidnapping or international/transnational organized crime, but there were reasons that the victim/survivor and the trafficker remained within DMST. *Continuing Factors*, or why both the trafficker and victim/survivor did not leave, was similar to the Initiating factors in that it was consistent across the cases. The victim/survivors remained due to physical force, coercion, indebtedness, feelings of belonging, drug addiction, the leveraging of an intimate relationship against them and/or their reliance on the informal or underground economy. The traffickers remained within DMST due to their reliance and profiting within the informal or underground economy. The ending narrative of the analyzed cases, similar to both the *Initiating Factors* and the *Continuing Factors*, was consistent across the cases; the reasons DMST stopped will be

referred to as *Terminating Factors*. The *Terminating Factors* for the victim/survivor included law enforcement involvement, voluntary departure, familial involvement, quitting drugs, and coming into a period of economic stability; for the trafficker the end within these cases was always law enforcement involvement.



**Figure 7.** Contributing Factors Resulting in DMST

### Central Research Question

*How do federal court narratives pertaining to domestic minor sex trafficking (DMST) portray elements of force, fraud, and coercion within the State of Ohio?*

The central research question of this dissertation inquires to the portrayal of the central elements of the crime of DMST at the federal level in Ohio, those being force, fraud, and coercion. Generally, the analyzed transcripts portray a fairly multi-layered concept of physical force, relying on verbal descriptors and testimony rather than physical evidence such as hospital reports or photographs. Quite often the word “force” was used to describe the antecedent period or condition in which some action occurred causing compliance within the victim/survivor. This concept of force-without-definition is evident in the narratives. It is not uncommon to see a witness, sometimes, though not always a law enforcement officer, state that the victim/survivor was *forced* to perform on a consumer without elaboration on the level of force, type of force, or imply how that force would be issued. Cooperating witnesses’ narratives may be included as evidence of their experience of physical and mental abuse. However, these narratives address the characteristics of force often in the form of a threat of bodily harm. Such arguments then get directly at the nature of the sex trafficker and victim/survivor relationship. There is an indication of elements of force, as in “She did not want to do it. There were threats made against her.” These meet the definition of threats to bodily harm.

So, in answering the first aspect of the research question regarding the portrayal of force in DMST trials, it seems that the general lack of the portrayal of physical force, what is *not* said regarding physical force can be just as important, or even more important than that which *is* said. When one dissects the financial link between defendant and victim/survivor it is reasonable to imply that the use of physical force, or rather, the physical impressions left by physical force would be counterproductive to DMST as a form of income. It is, at times, easy to forget that DMST is not necessarily a situation of



emotion, or anger, but one of earning an illicit form of income, an illegal business. That being stated, if the product (the victim/survivor) is damaged, abused or physically unattractive, the consumer may be less likely to purchase their time or services, or engage in repeat business.

Siddhartha Kara (2010) outlined that a well-connected sex-trafficker can potentially earn up to \$500,000 USD in income yearly. His model of sex trafficking assumes a workforce of 8 trafficked individuals each performing 10 sex acts per day. Each commercial sex worker in his model results in a net profit of \$74,850. It is highly doubtful that any of the defendants within this data earned Kara's (2010) estimated \$500,000 dollars per year as evident by the impoverished conditions in which they were living. However, Kara's research suggests that the potential loss of income from physically abusing one's product could negate physical force as an acceptable method of control. This may in part explain why actual physical force was not a major part of the portrayal or construction of DMST throughout the trials. The physical manifestations (e.g. scars, bruising) resulting from abuse may be bad for business; a marker that signals to the client a level of unwillingness to perform on the part of the commercial sex worker, therefore, physical force may not be employed as much as the other elements of control.

The second element of DMST, fraud, was often portrayed within the analyzed court narratives as an initiative factor for DMST, enabling underage victim/survivors access to an adult world, or as a method of concealing the actual identity of the victim/survivor from the outside world. These aspects of fraud are not what are intended from the legal perspective pertaining to DMST. The judicial term fraud is reserved for

false job offers such as the promise of legal employment e.g. modeling that turns into DMST. However, in the analyzed cases, there were no such fraudulent job offers evident.

According to the literature, fraud, as it pertains to DMST, generally involves a promise or arrangement of employment within the formal economy, which is then reneged upon so as to forcibly substitute a position within the informal (illegal) economy. This process often involves migrant workers, or similar individuals without a legal status or support structure to remove themselves from the situation. In order to initially recruit the individuals to be exploited the traffickers, in order to employ fraud, must have access to the formal economy so as to establish a believable business front. In short, they must have the initial capital to convince someone that a legitimate job offer exists. The defendants in the analyzed cases had little to no access to the formal economy or any sort of financial capital that could be used to establish such a front. All sex traffickers existed in situations of poverty that had spotty employment in the minimum wage, service industries. As such, fraud as it exists in its legal intention, would most likely not have been an option as a mechanism of control for the defendants.

Coercion, the third element of DMST, was a much more evident control mechanism within the analyzed court transcripts than that of force or fraud; it was portrayed within the cases as being the preferred method of control exerted by the trafficker onto the victim/survivors. In keeping with the financial rather than emotional aspects of the situation, coercion may be portrayed more often within the cases, as it may constitute a much larger part of the control mechanisms used within DMST. Revisiting the connection involving commercial sex and finance, coercive control may make more monetary sense as it may not leave any lasting physical evidence, and would not be

apparent to the consumer. In addition, coercion does not require access to the formal economy or initial capital so as to generate fraudulent job offers.

Coercion was postured differently in the federal transcripts than that of physical force or fraud. Whereas the application of force or fraud could be proven through physical evidence, coercive methods of control could not. Because of the lack of physical evidence pertaining to coercion, the agents of the court identified it as a state of being, such that it is possible to be held in servitude through mental, emotional or addictive methods. The tactics of intimidation, illegal drug use, and/or the brandishing of weapons were portrayed as creating a culture of fear that could, potentially, be far more damaging than that of physical abuse. The most often used portrayal of coercive control was the initial “gifting” of something to inspire subordination through reciprocity.

According to Cialdini (2006), one skilled in the use of coercion can employ the *reciprocity rule*, a compliance tactic wherein an individual initially and preemptively gives an object of value. The recipient is then socially expected to repay. The data identified the portrayal of the reciprocity rule in action with the case of JM, who was initially offered free cocaine, generating a feeling of indebtedness. The victim/survivor even stated, “*I felt like I owed him*” as an explanation for engaging in sexual activity. Not all cases were portrayed as involving the gifting of drugs so as to generate a feeling of indebtedness within the victim/survivor, at times it was a place to stay, or affection that was initially given.

Coercion was portrayed as the most frequently used method of recruitment and control. It was shown as being issued by the defendant, a stable authority figure, onto the victim/survivor, an unstable subordinate. Coercion was generally portrayed or proven by

the agents of the court by establishing that the defendant used some aspect of reciprocity, which included the initial “gifting” of a valued item or state of being so as to elicit a feeling of indebtedness within the victim/survivor.

Beyond force, fraud, and coercion as just being part of the control mechanisms used against the victim/survivor, the question remains, why are these particular elements of control a part of the process? At its core, DMST is a crime involving economics. Sudhir Venhatesh (2009) outlined in his analysis of the underground economy of the urban poor that individuals reliant on informal economy will economically survive, be it through legal or illegal means. Most of the individuals represented within the analyzed court narratives did not have access to the formal economy and as such were at a serious disadvantage when it came to generating the economic capital necessary to flourish. Poverty is not an excuse for engaging in DMST, but it is a powerful motivator for engaging in illegal business and DMST happens to represent a significant moneymaker for the individuals involved.

The defendants within the cases did not simply wake up one morning and decide to profit from systematic human rights violations—there was most likely a “context” to their actions and identities (Moje & Martinez, 2004). Within their narratives, they identified the desire for upward economic mobility while living in areas without economic development or economic opportunities. The narratives surrounding the defendants revealed that using force, fraud, and coercion seemed to be part of the “*hustle*” of establishing their business. In short, the data revealed that the defendants turned to methods of control to economically survive, seeming to create their own economic opportunity.

From a business perspective, sex as a saleable commodity represents higher profits and lower risk than do drugs, guns or theft. Physical items are a fixed commodity and can only be sold once requiring the individual to constantly engage in criminal behavior in order to earn a living whereas a person can be sold for sex, a service, repeatedly. A business model consisting of drugs, guns and theft may not be economically prosperous for the urban resident as it requires a significant outlay of financial and physical capital to build an inventory, and there is a small customer base for such items with limited prospects for long-term and/or repeat business. Sex trafficking however, represents a repeatable commodity with little initial financial investment, large customer base and numerous prospects for repeat business (Bales & Soodalter, 2009; Kara, 2010; Skinner, 2008).

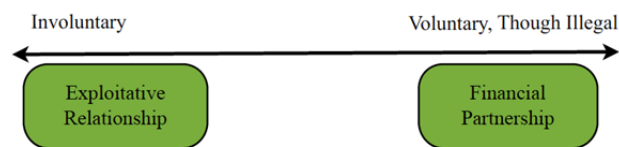
### **Sub-Question 1**

*How is the relationship between trafficker and victim/survivor depicted in federal court narratives pertaining to DMST?*

As a criminal business model, DMST is not a solitary crime; by its very nature it involves a relationship between the victim/survivor and the trafficker. The data within the analyzed court narratives suggest that, at times, the relationship between these two actors began consensually and then somehow “turned wrong.” In other circumstances the relationship was more of a financial arrangement with the defendant acting as an intermediary, a scheduling agent, with the victim/survivor as an equal partner in the criminal business model.

To help an outsider understand the complexity of the relationship between the trafficker and the victim/survivor, it is best to position that relationship on a continuum

beginning with the an exploitative romantic or sexual relationship involving the victim/survivor and ending with an equal and willing, although illegal, financial partnership between the defendant and the victim/survivor. Structuring the interpretation in a continuum in this way attempts to pursue a view of the relationship between trafficker and victim/survivor in an alternate manner to that of the court. Locating the relationship between trafficker and victim/survivor along a continuum is very similar to the construction of rape myth acceptance (RMA) in which instances of rape can be said to occur along a line, beginning with “typical” and ending at “atypical.” The further the attack moves along the continuum towards a stereotypical, atypical rape, the less the victim is believed while blame is simultaneously shifted away from the perpetrator (Franiuk, Seefelt & Vandello, 2008). While an outsider may think that DMST involves kidnapping, violence and other physically abusive crimes, the data pertaining to these particular cases did not reveal those situations.



**Figure 8.** Continuum of Trafficker and Victim/Survivor Relationships

The court cases were handled quite differently in consideration of the relationship between the defendant and the victim/survivor; the prosecution was more likely to structure the relationship toward the continuum ending in involuntary and exploitive conditions whereas the defense postured more toward voluntary though illegal end. When the defendant leveraged a romantic or sexual relationship against the victim/survivor, the discourse and lexicon used identified them as a *predator*, *intimidating* or as a *pimp*. This stood in contrast to the discourse and lexicon used in instances of a financial partnership,

which outlined that the defendant and the victim/survivor were *working* together. The differing words used in the situation did not in any way absolve the defendant from his or her crime, but there was an obvious difference in the way that the agents of the court structured the case, employed specific discourse, and positioned both the victim/survivor and the defendant.

Both relationship types, the romantic/sexual and the financial partnership, according to the data, appear to emerge from traditional social problems. When the relationships were temporally arranged with a beginning, middle, and an end, the data revealed that the initiating factors generally involved poverty, lack of opportunity, and familial instability. Underage stripping was a common starting point for the beginning of both types of relationships within the analyzed cases. While, at face value, underage stripping seems to be a social or emotional choice on the part of the victim/survivor, these activities are revealed through the victim/survivor narratives as a response to an economic motivation. The victim/survivors obtained false identification to strip, so as to earn money to escape from situations of poverty and/or earn money to support a drug addiction.

The data also identified that relationships were initiated when the victim/survivors were in economic and emotionally vulnerable conditions, having run away from situations of unstable family or foster care. These conditions, also rooted in poverty and instability, were similarly described by Williamson et al. (2012) as they examined sex trafficking by directly interviewing various victim/survivors of Ohio. Specifically, their research team found that before/during the initial entry into the sex trade victim/survivors experienced abuse and neglect, suffered from depression, dropped out of school, were in

proximity of individuals who purchased sex, and had friends that sold commercial sex.

The data within the court transcripts revealed that the relationship between the trafficker and the victim/survivor was terminated when the initial conditions were removed, or were no longer conducive to the situation. Generally the ending of the relationship involved police intervention to physically and emotionally separate the two parties. However, in several circumstances the victim/survivor was removed by family, or voluntarily removed herself from the situation. It seems, that outside of police involvement, when the parameters which sustained the relationship were altered or removed, DMST simply stopped. The ending of the relationship, the *Terminating Factors* included voluntary departure where the victim/survivor simply walked away citing the relationship was no longer what she wanted, when the family found the victim/survivor advertised for commercial sex online and intervened, going to pick up their child from the traffickers house, when the victim/survivor quit taking illegal drugs which removed that as a control mechanism, or when the victim/survivor found herself in a more economically stable situation.

Overall, the relationship between trafficker and victim/survivor was portrayed as incredibly complex and difficult for outsiders to understand. While traditional framing postures DMST more towards the “typical” end of the continuum, involving physical abuse, emotional vulnerability and the leveraging of a sexual relationship, some of the relationships were characterized more towards the financial partnership end. While this may contradict the stereotypical nature of “victimhood” within DMST, one must understand that for the victim/survivor, engaging in illegal behavior such as DMST may be the least undesirable choice amongst a series of undesirable choices that they face.



## **Sub-Question 2**

*How are key individuals within sex trafficking represented within federal court narratives pertaining to DMST?*

In order to understand the representation of key individuals within the analyzed DMST trials, one must consider the visibility and invisibility of “*the other*” as they were positioned within the trial. The construction and acknowledgement of personhood requires a fundamental shift away from the classification of individuals as “us” or “them,” and into the people as individuals holding individual roles in a situation. This takes into account the structural and cultural connotations surrounding the development of their own individual agency (Sears, 1991). The shift in independent personhood, however, was not evident within the trial as much of the acknowledgement of agency was intertwined with that of race and class.

Almost every individual—defendant, victim/survivor, and consumer—within the analyzed court narratives, originated within situations and areas of lower-socioeconomic standing and possessed lower educational attainment. As such, there was often verbal friction and frustration as the agents of the court, individuals from higher socioeconomic standing with high educational attainment, attempted to best represent their client. The court documents revealed that race and socioeconomic standing often determined the visibility and validity of the person’s story within the trial.

Within the data, the interactions between the agents of the court and the individuals subject to the agents of the court revealed that as socioeconomic standing and whiteness increased, so did invisibility. Meaning, in instances pertaining to the defendant, when defendants were African American, urban and poor, their demeanor, their music

tastes, reading materials of choice, family members, employment history as well as demographic characteristics were all a part of the overt process of the trial. However, when defendants were Caucasian, wealthy, well-educated and coming from a less-urban environment, their “otherness” was not nearly as evident, they were hidden and insulated within the trial.

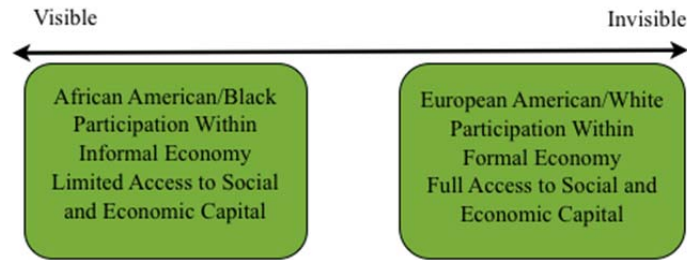
This was also the case for the consumers who testified within the court narratives. According to the defense, the consumer could face legal ramifications as a co-conspirator for engaging in commercial sex with children, yet they did not. The consumers who were called to offer testimony were white and middle-class and their “otherness” was, similar to the white defendants, hidden. This was blaringly obvious with the case involving Chip, a white man and a convicted sex offender who admitted under oath to purchasing sex with a child. He testified regarding the specific sex acts, the price he paid, the length of time it took, and that he had engaged in similar behavior with other commercial sex workers as well; yet his presence and testimony was leveraged against the defendant, an African American man.

In a similar case, the defense interviewed a federal agent regarding a consumer who brought the sex trafficking of children to the attention of law enforcement. This consumer had admitted to engaging in sex with these children, but, by the admission of the official, faced no legal consequences for his behavior. The portrayal of this particular consumer is particularly revealing in terms of his role in the sex trafficking. When prompted, the witness—a law enforcement official—stated that the consumer could be considered a *Good Samaritan* for bringing the situation to the attention of the authorities.

Since the consumer is identified within the literature as the initiative factor for

DMST to occur, one must wonder why the consumer was not a larger part of the narrative. Consumers may be fairly invisible within the court narratives pertaining to DMST as individuals in power with middle and upper class privilege purchase a certain amount of discretion and silence when it comes to engaging in commercial sex. One must remember that the goal of the prosecution in any court case is to gain a conviction (Tannen, 1998). It is not too far a stretch to state that a powerful middle-class consumer who has the \$150.00 per hour expendable income to engage in commercial sex may also be able to afford a high-dollar defense attorney, which may not result in a conviction for the prosecution.

Williamson (2012) suggests that individuals in power, such as in the fields of law enforcement and businessmen, are the leading consumers of individuals trafficked through manipulation. An additional consideration identifies that the national average of an hour of commercial sex holds around the \$150.00 mark (Dank et al., 2014), a fairly significant amount of expendable income. This may, in part, explain why consumers were not a larger part of the narrative. The prosecution files charges and builds a case against individuals with a high likelihood of being convicted for the crime, not necessarily all of the individuals who were involved or held complicity. To build the legal case, it appears that the consumer offers the prosecution the necessary testimony for a conviction of the sex trafficker. Furthermore, the consumer may bring to bear social and economic capital for negotiating and securing his invisibility. Given the persistence of racial and economic isolation, under-resourced schools serving students of color, the relationship between race and the visibility/invisibility continuum is evident in the data.



**Figure 9.** Continuum of Invisibility Pertaining to Traffickers and Consumers

While white defendants were generally invisible within the trials, the opposite was true of the victim/survivors. Most of the victim/survivors had their information redacted or censored, due to laws put in place to protect their identity; however, in several of the trials, testimonies revealed their demographical characteristics, educational levels and socioeconomic backgrounds. Within the trials, four had victim/survivors races made evident, three of those four were Caucasian. Whereas white defendants were generally portrayed as invisible during the trials, the Caucasian victim/survivors were highlighted, and were situated as an integral part of the construction of events. The victim/survivors were often postured within the trials by the prosecution in a way that portrayed them as absent of agency and responsibility, childlike and damaged, passing through an adult world and vulnerable to exploitation. The defense, however, leveraged their portrayal of the victim/survivor around the juxtaposition of chronological as opposed to physiological age as well as the reputation of the victim/survivor based on their previous actions. The portrayal of the victim/survivor by both the prosecution and the defense seemed to devalue them as a human being and instead posit their value solely as a victim—in essence objectifying them in the pursuit of justice. The use of the victim/survivor in this way seems to part of a complex social pattern, rooted in misogyny that devalues and objectifies women.

The positioning of the argument around the victim/survivor served dual purpose in highlighting the visibility of the victim/survivor while positing sole responsibility on to the defendant. In one case involving a black defendant as the sex trafficker and a white victim/survivor, the defendant drew on a history of “Jim Crow courts” that convicted black men of crimes of rape with flawed evidence or no evidence. In the court narratives, then, race appeared to implicitly and explicitly be present in the portrayal of DMST and its key players.

It seems as though that the layers of visibility within the analyzed cases may be part of an unintentional effort rooted in subversive racism, misogyny, and the dehumanization of the defendant as an “other.” According to Smith (2011), establishing and enforcing conditions that remove human qualities is a part of a concerted effort to objectify the subject of the narrative, to showcase their characteristics as a *thing* rather than that of a human being contributes to influencing people in power to think of the subject as sub-human. Once individuals in power can think of an individual as an other, as sub-human, their thought processes absolves them of the ramifications of enacting punishment and the establishes the parameters for future, oppressive action.

### **Sub-Question 3**

*How might the concept of exploitation change across contexts as exhibited within federal court narratives pertaining to DMST?*

The third sub-question of this dissertation inquires into the concept of exploitation and how it may change across contexts as exhibited within federal court narratives pertaining to DMST. The central consideration for this question is that of agency in tension with exploitation. Where does the concept of exploitation originate? Does it occur

within the mind and actions of the aggressor? Or does it originate within the violations of the recipient? Does an outside party define it, or must all vested stakeholders equally co-construct the concept of exploitation so as to succinctly define it across differing contexts? Evident within the court narratives were numerous areas to explore, many of which involved race, gender, socioeconomic status as well as contact and non-contact offenses. As a social science researcher, the preliminary interpretations of the DMST trials were originally centralized around the major human actors involved in the situations. It was not until the final iteration and intense re-reading of the courtroom narratives that an additional social force emerged, the differential power dynamics that occur within the courtroom environment.

Pierre Bourdieu (1999) outlines that agency occurs within the context of spatial dimensions of power including corporeal dispositions which he termed habitus. Habitus, according to Bourdieu, is the intersection of social norms and tendencies that shapes both behavior and thinking; it is the way that society and social interaction develops within the minds of individuals. Power, according to Bourdieu is both culturally and structurally created while simultaneously being legitimized through a constant yet discrete interplay of both individual agency and social structure. So, in answering this question pertaining to the concept of exploitation, one must consider the concept of justice as it occurs within the courtroom and also as it occurs within greater society. The analyzed courtroom trials center upon the marginalized experiences of the victim/survivor; this concept of exploitation is easy to discern as the entire judicial proceeding is structured in a way meant to use a narrow and discrete portrayal of the power dynamics between the individuals involved (defendant, victim/survivor and consumer).

The difficulty in discerning power relations occurs when the DMST trial is situated within greater society.

At the trial level, the courtroom sets up a fundamental *flip* of the dispositions and social structures that occurred during DMST. Previously, the defendant and consumer were powerful, able to exploit the victim/survivor. However on the context of the courtroom, the victim/survivor is *given* power by the agents of the court and thus able to contribute to the government earning a conviction against the defendant, generating a subsequent act of justice. At the societal level, however, the trial is situated within a much broader definition of power involving an agreement between society and the agents of the court where the former allows the latter authority to grant decisions. Michel Foucault (1995) outlined the principles of crime and punishment in a democratic society, which, in essence, allow a society to dictate its relationship with the government as accepting a certain level of citizen subordination in trade for protection from outsiders and/or the issuance of punishment to those who violate social morays. As a result, this grants a secondary entity (the government) power to dictate agency and define exploitation across contexts.

Within the data, the most pressing example of the multi-layered power structure used in defining exploitation occurs when an individual with power assigns victimhood. Within several of the analyzed cases, responding officers *told* individuals that they were victims of a crime rather than *asking* individuals if they were victims of a crime. It would be understandable for a law enforcement officer to assign victimhood when responding to a case of pre-pubescent DMST. However, within the data, many of the victim/survivors were post-pubescent adolescents nearing adulthood. The assigning rather than inquiring

of victimhood in a near adult, is troubling, as it grants individuals who are not directly involved in the situation the ability to dictate and define the concept of exploitation *to* someone rather than helping to acknowledge and co-construct the concept of exploitation *with* someone. In essence, what is happening is that the meaning of agency, and the concept of exploitation itself, emerges from an iterative process dictated by outsiders. If exploitation is an assigned state, it diminishes agency and acknowledges a lack of control on the part of the major actors who are actually involved within the situation. In short, assigning exploitation reads that somehow agency is granted by a larger power (the government) and does not acknowledge that individual agency is a fundamental human right.

In addition to the assigning of victimhood, in a much broader sense of exploitation the data revealed an assumption of guilt pertaining to the defendants. The American legal system is based around the foundation of innocent until proven guilty. However, many of the trials seemed to indicate that defendants were assumed guilty and defined as a danger to the public until convicted. Defendants were rarely given the opportunity to speak on their own behalf or to testify within the trial. In fact, the only opportunity the defendants were given to speak during open court proceedings was to acknowledge or deny responsibility during their sentencing. Quite often, even then, the ability to speak in open court was removed from them as the judge asked the prosecutor to read off what happened and the defendant was prompted to answer “yes” or “no”. The exploitation of defendants is not what is expected or intended from a DMST trial, but it is possible for them to be held in subordination by laws that are written that presuppose guilt, juries, which may preemptively assume guilt, or judges which dictate when or to



what the defendants can speak to. For the defendants, agency seemed to be an iterative process. It appears as though they begin the judicial process removed of ability to make decisions or communicate on their own, in essence, property of the state.

The concept of exploitation within the DMST transcripts was constructed, defined, and dictated by the agents of the court, individuals in power who were not directly involved in the situation. The agents of the court were acting through power granted by them by a greater democratic society that accepts a certain level of subordination in exchange for protection (Foucault, 1995). The asymmetric power structure of the trial had the effect of assigning victimhood, granting or removing agency, decreeing involvement and defining what DMST is, and who is at fault, regardless of context, and making the actual people involved secondary constructs to that of the court proceedings and the greater context of power in which they occur.

#### **Sub-Question 4**

*Are cultural and structural conditions identified as contributing influences within federal court narratives pertaining to DMST?*

Court trials do not occur in a vacuum. They are subject to the same privilege, bias and preconceived notions every situation with asymmetric power dynamics face, with the possibility for indirect impediments to racial inequality and covert discrimination (Wilson, 2009). Each trial, and the factors that initiated, continued, and terminated the episodes of DMST were grounded within social issues, including discrimination, lack of opportunity, poor educational prospects, and poverty; these issues, however, were not part of the *overt* and public message within the court narratives. The public message seemed to be culturally embedded in notions of individualism which failed to connect

how structural conditions may contribute to underground economies and lack of access to social capital on the part of low income and poorly educated individuals.

The most common structural and cultural condition gleaned from the court narratives was that of poverty, and using DMST as a method to exit and/or improve upon impoverished circumstance. When the relationship between the victim/survivor and the defendant was towards the involuntary and exploitative end of the continuum, the narratives generally indicated that only the defendant was using DMST as a method for financial gain. When the relationship was moved towards the financial partnership end of the continuum, the data revealed that both the defendant and the victim/survivor were using DMST to remove themselves from poverty.

Poverty is both a structural and cultural condition. It is structural in that resource allocation, an inherently political maneuver, has unfairly shortchanged urban environments and has increasingly removed paths to economic mobility for urban residents (Massey & Denton, 2007). Poverty is also cultural in that, deprived of other, legal alternatives, individuals within urban areas construct and can embrace crime as a viable form of economics (Wilson, 1996). Due to the increasing suburbanization and globalization of economic growth, there is an ever-increasing spatial mismatch involving job opportunities and collocation of workers in urban environments (Wilson, 2009). Urban environments once possessed large numbers of lower-skill manufacturing jobs, which in turn allowed the urban resident to earn a living. Urban residents, once gainfully employed in the manufacturing sector were able to take advantage of lower cost inner-city property and were able to take use inexpensive public transportation to and from employment in and around their own neighborhood (Wilson, 2009). The close proximity

of low-cost housing and available low-skilled work in the urban area removed the necessary outlay of financial capital needed for a higher status job which often required expensive post-secondary training, specialized clothing and transportation (Wilson, 2009). Currently, due to the lack of low-skilled manufacturing jobs available in urban areas coupled with the financial, social and cultural capital necessary for education, job training or transportation, many urban residents are removed from the job market and are unable to financially support themselves or their families through recognized legal channels (Massey & Denton, 2007). This has left many urban residents in an economic quandary, and more persuaded to participate in a culture which views crime as a form of survival—the aforementioned “hustle.”

In addition to poverty as a structural condition, drug sales, drug addiction and the use of illegal drugs were also explicitly mentioned as both structural and cultural conditions holding influence for DMST. Illegal drugs, while often misunderstood as a stand-alone issue, are not far removed from that of impoverished conditions. The sale of drugs is, similar to DMST, a form of illegal enterprise, a moneymaking venture. The analyzed court narratives revealed the link between drugs, DMST and the usage of both as a form of illegal and informal economy through the case of JM.

JM had been previously convicted of a felony, and had been raised in an unstable family situation, several generations deep in poverty. Upon his initial release from prison, he found himself unable to earn employment with a living wage due to his previous incarceration. According to the court narratives, he began to deal cocaine and heroin so as to remove himself and his son from impoverished circumstances. His drug dealing business, however, was met with a limited market so he began to persuade his female

customers to engage in commercial sex for both his and their economic benefit. The case wound up, according to victim/survivor testimony, with JM selling drugs to the victim/survivors to feed their habit, which they were using to emotionally cope with engaging in commercial sex, all of which served to remove the defendant and his son from impoverished circumstances.

In addition to poverty and illegal drugs, race and urbanicity, a cultural and structural condition, was found to be a contributing factor for DMST. It was never mentioned outwardly; however, it is extremely difficult not to gauge the overt racial effect when one examines the demographics pertaining to the defendants. Court transcripts indicate that there were a total of 27 defendants represented in the 15 cases of analyzed DMST. These defendants were predominantly African American (18 defendants), male (16 defendants), between ages 21 and 69, coming from urban areas, namely, Toledo or Cleveland.

Court transcripts also identify subtle racial suggestions pertaining to evidence and testimony. The law enforcement testimony pertaining to the defendants often and stereotypically associated DMST with urban and/or African American life. There were mentions of rap lyrics and how they speak to prostitution and pimping, colorful clothing, the wearing of ostentatious jewelry, as well as the citing of defendants literature choices that were written by Iceberg Slim, an African American author who wrote of commercial sex, urban life, and African American culture. There was also a case involving a Caucasian woman who was, as the judge stated, treated drastically different by the agents of the court. Within this case, the female chose to plead guilty to the charges as filed as part of a deal so as to avoid further and potentially more intense charges. Upon pleading

guilty and pending sentencing, the defendant was released on bond to her own accord, a very unusual move involving a case of DMST according to the court. Within the analyzed cases, the white woman was the only defendant released on bond pending sentencing. In every other case, the agents of the court cited danger to the community as reasons for not releasing the defendants on bond. Interestingly, she was not convicted of the more harsh charge of §18.1591 sex trafficking of a minor. She pled guilty, via a plea deal, to violating §18.2423(a), transporting a minor with the intent that the minor engage in criminal sexual activity. She was sentenced to only 36 months of prison with five years of supervised release. This stands in contrast to the more harsh charge, a charge that all other African American male defendants were convicted of, which held a ten-year minimum.

It seems as though race/urbanicity does hold a discursive role in using particular terms to associate cultural lifestyle and preferences with sex trafficking. This follows the supporting evidence regarding disproportionate minority confinement (DMC) where individuals of color are convicted of crimes at exponentially higher rates than that of the dominant race (Wilson, 2009, 2012). In 1982, state and federal prisons held 131,617 inmates. During that year 55% of inmates were identified as white, 44% of inmates were identified as African American and 1% of inmates were identified as “other” (Langan, 1991). Fifteen years later in 1997, the prison population increased to 1.7 million with 816,600 being African American, 88,900 Hispanic and 871,500 white (Department of Justice, 2000). Although African Americans represented just 12.8% of the population in 1997, and Hispanics accounted for 10.8%, (U.S. Census Bureau, 1997) these two groups compromised over 53% of the prison population. DMC is a significant concern to the

well-being of the United States as prison populations, increasingly skewed towards the imprisonment of minorities, has increased from 131,617 in 1981 (Langan, 1991) to 2.2 million presently (Alexander, 2010), the largest incarcerated population in the world. Expenditures for police protection, corrections and judicial activities are over 185 billion dollars annually (U.S. Department of Justice, 2006), also the largest in the world.

The locations associated with DMST, a structural condition, were generically mentioned throughout the court narratives. There were regular identifications of strip clubs, hotels, motels, intersections, and truck stops; however, they were fairly scattered with no discernable pattern, and were only mentioned in passing within the court cases. However, Internet-based sites for commercial sex, such as the website backpage.com, were evident in every court narrative pertaining to DMST. They were, similar to poverty and race, explicitly identified as holding a role, but were never distinctively assigned blame. In 2010, Craigslist.com stopped advertising commercial sex due to its corporate self-recognition of complicity for DMST. This left a void in the sexual marketplace which backpage.com was quick to fill. Currently, every state attorney general is publicly calling for backpage.com to censure itself due to numerous allegations of advertising DMST (Bach & Dalton, 2010); however, the court transcripts identify unwillingness on behalf of the federal prosecutors office to label backpage.com as a co-conspirator within DMST trials. The parent company of backpage.com, Village Voice Media of New York, recently distanced itself from the entity, selling the website to the executive staff due to numerous allegations of profiting from modern day slavery; it now operates as a stand-alone business (Coscarelli, 2012).

Overall, both structural and cultural conditions were a part of the narratives, but were not a part of the trial. While there were numerous examples of racism, discrimination, poverty as well as other social justice issues, but these issues were not constructed in a way central to the trial. This was to be expected, as social conditions cannot be assigned a conviction and therefore are not included in the discourse of responsibility or agency in perpetrating DMST. Alternatively, the defendant was identified as responsible. The linear view of framing sex trafficking holds that the defendant and the victim/survivor are separate from the social condition from which they originate.

When one examines the factors that initiated, continued, and terminated the analyzed DMST cases, patterns emerged which revealed a much more complex system of relations. Each factor was deeply grounded within long-standing social problems: racism, poverty, discrimination, poor educational prospects, and lack of urban economic opportunity. Most of the individuals who were involved within the analyzed cases were members of the urban underground, outsiders to dominant, middle-class social structure. The data indicate that, according to the analyzed cases, DMST appears to be a visible manifestation of exploitation involving otherwise economically marginalized individuals.

### **Final Thoughts**

This dissertation was written for the purpose of learning more regarding DMST from the documents of the court, which reveal aspects of individuals who lived the phenomenon. The study was conducted through the examination of court cases as they represent an invaluable data source. Normally, the identification of victim/survivors and interviewing individuals convicted of sex trafficking is fairly difficult to accomplish, as

they are both protected individuals per IRB guidelines. Court cases, however, allow indirect insight to the issue, allowing the researcher to concentrate on the complexity and nuances of the research.

During the amazing journey of researching and compiling this dissertation, I wrote reflexively and somewhat obsessively over the cases, my findings, my beliefs, and of DMST as a whole. This experience has left me with three concerns that I take away from this work. The first is that the language used within the cases helps to define and establish the situation for a far greater audience than that of the defendant and the victim/survivor. The second is that it seems the agents of the court and the greater polity relies on punishment as a form of deterrent for future crimes. My final concern is that DMST is being used to establish and advance a political agenda.

My initial concern involves the used of battle language or adversarial discourse used within the courtroom so as to define DMST. Deborah Tannen (1998), one of the inspirations for the use of discourse analysis within this dissertation, outlined that the use of battle language has the adverse effect of defining incredibly complex situations as single-sided, and as such, easy to understand. For example, many of the people involved within the analyzed cases described the *fight* against DMST. Framing the situation as a *fight* negates many of the incredibly complex contributing factors such as poverty, instability, familial circumstance, racism, and socio-economic status.

While individuals rarely consider the power that their words contain, language, by itself, is responsible for helping to continue or end a situation because the meaning behinds the words does not occur in isolation. The discourse used in court is carried on to media coverage of these cases where it spreads onto the general public. At that point, the



framing of the argument and the meaning behind the words is adopted as factual. A stunning example of this occurring within DMST happened just recently; in 2011, Texas Attorney General Greg Abbott stated that the Super Bowl is commonly known as the single largest human trafficking incident in the United States and that up to 100,000 children may be trafficked into or around the host area to engage in commercial sex (Jee, 2011; Jervis, 2011). Linking the Super Bowl with DMST erupted onto the media scene where the sound byte was interpreted as factual and repeated exponentially. While sex trafficking does occur during the Super Bowl, it does not involve 100,000 children; few who repeated the meme considered that moving 100,000 children would involve military-scale logistics. Over the past several years, numerous advocacy organizations and sex trafficking researchers have attempted to disprove the 100,000 children claim by conducting in-depth quantitative research involving the website backpage.com (Bach, Mintz, & Dohy, 2014) to instead reframe the argument to address the injustice of human trafficking.

My secondary concern, as a critical theorist and as a researcher, is the seeming reliance on punishment for past crimes as deterrence for future crimes pertaining to DMST. The United States currently has the largest incarcerated population in the world, disproportionately affecting urban residents, people of color, and exacerbating poverty rates in communities affected by mass incarceration (Balko, 2012; Wilson, 2012). This phenomenon seems to mimic the socio-demographic breakdown of the defendants within these cases. Admittedly the role of the court is not necessarily to prevent or end DMST. Rather, it is to determine guilt and issue punishment for those convicted of violating the law. However, it appears as though that the court believes that punishment, and the

communication of that punishment, will dissuade other individuals from engaging in future instances of the crime.

The reliance on punishment as a form of future deterrence for crime within the United States is of concern because inherent in politics is the allocation of resources. It appears as though, with the drastic increase in incarcerated individuals over the past thirty-years, the current allocation of financial and human capital pertaining to arrests and convictions is not working as a preventative measure. As DMST continues to gain coverage within the media, one wonders if the polity will allocate resources towards the addressing the indirect forces that exacerbate some of the factors mentioned within the court including poverty, instability, education, socio-economic status found within this dissertation, or, if there will be an increasing reliance on incarceration as a form of prevention.

My final concern that comes out of this dissertation is that of sex trafficking becoming a part of a political agenda. Elected and appointed officials are quick to capitalize on “tough on crime” agendas, as they signify to their constituency a willingness to go to extremes so to protect the “good” from the “bad”; the problem is that these measures are often indicative of covert control mechanisms placed on urban minority culture (Alexander, 2011). Inherent in this are communication measures, necessary as a signaling device to the “good” people of the world, of who the “bad” are. In keeping with much of this dissertation, the discourse and framing of the argument used at trial are relayed to the general public via the media, this lexicon is then accepted as fact which in turn has the long-term effect of defining the situation for future action. It would be

exceedingly easy for one to use DMST as a stepping-stone to advance one's agenda and career as a "tough on crime" politician.

The last words of this dissertation inquire to what does this have to do with education—as it is, in fact, a dissertation involved in an urban education program. What I have seen by conducting this research is that DMST is a misfiring of economy that materializes through human rights violations. The common denominator to each case, each narrative, and each testimony was a general lack of economic mobility. Education is widely recognized as a pathway to stability, understanding, and financial freedom, and almost every defendant and every victim/survivor spoke to a general lack of formal education. I differentiate between formal and informal education because while the defendants and victim/survivors may have had a very low scholastic education, they exhibited tremendous informal or street education, as DMST is an exceedingly difficult business model to engage in. By learning where the life-situations have gone off track for the individuals in these trials, one is made aware of circumstances and situations that can be prevented for others. This line of research opens tremendous opportunities to craft specific interventions that could be interjected in the lives of young people so that they will never become one of the defendants, victim/survivors or consumers.

### **Limitations**

Although the best effort was put forth to craft a quality dissertation containing rigorous and unbiased methodology there were, as with all research, limitations to this study. The most pressing limitation was that this study was limited to court documents and not direct interviews. Court documents are a valid source of data to use, especially when studying participants who would not normally be available due to legal or ethical

considerations. However, when using existing documentation, one is limited to studying the narratives of the participants as they occur naturally in the court environment, as one is not able to inquire directly to the participants. It is also important to note that these court documents were somewhat single-sided in the DMST line of research. This particular project did not analyze court documents of individuals who were charged with, but did not plead guilty or who were not charged with DMST. It is important to note that not all cases pertaining to DMST even go to trial; the prosecution determines what cases have indictments and criminal complaints produced. It is possible that there could be different conclusions and/or information pertaining to cases that were not charged or tried in a court of law. There was also an issue as some court documents were missing or were redacted by the court based upon victim protection rights, witness confidentiality or various reasons to conceal sensitive information via. It is possible that some of these missing pieces of information could have changed interpretations of the data or the overall conclusions of the project

A secondary consideration pertaining to the limitations of this study was that of regional applicability. While these cases were gained from the federal court system, which suggests a national level of involvement, they were taken from Northern Ohio federal courts, which was a very limited area in terms of judicial draw. Therefore, the conclusions made from this project may not be applicable to that of other jurisdictions, or of DMST as a whole. In addition to a limited area of regional draw, the court narratives were also taken from a limited date range. These cases were gleaned from the federal docket of 2010-2013. The year 2010 was chosen, as it was the first year that the United States included itself in the federal trafficking in persons report and the year 2013 was

included as it was the year that Ohio passed SB235 listing human trafficking as a crime at the state level. With that being said, a three-year draw, consisting of 15 cases from the federal courts of Ohio was not an entirely exhaustive list pertaining to DMST at the national level.

An additional limitation regarding the use of court documents was that of cases actually being in the court system. This project draws on populations that have had police intervention, prosecutorial indictment and judicial contact. This line of research, however, did not study cases that were not a part of the court system. In short, the cases within this project were those who were caught. There are, potentially, many other cases that go unnoticed by authorities and as such, are not available for study through these particular methods.

The final level of limitations was that of the researcher at a personal level. This dissertation was produced in the tradition of critical theory; it was never meant to stand alone in academia. This line of work was always intended to open up a critical discussion regarding DMST as a phenomenon and to help craft future research and lines of preventative programming. With that being noted, numerous strategies were put in place to ensure that the narratives of the individuals involved were coming through, and not that of the researcher. Such filters included frequent reflexive writing, peer review, critical colleagues as well as independent and individual journaling.

### **Future Directions**

The use of court documents to study DMST has opened up an entirely new way to learn about the phenomenon. From this project, there are considerable ways to improve upon and expand the research base, findings, and results. Additionally, there are

numerous questions developed during this project that will require answering with future research.

Initially, this research could benefit from expansion. These methods should be modified to include the Northern and Southern courts of Ohio and the dates should be expanded from the year 2003 to the present year. The year 2003 is prominent as it represents the establishment of the Trafficking in Persons Office within the U.S. State Department, or the founding of the modern day movement against human trafficking. The inclusion of the Southern federal courts of Ohio will expand upon the region and allow for demographical comparisons. A secondary level of expansion could include multiple states across different regions to examine if findings and demographical characteristics are comparable across the country. A final level of expansion would be to establish a database, a repository of information pertaining to DMST in the courts that is readily accessible to researchers. As it was, it took about nine months to compile and analyze the 15 case files for this dissertation. If there is to be a continued drive to study DMST so as to help ameliorate it as a situation, there has to be better and timelier access to the cases for researchers. A final level of expansion would involve the examination of cases where the defendant was arrested and prosecuted but was not convicted of DMST. The ability to compare and contrast cases that resulted in a conviction and those that did not result in a conviction would prove invaluable as one could explore the circumstances that differentiate the two.

From these four levels of expansion, increasing the level of state coverage, increase the date range, the expansion to a national level, and the examination of cases where the defendant was not convicted, it would be possibly to establish a demographic

and frequency profile pertaining to DMST so as to examine shifts in patterns, races, and education levels and to craft and to gauge effectiveness of ameliorative interventions. The expansion of the research methods and coverage would also allow for the use of quantitative methodology, questionnaires, and the development of theory, all of which could be based upon the empirical evidence taken from court documentation.

There were several pressing questions that were raised from conducting this research, questions from both a professional and personal level. These questions deserve future considerations and the crafting of research methodology so as to answer them. The first is that of the demographics of the defendants and the victim survivors. Both parties, the defendants and the victim/survivors in the sample examined for this dissertation, were representative of a fairly homogenous group. Are their characteristics consistent across different geographic areas as well as differing times? Additionally, what about cases that did not result in a conviction—are their demographics any different than those that did result in a conviction? It also appears that educational level, or lack thereof, may play a role in the crime. Very few individuals involved in the cases, both defendant and victim/survivor, had actually graduated high school, let alone attended college. It would be very interesting to see if educational levels of the individuals involved are consistent across areas and times. Finally, it would be very interesting to examine if sentences as well as prosecutorial and defense tactics are similar when the geographic and temporal draw are expanded.

As a teacher, and hopefully, a future education professor, the educational world needs to know about this situation and what our students go through. Teachers are often trained on identifying and reporting various forms of abuse, including that of sexual

abuse. However, teachers are not required to learn of DMST. In the state of Ohio, as a result of SB 235 and HB 130, legislation aimed at impacting DMST, state licensed cosmetologists must take one hour of training pertaining to DMST. I ask, why not teachers? It would appear, just from a contact point, that teachers would be far more likely to make contact with an individual needing help than a cosmetologist. There is room for resource development for educators and other social service professionals in this important topic.



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## **APPENDICES**



## APPENDIX B

### FEDERAL SEX TRAFFICKING LAW

#### §18 U.S. CODE CHAPTER 73 – OBSTRUCTION OF JUSTICE

##### §18:1503 - OBSTRUCTION OF THE ADMINISTRATION OF JUSTICE

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

- (1) in the case of a killing, the punishment provided in sections [1111](#) and [1112](#);
- (2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and
- (3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

##### §18:1512 - TAMPERING WITH A WITNESS, VICTIM OR INFORMANT

Whoever knowingly and willfully, by any means or device whatsoever—

(a) records, or attempts to record, the proceedings of any grand or petit jury in any court of the United States while such jury is deliberating or voting; or

(b) listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the United States while such jury is deliberating or voting—

shall be fined under this title or imprisoned not more than one year, or both.

Nothing in paragraph (a) of this section shall be construed to prohibit the taking of notes by a grand or petit juror in any court of the United States in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

§18:1519 - DESTRUCTION, ALTERATION, OR FALSIFICATION OF RECORDS IN FEDERAL INVESTIGATIONS AND BANKRUPTCY

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

§18 U.S. CODE CHAPTER 77 – PEONAGE, SLAVERY AND TRAFFICKING IN PERSONS

§18:1591 - SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

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

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.



- (2) The term “coercion” means—
- (A) threats of serious harm to or physical restraint against any person;
  - (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
  - (C) the abuse or threatened abuse of law or the legal process.
- (3) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.
- (4) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.
- (5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

#### §18:1594 GENERAL PROVISIONS

- (a) Whoever attempts to violate section [1581](#), [1583](#), [1584](#), [1589](#), [1590](#), or [1591](#) shall be punishable in the same manner as a completed violation of that section.
- (b) Whoever conspires with another to violate section [1581](#), [1583](#), [1589](#), [1590](#), or [1592](#) shall be punished in the same manner as a completed violation of such section.
- (c) Whoever conspires with another to violate section [1591](#) shall be fined under this title, imprisoned for any term of years or for life, or both.
- (d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—
- (1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
  - (2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.
- (e)
- (1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:
    - (A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.
    - (B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.
  - (2) The provisions of chapter [46](#) of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.
- (f) Witness Protection.— Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

§18 U.S. Code Chapter 110 – SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

§18:2251 - SEXUAL EXPLOITATION OF CHILDREN

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(c)

(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that—

(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail; or

(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail.

(d)

(1) Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering—

(A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or

(B) participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct;  
shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that—

(A) such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed;  
or

(B) such notice or advertisement is transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed.

(e) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, section [1591](#), chapter 71, section [1591](#), chapter 71, chapter 109A, or chapter 117, or under section [920](#) of title [10](#) (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section [920](#) of title [10](#) (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for not less than 30 years or for life.

#### §18:2251A - SELLING OR BUYING OF CHILDREN

(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor either—

(1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(2) with intent to promote either—

(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be punished by imprisonment for not less than 30 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

(b) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

(1) with knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(2) with intent to promote either—

(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be punished by imprisonment for not less than 30 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

(c) The circumstances referred to in subsections (a) and (b) are that—

(1) in the course of the conduct described in such subsections the minor or the actor traveled in or was transported in or affecting interstate or foreign commerce;

(2) any offer described in such subsections was communicated or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mail; or

(3) the conduct described in such subsections took place in any territory or possession of the United States.

#### §18:2252 - CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS

(a) Any person who—

(1) knowingly transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(3) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section [1151](#) of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce, or has been shipped or transported in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported using any means or facility of interstate or foreign commerce, including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; or

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section [1151](#) of this title, knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct;

shall be punished as provided in subsection (b) of this section.

(b)

(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but if such person has a prior conviction under this chapter, section [1591](#), chapter 71 section [1591](#), chapter 71, chapter 109A, or chapter 117, or under section [920](#) of title [10](#) (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but if any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and

imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

(c) Affirmative Defense.— It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

(1) possessed less than three matters containing any visual depiction proscribed by that paragraph; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

(A) took reasonable steps to destroy each such visual depiction; or

(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

#### §18:2252A - CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY

(a) Any person who—

(1) knowingly mails, or transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any child pornography;

(2) knowingly receives or distributes—

(A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or

(B) any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) knowingly—

(A) reproduces any child pornography for distribution through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer; or

(B) advertises, promotes, presents, distributes, or solicits through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly sells or possesses with the intent to sell any child pornography; or

(B) knowingly sells or possesses with the intent to sell any child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(5) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section [1151](#)), knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography; or

(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

(A) that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer;

(B) that was produced using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; or

(C) which distribution, offer, sending, or provision is accomplished using the mails or any means or facility of interstate or foreign commerce, for purposes of inducing or persuading a minor to participate in any activity that is illegal; or

(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor. [\[1\]](#)

shall be punished as provided in subsection (b).

(b)

(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), (3), (4), or (6) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but, if such person has a prior conviction under this chapter, section [1591](#), chapter 71 section [1591](#), chapter 71, chapter 109A, or chapter 117, or under section [920](#) of title [10](#) (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of

children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, subsection (a)(5) shall be fined under this title or imprisoned not more than 10 years, or both, but, if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section [920](#) of title [10](#) (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.

(c) It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) that—

(1)

(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

(B) each such person was an adult at the time the material was produced; or

(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section [2256 \(8\)\(C\)](#). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 14 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.

(d) Affirmative Defense.— It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

(1) possessed less than three images of child pornography; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

(A) took reasonable steps to destroy each such image; or

(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

(e) Admissibility of Evidence.— On motion of the government, in any prosecution under this chapter or section [1466A](#), except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or



approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.

(f) Civil Remedies.—

(1) In general.— Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) or section [1466A](#) may commence a civil action for the relief set forth in paragraph (2).

(2) Relief.— In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

(A) temporary, preliminary, or permanent injunctive relief;

(B) compensatory and punitive damages; and

(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.

(g) Child Exploitation Enterprises.—

(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

(2) A person engages in a child exploitation enterprise for the purposes of this section if the person violates section [1591](#), section [1201](#) if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections [2257](#) and [2257A](#)), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.

## §18 U.S. Code Chapter 117 - TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

### §18:2421 - TRANSPORTATION GENERALLY

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

### §18:2423 - TRANSPORTATION OF MINORS

(a) Transportation With Intent To Engage in Criminal Sexual Activity.— A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

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

(c) Engaging in Illicit Sexual Conduct in Foreign Places.— Any United States citizen or alien admitted for permanent residence who travels in foreign commerce or resides, either temporarily or permanently, in a foreign country, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) Ancillary Offenses.— Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

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

(f) Definition.— As used in this section, the term “illicit sexual conduct” means

(1) a sexual act (as defined in section [2246](#)) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or

(2) any commercial sex act (as defined in section [1591](#)) with a person under 18 years of age.

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

## §18 U.S. CODE CHAPTER 19 – CONSPIRACY

### §18:371 - CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

## APPENDIX C

### FEDERAL SEX TRAFFICKING JURY INSTRUCTIONS\*

\*Taken verbatim from US\_v\_JM Case number 1:13-cr-00\*\*\*

#### FIRST ELEMENT:

The first element of the crime of sex trafficking requires that the defendant himself knowingly engaged in one of a list of prohibited trafficking activities; that is, recruiting, enticing, harboring, transporting, providing, obtaining, or maintaining a person.

The first way to satisfy the first element is by proving that the defendant himself knowingly recruited, enticed, harbored, transported, provided, or obtained a person. In considering whether a defendant did any of these things, I instruct you to use the ordinary, everyday definitions of these terms. "Recruit" means to seek to enroll. "Harbor" means to give or afford shelter to a person. "Transport" means to take or convey from one place to another. "Provide" means to furnish, supply or make available. "Obtain" means to gain, acquire or attain. "Entice" means to attract, induce or lure using hope or desire. "Maintain" means to cause or enable a condition to continue or keep in a certain state.

You do not all need to agree that the Government has satisfied this element in the same way. Meaning that you do not all need to unanimously agree that the defendant recruited, enticed, harbored, transported, provided, obtained or maintained a person. You only need to unanimously agree that the Government has proven beyond a reasonable doubt that the defendant did knowingly engage in one of these practices.

#### SECOND ELEMENT:

The second element of sex trafficking requires the government to prove beyond a reasonable doubt that the defendant knew, or recklessly disregarded the fact, that: (a) force, threats of force, fraud, or coercion would be used to cause the person to engage in a commercial sex act, (b) that the person had not yet attained the age of 18, or (c) both.

The term "commercial sex act" means "any sex act, on account of which anything of value is given to or received by any person." The thing of value may be money, but does not have to be money. The thing of value may be some other tangible or intangible thing of value that may be given to or received by any person. The person who receives it does not have to be the person performing the commercial sex act.

In considering whether force, threats of force, fraud, or coercion were used, the term "force" means any form of violence, compulsion or constraint exercised upon another person in any degree. The term "fraud" means any act of deception or misrepresentation. The term "coercion" means "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 law or the legal process."

The term "serious harm," which I just mentioned in the definition of coercion, means "any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm." A threat of serious harm, therefore, need not involve any threat of physical violence, although it may include a threat of physical violence.

The words "scheme," "plan," and "pattern," which I also just mentioned in the definition of coercion, are to be given their ordinary meanings. A "scheme, plan, or pattern" does not need to involve actual threats, but may involve any other words, actions, or conduct used to cause person to reasonably believe that she, her family, or any other person would suffer serious harm if she failed to continue engaging in commercial sex acts.

The term "abuse or threatened abuse of law or the legal process," which I also just mentioned in the definition of coercion, means "the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action." Abuse of law or the legal process can include threats intended to place a person in fear that law or legal process will be used against that person and can include arrest, deportation, or other legal proceedings. For the purpose of determining whether the defendant abused or threatened to abuse the law or legal process, the question is whether the statements were made for the purpose of placing a person in fear of adverse consequences for any purpose for which the law was not designed or to pressure or compel another person, not whether the defendant's statements about the law are correct. It is not a defense that the person threatened with legal process might actually be subject to legal action.

In considering whether force, threats of force, fraud or coercion would be sufficient to cause a person to engage in commercial sex acts, you may consider not only the totality of the defendant's conduct under all of the surrounding circumstances, but also the alleged victim's special vulnerabilities, if any. In this regard, you may find that not all persons are of same courage or firmness. You may consider, for example, any aspect of the victim's background, station in life, physical or mental condition, experience, education, socioeconomic status, age, immigration status, or any inequalities between the victim and the defendant, or any others working in concert with him, with respect to these considerations. Simply put, you may ask whether the victim was vulnerable in some way such that the actions of the defendant, even if not sufficient to compel another person to engage in commercial sex acts, would have been enough to compel a reasonable person of the same background and in the same circumstances to engage in commercial sex acts.

To prove sex trafficking, the government does not need to link each of the threats allegedly made or actions allegedly taken against an alleged victim to any particular commercial sex act performed by her. Rather, it is sufficient if the government has shown

that the defendant's use of threats, force, fraud, deception, or coercion were sufficient to compel, or were sufficient to give rise to a climate of fear that would compel, a reasonable person in the alleged victim's situation to comply with the defendant's demands, in light of the totality of the defendant's conduct, the surrounding circumstances, and any vulnerabilities of the victim. A climate of fear that compelled the victim may arise not only from a defendant's threats and other acts directed at the victim herself, but also from conduct toward others of which the victim is aware.

In considering whether the defendant created a climate of fear that compelled the victim to engage in commercial sex acts, you may consider not only overt threats that the defendant might have made to place the victim in fear of suffering certain consequences; you may also consider other surrounding circumstances, such as an atmosphere of violence, sexual abuse, verbal abuse and insults, isolation, poor working and living conditions, denial of adequate food, water, rest, and medical care, use of alcohol, drugs, or other intoxicants, withholding of pay, or any combination of these conditions, and any other techniques that the defendant might have used to intimidate the victim, weaken her resistance to the defendant's demands, and compel her to serve. If the victim was threatened with or made to suffer certain consequences in connection with her service to the defendant, either as punishment or to create a climate of fear that compelled her service, you may consider this evidence in determining whether the Government has proven the Third element of this charge.

The government does not need to prove physical restraint - such as the use of chains, barbed wire, or locked doors - in order for you to find the defendant guilty of sex trafficking. The fact that the victim may have had an opportunity to leave is irrelevant if the defendant placed her in such fear or circumstances that she did not reasonably believe she could leave. A victim who has been placed in such fear or circumstances is under no affirmative duty to try to escape.

In considering whether the victim's commercial sex acts were caused by force, threats of force, fraud, or coercion, it is not a defense that the victim may have initially consented. The question is whether the victim at some time later wanted to withdraw but was then compelled by prohibited means to remain.

Whether a victim is paid a salary or a wage, or given money, benefits, or gifts, is not determinative of whether that victim has been compelled to engage in commercial sex acts. In other words, you may find that the victim was compelled to engage in a commercial sex act even if the victim was paid or compensated for the commercial sex act.

Finally, in considering whether the defendant knew or recklessly disregarded the fact that force, threats of force, fraud or coercion would be used to cause victim to engage in a commercial sex act. A person recklessly disregards a fact within the meaning of this offense when he is aware of, but consciously or carelessly ignores, facts and circumstances that would reveal that force, threats of force, fraud, or coercion would be used to cause a victim to engage in a commercial sex act. You may find that the

defendant recklessly disregarded this fact if you find beyond a reasonable doubt that the defendant: (1) was aware of a high probability that force, threats of force, fraud, or coercion would be used to cause the victim to engage in a commercial sex act, and (2) deliberately avoided learning the truth.

Only Count 3 of the indictment alleges that the victim named in that particular count was a minor. As I have already instructed you, an alternative means of proving the second element of a sex trafficking offense is that the person compelled to engage in a commercial sex act had not yet reached the age of 18. You can find that the government has proven this element even if you do not find that the defendant used force, threats of force, fraud, or coercion to compel Victim #3 to engage in a commercial sex act.

You are instructed that, if the Government proves beyond a reasonable doubt that the defendant had a reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided, obtained, or maintained, then the Government does not have to prove that the defendant knew that the person had not attained the age of 18 years.

**THIRD ELEMENT:**

To satisfy the third and final element of the crime of sex trafficking, the government must prove beyond a reasonable doubt that a defendant's sex trafficking activities were, or that the activities of the sex trafficking venture in which the defendant knowingly participated either was in interstate commerce or affected interstate commerce. The government need not prove both.

"Interstate commerce" means the flow of commerce or business activities between a state and any point outside of that state. Acts and transactions which are economic in nature and cross state lines are "in" interstate commerce.

Acts and transactions which are economic in nature and affect the flow of money in the stream of commerce to any degree, however minimal, also "affect" interstate commerce. To show that a defendant's conduct affected interstate commerce, it is not necessary for the government to prove that a defendant specifically knew or intended that the recruiting, enticing, harboring, transporting, providing or obtaining of a person to engage in commercial sex acts would affect interstate commerce; it is only necessary that the natural consequences of such conduct would be to affect interstate commerce in some way, even if minor.

If you find beyond a reasonable doubt that the defendant recruited, enticed, harbored, transported, provided or obtained, or caused another to do one or more of these, for the purpose of having any person engage in commercial sex acts that involved the crossing of state lines, or was economic in nature and otherwise affected the flow of money in the stream of commerce to any degree, however minimal, you may find that the third element of the offense of sex trafficking has been satisfied.

## APPENDIX D

### INVENTORY OF CODES

I began initial coding with several terms driven and established by a review of theory, based upon existing literature. These initial codes were constructed around the terms force, fraud, and coercion, which are the necessary legal elements to prove that DMST has indeed taken place. Additionally, based on the initial read-through and analysis of applicable court documents, I established multiple, broad coding terms as found within the initial coding inventory below:

#### INITIAL A PRIORI THEORETICALLY DRIVEN CODING INVENTORY:

*Force*: any mention of force or forceful activities mentioned within court transcripts

*Fraud*: any mention of fraud within court transcripts

*Coercion*: any mention to coercion within Ohio federal court transcripts pertaining to DMST from 2010-2013.

#### INITIAL INVENTORY OF CODES GROUNDED IN DATA:

*Complicity*: any indication, use, or mention within court transcripts of individuals who appear to be and/or were suggested to be complicit in the act of trafficking. These are people directly or indirectly involved who were not charged in the crime but appear a part of it.

*Conditions*: any indication or mention of conditions (physical, mental or otherwise) within court transcripts leading up to, during or coming out of the period of trafficking.

*Contexts*: any mention within court transcripts of the psychological or social situation that trafficking occurred.

*Cross Case Connections*: any mention within court transcripts of other cases within the data inclusionary period.

*Defendant*: the words the actual defendant speaks during trial found within court transcripts.

*Defendant Representation*: the words that other people use to represent or portray the defendant as found within court transcripts.

*Defense tactics:* the tactics that the defense uses to prove not guilty as found within court transcripts.

*Descriptive Language to imply guilt:* the use of language to as a method to imply guilt or as found within the analyzed court transcripts.

*Descriptive Language to imply innocence:* the use of language to as a method to imply guilt or innocence as found within the analyzed court transcripts.

*Education:* any link to education mentioned within court transcripts.

*Establishing Authority:* the wording used to establish authority of court-related roles within the court transcripts.

*Evidence:* The mention of actual physical evidence (clothing, photographs, computer hardware) within court transcripts.

*Judge:* the actual words that the judge speaks during trial as found within court transcripts.

*Locations:* mentions of physical locations as found within the court transcripts

*Pre-trial Negotiations:* the discussions that go on the record but not in front of a jury as the agents of the court co-construct the case before it goes to trial.

*New Counsel:* requests by the defendants & response by the court for new counsel as exhibited within court transcripts.

*Prosecution tactics:* the discourse and narrative that the prosecution uses to gain a conviction as shown within court transcripts.

*Defendant-Victim/Survivor Relationship:* any portrayal or direct wording of the relationship between defendant & victim/survivor evident within court transcripts.

*Sex trafficking Time Frames:* any indication of time frames or when situations occurred as shown within court transcripts so as to establish a linear re-story.

*Victim/Survivor:* direct testimony from the victim/survivor as shown within court transcripts.

*Victim/Survivor Representation:* any representation of the victim/survivor made within court transcripts.

*Witnesses:* the words directly spoken by witnesses within court transcripts.



After initial coding of the court transcripts I analyzed the wording and themes within the narratives to build a secondary iteration of coding. This level of secondary analysis reflects the elimination of some codes that do not relate to the research questions as well as the refining of previously established codes tailored to the meaning of the data so as to be better analyzed.

## APPENDIX E

### SECOND ITERATION OF CODING

#### FORCE:

*Actual physical force:* actual physical examples of force as a method of control or compliance as indicated within the court transcripts.

*Example:*

Prosecution: “When you were with [redacted], were you ever beaten?”

Victim/Survivor: “Yes, I was”.

Prosecution: “About how many times”?

Victim/Survivor: “About three”.

Prosecution: “Do you remember why that happened”?

Victim/Survivor: “One was I used his cell phone to make a phone call, and two was just because I wasn’t obeying rules”.

*Threats of physical force:* examples of verbal threats of force as a method of control or compliance as indicated within the court transcripts.

*Example:*

Witness: “And she said that Ms. [redacted] told her that if law enforcement ever came, she would take her out. [cause deadly harm] And she was fearful when we went in the house, that Ms. [redacted], instead of going to the door, was going to run down and either shoot her or stab her”.

#### FRAUD:

*False identification:* any indication within the court transcripts of the use of false identification documents to participate in or perpetrate DMST.

*Example:*

Defense: “Defendant complains that no time frame is given for the acts in paragraph 11, here the agent relates [Victim/Survivor] statement that the Defendant knew [Victim/Survivor] was under eighteen, planned on getting [Victim/Survivor] false identification and planned on taking [Victim/Survivor] and five other females out-of-town to prostitute themselves”.

#### Coercion:

*Illegal Drugs:* any aspect of the examined transcripts revealing the use of drugs as an agent of coercion or control.

*Example:*

Witness: “she said that she was addicted to heroin, that she was compelled to engage in prostitution, that drugs would be withheld from her if she didn’t engage in prostitution for Mr. [redacted].

*Financial Control:* any aspect of the examined transcripts revealing the use of money as an agent of coercion or control by the defendant onto the victim/survivor.

*Example:*

Prosecution: “How did that happen”

Victim/Survivor: “I just—I wasn’t benefiting anything from it”.

Prosecution: What do you mean when you say you weren’t benefiting from it?”

Victim/Survivor: "From the money I was making, I wasn't profiting".  
Prosecution: "Was it all going to [defendant]?"  
Victim/Survivor: "Yes, sir".  
Prosecution: "How were you supporting yourself in terms of food and things like that?"  
Victim/Survivor: "Just based on what he would buy".

*Survival Sex*: any aspect of the examined transcripts revealing the employment or use of sex as a tool of survival in trade for food, shelter, or protection.

*Example:*  
Defense: "When you first ran away on the 19<sup>th</sup>, where did you go?"  
Victim/Survivor: "I went to Wal-Mart".  
Defense: "Why did you go to Wal-Mart?"  
Victim/Survivor: "Because it was the only place open that late".  
Defense: "What did you do at Wal-Mart?"  
Victim/Survivor: "Walked around".  
Defense: "And then what happened?"  
Victim/Survivor: "I got a ride to the Weiler Homes."  
Defense: "Did you stay with anyone you met at Wal-Mart?"  
Victim/Survivor: "Yes, I did."  
Defense: "How many night?"  
Victim/Survivor: "A couple".  
Defense: "Did you know that person before that?"  
Victim/Survivor: "No, I did not".  
Defense: "What was his name?"  
Victim/Survivor: "Jerome".

*Defendant/Victim/Survivor intimate relationship*: Any example of the examined transcripts revealing an instance when the defendant and the victim/survivor were engaged in an intimate sexual or romantic relationship.

*Example:*  
Prosecution: "Did he say anything else to you about prostitution?"  
Victim/Survivor: "He mentioned Toledo Slave Trade"  
Prosecution: "What do you remember him saying about that?"  
Victim/Survivor: "He just said that prostitution, he really didn't say much about it".  
Prosecution: "But he referred to it as the Toledo Slave Trade?"  
Victim/Survivor: "Yes".  
Prosecution: "[Victim/Survivor], once you moved in, did he have sexual relations with you?"  
Victim/Survivor: "Yes".  
Prosecution: "How often?"  
Victim/Survivor: "On a daily basis".  
Prosecution: "And what was said for that to happen, how did that happen?"  
Victim/Survivor: "I seen it as a relationship, we were boyfriend and girlfriend."  
Prosecution: "Did he tell you he loved you?"  
Victim/Survivor: "Yes, he did".  
Prosecution: "And you thought that you were his girlfriend".  
Victim/Survivor: "Yes, I did".  
Prosecution: "Did you feel like you could say no?"  
Victim/Survivor: "I didn't feel like I needed to at the time".  
Prosecution: "Because why?"  
Victim/Survivor: "Because we were supposedly boyfriend and girlfriend".

## COMPLICITY:

*Consumer:* any instance wherein the examined court transcripts reveal an individual who has actually purchased commercial sex with the identified victim/survivor in the case.

*Example:*

Prosecutor: "Did you see Ed"?

Victim/Survivor: "Yes, I did".

Prosecutor: "Were there sex acts performed?"

Victim/Survivor: "Yes, there was".

Prosecutor: "And did Ed pay you?"

Victim/Survivor: "Yes, he did".

Prosecutor: "Do you recall how much?"

Victim/Survivor: "About 65."

*Sexual appetite:* examples in which court transcripts reveal sexual appetite as a condition that is conducive to, or promotes the phenomenon of DMST.

*Example:*

Prosecution: "And that during this period of time, he was very lonely and sad sometimes, and he would go on the Internet and look at pornography, correct?"

*Commercial sex affiliate:* any instance wherein the examined court transcripts reveal an individual who works within the illegal commercial sex industry, holding or who may have held complicity in the situation but were not charged with a crime.

*Example:*

Defense: "Miss [Redacted Witness] could just as easily be charged with production of child pornography if that camera belonged to her and she participated in these pictures along with the juvenile in this case as Ms. [Defendant] could be charged. She could be looking at a mandatory minimum 15 years just as easy as Ms. [Defendant] is looking at a mandatory minimum 15 years. Yet the FBI and the United States Attorney's Office and the task force officers, they have ultimate discretion. They have this huge amount of power. Power that may even go beyond the power of the Court to say, "Don't worry, you're not going to be charged". Plus, Your Honor can't issue an indictment. We can't issue an indictment against her. But they can use their discretion as law enforcement officers to say, "Hey, you're on our side. You will be on our team. And we won't bring charges against you".

*Complicit location:* any indication wherein the examined court transcripts reveal a physical or virtual location holding complicity in the situation.

*Example:*

Prosecutor: "Did [defendant] ever ask you to prostitute on Lagrange".

Victim/Survivor: "He asked me to walk"

Prosecutor: "And what was Lagrange"

Victim/Survivor: "A place where a lot of prostitutes walk".

## APPENDIX F

### CONDITIONS AND CONTEXTS AS NARRATED BY VICTIM/SURVIVOR

*Poverty:* examples in which court transcripts reveal poverty as a condition that is conducive to, or promotes the phenomenon of DMST.

*Example:*

Witness: “And she had indicated that she had fallen on hard times and was working as a prostitute to the hotel”.

*Unstable family situation:* examples in which court transcripts reveal an unstable family situation as a condition that is conducive to, or promotes the phenomenon of DMST.

*Example:*

Prosecutor: “Did there come a time when you needed some medical attention?”

Victim/Survivor: “I started having some behavioral problems at home”

Prosecutor: “What was happening with you?”

Victim/Survivor: “I really didn’t want to be adopted or live there”.

Prosecutor: “—In roughly January of 2009?”

Victim/Survivor: “Yes”.

Prosecutor: “And what happened?”

Victim/Survivor: “I went to Rescue Crisis”.

Prosecutor: “What was Rescue Crisis?”

Victim/Survivor: “It was a place where you can stay for, like, three days for medical treatment.”

*Drug addiction:* examples in which court transcripts reveal drug addiction or usage as a condition that is conducive to, or promotes the phenomenon of DMST.

*Example:*

Prosecution: “And they were acquainted basically through the life-style that all the individuals were living at the Tattersal Court home where [defendant] resided prior to his arrest in this case”?

Witness: “I’m sorry. I don’t understand your question”.

Prosecution: “They were acquaintances with one another. Based upon your investigation, did you learn that these individuals were drug abusers and sometimes engaged in prostitution, as well?”

Witness: “They were drug abusers. One of them was engaged in prostitution”.

### CONDITIONS AND CONTEXTS AS NARRATED BY DEFENDANT:

*Accepting Responsibility:* examples in which court transcripts reveal the defendant apologizing for their actions or conditions contributing to DMST.

*Example:*

Defendant: “Honorable Judge Carr, I ask you to please take this time to evaluate my character and evaluate me as a person. I am not a trouble maker, nor am I a violent person. As you can see from my criminal history, I’ made some minor mistakes along the way, but I have the upmost respect for the law. I’m a God bearing man, I have morals and values. I’m a father to my kids. I would like the courts to know that I am a good man. I was raised with a strong family. The last few years of my life leading up to this incident I’ve been pursuing my college degree and I was working part-time jobs. Yes, Your Honor, I’ve done wrong, and I accept. But I want you to know that I’ve taken full responsibility for my wrongdoings. Know this was not my lifestyle. I let a five to six month period of my life destroy everything I’ve worked hard to become, and I not only

disappointed myself, but I disappointed my family. I made these mistakes, but we all I'm sorry, no one's perfect".

*Lack of knowledge regarding age:* examples in which court transcripts reveal the defendant stating that she/he was unaware of the victim/survivors factual age.

*Example:*

Defendant: "I guess I'm here to say that I'm guilty for not knowing that this girl was under age since she was in an adult environment? That's what I'm here to say today, that I'm guilty of not knowing that this girl was under age, in an adult environment, doing adult things, being an adult. I did not know that she was under age. No one in this room would know that this girl was under age. I mean, if I knew that she was a kid, it's no way I would look at her, talk to her, in any form of what I was doing. I mean, it's too many girls that—she was doing it before I met her. So she approached me with the let me work for you. She knew what I was doing. I did no know hat she was underage until the day she broke into my house and left a message on my cell phone stating that she was a minor. And I still didn't believe then that she was a minor".

*Lack of understanding:* examples in which court transcripts reveal the defendant stating that she/he is unaware of the mechanisms and protocol of court proceedings or what is actually occurring during the trial.

*Example:*

Defendant: "I am trying to say that I'm lost, and if I need time to prove that I'm innocent, then that's what I have to do, because I'm not going nowhere.

Judge: "You don't have to prove you're innocent. The burden of proof is never on you. The burden of proof is on the government".

Defendant: "I don't understand"

Judge: "You don't have to prove your innocence".

Defendant: "I am innocent".

*Race:* examples in which court transcripts reveal the defendant stating that she/he believes that race is a contributing factor to the trial

*Example:*

Defendant: "This was a Jim Crow investigation. This was the kind of trial that was held before there was civil rights, a black man accused of a heinous crime against a white girl who lies about her age and identify, had jungle fever and was scared to get locked up until she was 21 for running away again after she had been given chance after chance. This was her last shot. Instead of taking responsibility for her own actions the blame was shifted, with the encouragement of the Federal Task Force of Northwest Ohio violent Crimes Against Children. I had an all white jury from rural Ohio. There was not one urban white person, not one black person".

*Economic survival:* examples in which court transcripts reveal the defendant stating that she/he was engaging in behavior as an aspect of economic survival.

*Example:*

Defendant: "I was trying to be careful and keep us all safe. All we wanted to do was pay our bills. This is what we did, and it was wrong, but we did it. I mean, I tried to—I wasn't making millions, not even thousands. I was just making enough to pay the bills, because I couldn't get a job, and I tried to get a job. I love working a 9:00 to 5:00".

*Request for new counsel:* examples in which court transcripts reveal the defendant stating that she/he requests new counsel.

*Example:*

Defendant: “well Your Honor, I don’t see how I made anything clear to Mr Billak that I didn’t want to be represented by him. I told him that I would like to be properly represented, so if he got anything out of that, I don’t—I apologize for him to even think that I wanted to him to withdraw, but if he would like to withdraw. Like I told him, I want to be properly represented by someone. I don’t want to be represented by someone who’s telling me that I’m guilty”.

*Defendant educational level:* examples in which court transcripts identify the defendant revealing her/his actual educational attainment level.

*Example:*

The Court: “Did you go on to high school?”

Defendant: “Yes”

The Court: “What high school?”

Defendant: “I went to Woodward my freshman year; Libbey for Sophomore, and junior; Scott my senior year, and graduated in life schools.

The Court: “What year would that have been?”

Defendant: “2004, Your Honor”.

The Court: “what did you do after high school graduation?”

Defendant: “Went down to Tennessee to go to college.”

The Court: “What college?”

Defendant: “I was going to attend TSU, but I ended up coming back and going to Monroe Community College”.

The Court: “And at Monroe Community College, how far did you get?”

Defendant: I did a year and a half, and then that’s when I previously had injured my leg, my knee the first time. Then after the knee injury I ended up going to Owens”.

DEFENDANT REPRESENTATION:

*Criminally oriented:* examples in which individuals within the court transcripts identify the defendant being a criminally oriented individual.

*Example:*

Judge: “Mr. [Defendant]. The last time we met you expressed some dissatisfaction with your classification as a career offender. I want you to know that The Court has carefully reconsidered that classification, and I stand by my earlier ruling that such a classification is appropriate in this case. But for now let me say the requirements are set forth in section 4D1.1 which allows for classification as a career offender, if, one, you were at least 18 years old at the time you committed the crime in this case; two, the crime is a crime of violence; and three, you had at least two priory felony convictions of controlled substance.”

*Pimp:* examples in which individuals within the court transcripts reveal the defendant being a pimp and/or engaging in behavior normally associated with pimps.

*Example:*

Prosecution: “Ms. [redacted], he still has the audacity to say I’m not a pimp. He denies he’s a pimp of prostitution activities”.

*Urban/Race:* indications in which individuals within the court transcripts link urbanicity or race with portrayals or representations of the defendant.

*Example:*

Prosecution: “Let’s say you enter [defendants] house during a search warrant. Let’s say you walk around his house, for instance You look at his belongings and what do you see? Pimp. And his taste of music, pimp. When you look at the evidence and you look at the exhibits, read them, his rapping music, his interests, “I had a couple of prostitutes in my

lifetime”. He has a bag all ready to give to his prostitutes with baby oil, condoms, lubricants, his tools of the trade, his to-do or reminder lists, locations of truck stops, body glitter”.

*Good person:* examples in which individuals within the court transcripts reveal the defendant being represented as a good person, and/or family oriented.

*Example:*

Defense: “Ironically, I think it’s something that she wanted to accomplish in a positive manner that caused her not to turn herself in sooner than she did, and I can understand somebody who’s invested so much in their education, someone who the pretrial services report reflects has over \$30,000 in student loan debt, would want to try to finish out some classes before she goes into custody so that all of the work that she put forth in those classes wouldn’t be for naught and the financial—the financial responsibility that she engaged in with those classes wouldn’t be all for naught, as well.

*Victim of circumstance:* examples in which individuals within the court transcripts identify the defendant as being a victim of their circumstance or lot in life.

*Example:*

Judge: “Mr. [redacted], you are a young person. You’ve had a pretty hard life. There are a lot of things that happened to you that shouldn’t happen to anyone. Some were not of your choosing at all, but the drug and alcohol abuse were, and running a prostitution ring and doing some of the other things you did, those were your choosing”.

#### DEFENSE TACTICS:

*Victim blaming:* examples within the court transcripts wherein the defense employs tactics that extend or suggest blame upon the victim/survivor for the conditions surrounding or actual instance of DMST.

*Example:*

Defense: “And apparently, her brother even knows that there is some sort of prostitution taking place out of the home over Ms. [Defendant]. So it was her brother who prompted her to start talking to the police about this. It’s not uncommon, when somebody is in trouble, to try to shift the focus off of themselves onto somebody else, and then they know exactly what it is that law enforcement wants to hear. They want to hear the terrible, terrible story, that is different from the story that she initially told. I would submit, one that if not as bad, is just as embarrassing for a young girl to say, Well, I was having a romantic, sexual relationship with this individual”.

*Challenge to reputation:* examples within the court transcripts wherein the defense employs tactics that challenges the reputation of an individual associated with or actually involved in the trial.

*Example:*

Defense: So in essence, the Special Agent, the FBI, they decided, well, we believe the girl who is accused of burglary and we believe the man who has admitted to participating in prostitution, but they are not going to do any additional investigation to determine whether or not there is anything to corroborate other than looking at backpage.com and seeing that Ms. Richardson's telephone number is advertised on backpage.com before we go get a search warrant.”

*Physically mature victim/survivor:* examples within the court transcripts wherein the defense identifies the physical and/or emotional maturity of the victim/survivor for the conditions surrounding or actual instance of DMST.



*Example:*

Defense: “Now, [Victim/Survivor] clearly was a minor, but she’s physically developed. She’s post-pubescent. She looks like an adult. In fact, out of the individuals that we investigated in this matter, the adult individuals who were involved, as well as [Victim/Survivor], she was clearly physically just as mature as the other adults who were engaged in this activity”.

#### DESCRIPTIVE LANGUAGE:

*Agency:* The use of narrative to describe, identify or denote an individual’s agency or lack thereof.

*Example:*

Prosecution: “[Defendant] also objects to question number 3 proposed by the government. It currently reads: “Do any of you believe that prostitution of minors—that is prostitution of girls under the age of 18—should be legalized?”(emphasis added). It is not the subject of the question to which [Defendant] objects, but to the form, which is anything but neutral. That question should more appropriately read”... prostitution by minors—that is prostitution by girls under...” because if read the way it is written the jury will assume that the prostituting was done by someone over the age of 18, like the defendant, when that is actually one of the elements the government must prove at trial, so a Voir Dire question should not be worded to create an impression of what the evidence is going to establish as a fact.”

*Definitions:* examples within the court transcripts, which identify specific examples of definitions, slang, and/or other specific language that are employed in the commercial sex world.

*Example:*

Witness: “There were several symbols that are girl-boy love; symbols on the page as well as the acronym PTHC, which stands for preteen hard core”.

#### EVIDENCE:

*Physical evidence:* actual physical examples of evidence pertaining to DMST as indicated within the court transcripts.

*Example:*

Prosecution: “There are also items within this bag”?

Witness: “Yes. This item contained this packaging of lubricant, a plastic packaging, a receipt and a paper bag sealed with red evidence tape that contained anal beads”.

Prosecution: “And do you recognize those anal beads”?

Witness: “Yes, I do”.

Prosecution: “And did you perform a test on the anal beads”?

Witness: “I did”.

Prosecution: “What did you test for”?

Witness: “I tested for semen”.

*Verbal evidence:* verbal examples of evidence pertaining to DMST as indicated within the court transcripts.

*Example:*

Witness: “the website advertised international travel for the purpose of paying to have sex with children, and for an extra fee, you could record your sexual encounter with that child or children”.

Prosecution: “And how was the website advertised or put out into the community for others to view and respond to”?

Witness: Links were placed in chat rooms, bulletin boards, forums where it was very clear that there was an interest in the exploitation of children and child pornography”.

#### THE COURT:

*Sarcastic statements:* statements made by the judge and made evident in court transcripts where she/he acts and/or makes statements in a sarcastic way.

*Example:*

Judge: “Okay. They called me Speedy in grade school, if you can believe that. You don’t believe that, do you? Not for a minute. I’d go with Slim, too, but you wouldn’t believe that either”.

*Condemning statements:* statements made by the judge and made evident in court transcripts where she/he acts in a condemning way.

*Example:*

The Court: “And I want people in this community to understand men who treat women, especially young women the way you did, when they are caught violating federal law will be convicted. And when they are convicted, they will be punished severely, more severely than most defendants who appear before me who have committed what some might label less serious, or excuse me, more serious offenses”.

*Statements of concern:* statements made by the judge and made evident in court transcripts where she/he exhibits concern.

*Example:*

The Court: “if our society can do nothing else well, I hope we can protect the minors from whatever the crime against them might be. Who should protect the children but society, the parents, the courts”.

#### LOCATIONS:

*Physical locations:* any mention within court transcripts of actual physical locations and how those locations are/were involved.

*Example:*

Witness: “Over the July 4<sup>th</sup> weekend, from the 4th until—I’m sorry, excuse me, from that weekend, the Thursday to the Sunday, [Victim/Survivor] was forced to prostitute out of a Comfort Inn in Independence, Ohio. During the course of our search, we recovered a Comfort Inn receipt corresponding to the exact date and time that the witness described as the time that the defendant here forced [Victim/Survivor] to prostitute out of that hotel”.

*Internet-based locations:* any mention within court transcripts of any Internet based locations and how those locations are/were involved.

*Example:*

Witness: “She alleged that the person was advertising on backpage.com. Backpage.com is a commercial Internet advertising source that is not illegal. It is where people advertise escort service

Judge: “You can advertise for prostitution”?

Witness: No, you cannot advertise for prostitution. What you advertise on the Internet is for dancing services, or escort services, or massage services. Nobody can blatantly go on the Internet and advertise that they are offering themselves as prostitutes or for prostitution. In fact, this has been a big thing in the media lately, where backpage.com

has come under fire because, quite frankly, a lot of what—and Backpage is a multi-million dollar business, they make tens of millions of dollars a year nationally”.

#### PRE-TRIAL NEGOTIATIONS:

*Admissibility:* Within the court transcripts, conversations had amongst agents of the court regarding what can and cannot be presented as evidence or discussed pertaining to the case at hand.

*Example:*

Victim/Survivor: “I used his cell phone to call someone that I had been staying with, and they didn’t answer, and they ended up calling back.”

Prosecutor: “Why did you call that person?”

Victim/Survivor: “For them to come get me”.

Prosecutor: “You were trying to get away?”

Victim/Survivor: “Yeah”.

Prosecutor: “And that person called back?”

Victim/Survivor: “Yes, they did”.

Prosecutor: “Was [Defendant] angry?”

Victim/Survivor: “Yes”.

Prosecutor: “Did he beat you with his hands or anything else?”

Victim/Survivor: “He used a belt”.

Defense: “Objection”!

(A side bar conference was had on the record)

Defense: Judge, the basis for the objection is that evidence, the belt, was suppressed by The Court”.

Prosecution: “The testimony can come in, can’t it? The belt’s not coming in, but she can talk about what happened between her and him. The only thing that was suppressed was that the agents actually can’t introduce it into evidence. The fact that she said it happened wasn’t so. Only the fact that it wasn’t part of the search warrant, and it was ruled to be suppressed in terms of an exhibit item, an evidentiary item.

The Court: “That’s my understanding, to suppress excludes the belt itself, but not testimony about the belt or what he said or hat he did to her.”

#### PROSECUTION TACTICS:

*Use of authority figures:* as presented in the court transcripts, the prosecutions establishment of and employment of authority in order to corroborate or establish the case of DMST.

*Example:*

Witness: “My name’s Detective [Redacted]. I am—I a a detective with Toledo Police Department and Northwest Ohio Violent Crimes Against Children Task Force”.

Prosecution: “How long have you been employed with the Toledo Police Department”?

Witness: “Actually, I started my 20<sup>th</sup> year in October”.

Prosecution: “And what positions have you held over that 20 year period”?

Witness: “I started uniform patrol for five years, mainly I was selected to be in the vice narcotics, I’m technically still in. I spent approximately ten years in that unit which in August of 2006 I was selected to become a member for FBI’s Northwest Ohio Violent Crimes Task Force.”

Prosecution: “Currently what are your duties with the Northwest Ohio Violent Crimes Against Children Task Force?”

Witness: “Primarily my duties in the task force is combat trafficking, prostitution promoting and compelling and things of that nature.

## RELATIONSHIP BETWEEN DEFENDANT AND VICTIM/SURVIVOR:

*Consensual relationship:* any indication within court transcripts by any agent of the court, defendant, victim/survivor or witness of a consensual physical, or emotional relationship between defendant and victim/survivor.

*Example:*

Victim/Survivor: "I seen it as a relationship. We were boyfriend and girlfriend".

Prosecution: "Did he tell you he loved you"?

Victim/Survivor: "Yes he did".

Prosecution: "And you thought that you were his girlfriend".

Victim/Survivor: "Yes, I did".

Prosecution: "Did you feel like you could say no"?

Victim/Survivor: "I didn't feel like I needed to at that time"

Prosecution: "Because why"?

Victim/Survivor: "Because we were supposedly boyfriend and girlfriend".

*Financial/Managerial partnership:* any indication within court transcripts by any agent of the court, defendant, victim/survivor or witness of a consensual financial or managerial partnership between defendant and victim/survivor.

*Example:*

Defense: that [victim/survivor] did work as a prostitute, that she did earn income as a prostitute that was split with [redacted], and that amount, if it was calculated, would probably exceed \$3000.00".

*Abusive relationship:* any indication within court transcripts by any agent of the court, defendant, victim/survivor or witness of a physically, mentally or emotionally abusive relationship between defendant and victim/survivor.

*Example:*

Prosecutor: "[Victim/Survivor], when you were with [Defendant], were you ever beaten?"

Victim/Survivor: "Yes, I was".

Prosecutor: "About how many times?"

Victim/Survivor: "About three".

Prosecutor: "Do you remember why that happened"?

Victim/Survivor: "One was I used his cell phone to make a phone call, and two was just because he said I wasn't obeying the rules".

Prosecutor: "When you say one was over you used his cell phone, what can you tell us about that?"

Victim/Survivor: "I used his cell phone to call someone that I had been staying with, and they didn't answer, and they ended up calling back."

Prosecutor: "Why did you call that person?"

Victim/Survivor: "For them to come get me".

Prosecutor: "You were trying to get away?"

Victim/Survivor: "Yeah".

Prosecutor: "And that person called back?"

Victim/Survivor: "Yes, they did".

Prosecutor: "Was [Defendant] angry?"

Victim/Survivor: "Yes".

## VICTIM/SURVIVOR NARRATIVES:

*Victim/Survivor Testimony:* the actual testimony spoken in court transcripts by the victim/survivor.

Example:

Prosecution: "SW, when you were with AW, were you ever beaten?"

Victim/Survivor: "Yes, I was."

Prosecution: "About how many times?"

Victim/Survivor: "About three."

Prosecution: "Do you remember why that happened?"

Victim/Survivor: "One was I used his cell phone to make a phone call, and two was just because he said I wasn't obeying rules."

Prosecution: "When you say one was over you used his cell phone, what can you tell us about that?"

Victim/Survivor: "I used his cell phone to call someone that I had been staying with, and they didn't answer, and they ended up calling back."

*Victim/Survivor educational level:* examples in which court transcripts identify the defendant revealing her/his actual educational attainment level.

Example:

Prosecution: "Are you currently working"?

Victim/Survivor: "No"

Prosecution: "How far did you go in school?"

Victim/Survivor: "Tenth Grade. I plan to get my GED"

Prosecution: "Any particular area that you're interested in?"

Victim/Survivor: "CNA"

Prosecution: "What is CNA"?

Victim/Survivor: Certified nurse's assistant

## VICTIM/SURVIVOR PORTRAYAL

*Child:* examples in which individuals within the court transcripts identify the victim/survivor as being a child, holding no role in DMST.

Example:

The Court: You basically have participated in what used to be called the corruption of a minor. That young woman, no matter how she may have appeared or what she did, was still a child, and that is why the law protects her. I think that that remains a fair and accurate term. And no one of that age should be subjected and even given the opportunity to be subjected to or given the opportunity to engage in the conduct which you undertook to facilitate and did facilitate.

*Troubled teen:* examples in which individuals within the court transcripts identify the victim/survivor as being a troubled teen.

Example:

Defense: "So what I think we have here is a circumstance where this case is based upon individuals who probably have credibility problems, especially [Victim/Survivor], because she appears to be someone who's unruly, if she—you know, if she's a minor. Obviously she's a minor. She's 16 years old. Her mother claims she doesn't know where she is. She claims she's reported her stolen, yet her brother is able to contact her immediately".

*Runaway*: examples in which individuals within the court transcripts identify the victim/survivor as being a runaway.

*Example*:

Defense: “So, she had obviously a motivation to misrepresent the truth against Ms. [redacted], or to exaggerate what happened with Ms. [redacted], and it was incumbent upon law enforcement officers not just to take some 16-year-old runaway’s word for it that everything she was saying was the gospel truth, but to conduct some further investigation before they asked a judge to grant them permission to go into somebody’s home, the sanctity of someone’s home and subject it to a full Fourth Amendment search”.

*Sex worker*: examples in which individuals within the court transcripts speak of the victim/survivor as being a consensual sex worker.

*Example*:

Defendant: “I met her, and I an going to say it, I met her in an after-hours spot sucking a man’s dick in a dick sucking contest. That’s how I met her.

*Absent of agency*: examples in which individuals within the court transcripts identify the victim/survivor as being absent of agency or decision making ability.

*Example*:

Prosecution: “During the time that he was having sex with you, where did that take place”?

## WITNESSES

*Direct witness*: examples in which individuals within the court transcripts have direct knowledge and/or contact with the phenomenon of DMST, the defendant, or the victim/survivor.

*Example*:

Prosecutor: “Tell me about what difference—the differences between Megamates and Companions?”

Witness: “Well, the girls are a lot better, I mean, you know, better groomed appearance, better—how do I say it? They know what they’re doing. They haven’t, you know what I’m trying to say?”

Prosecutor: “Unfortunately, you’re going to have to describe it. But let me ask you, when you’re talking about “the girls, “ from which service are you talking about?”

Witness: “Companions”.

Prosecutor: “Okay. Yes. And which one—which one of the two services was more expensive?”

Witness: “That’s Companions, and it’s more expensive”.

*Character witness*: examples in which individuals within the court transcripts speak to the character regarding the agents of the court, defendant, or victim/survivor.

*Example*:

Defense: “What the evidence revealed is that this wasn’t something that Ms. [Defendant] had been doing all of her life. In fact, Ms. [Defendant], the presentence investigation report reflects from the time she was very young, in fact basically on her own as a teenager, and growing up and living on her own and having her miscarriage when she was 16 years old and then having her daughter who’s in court today when she was 16 years old, was working fast-food restaurants, was working in the community, was doing everything she could to try to survive in the community working various odd jobs and staying away from the criminal element.”

*Evidentiary witness:* examples in which individuals within the court transcripts speak to or about the evidence regarding the phenomenon, defendant, or victim/survivor.

*Example:*

Witness: “Recovered from that search, upstairs in the living room, we recovered a laptop computer that was connected to a wireless card, which would allow t to connect to the Internet. We recovered three cellular telephones. We recovered pills that have not been tested yet. There was a small amount of currency. There was many identifications of individuals we don’t believe that have ever lived there, unknown individuals”.

## **APPENDIX G**

### **RE-STORYING OF THE NARRATIVES**

While developing the secondary coding procedures, I needed to also develop a linear and temporally relative re-story of the cases so as to understand what the individuals involved in the court narratives were actually going through and experiencing, their standpoints. The court transcripts often jumped from various locations and spanned, at times, several years. This reflects the nature of the judicial or legal story retelling procedures. The judicial system, it appears, begins their involvement at the middle of the actual phenomenon, then the agents of the court and phenomenon come together to co-construct what actually occurred at the beginning of the phenomenon so as to determine the ending. Compounding issues, there were parts of the story listed and available from the court transcripts that were intentionally omitted, redacted, or censored by the federal court system. This lends to stories that are, at times, incomplete, lacking pertinent details, and may be relayed in a semi-temporal way. In the pages below, I have included a general re-story of the phenomenon of DMST that the individuals contained within the court narratives lived. Overall, contained within the court transcripts, there are 15 cases including 26 different defendants, and 23 different victim/survivors.



TABLE 2: DEMOGRAPHICS OF DEFENDANTS

Docket Number	Defendant(s)	Trial Location	Outcome	Defendant(s) Race	Defendant (s) Gender	Defendant(s) Age
Case #1 3:10-mj-07***	MF	Toledo	Pled Guilty	African American	Male	29
	BT		Pled Guilty	African American	Female	47
	KF		Pled Guilty	African American	Male	27
Case #2 3:10-cr-00***	AW	Toledo	Guilty by Jury Trial	African American	Male	39
Case #3 3:10-cr-00***	BR	Toledo	Pled Guilty	African American	Male	27
	AW		Pled Guilty	African American	Female	24
Case #4 3:10-cr-00***	RC	Toledo	Pled Guilty	African American	Male	27
	MM		Pled Guilty	Caucasian	Female	21
	DH		Pled Guilty	African American	Male	22
	SP		Pled Guilty	Unknown	Unknown	21
	CS		Pled Guilty	Unknown	Female	23
	VT		Pled Guilty	African American	Female	50
Case #5 1:10-mj-02***	ET	Cleveland	Guilty by Jury Trial	African American	Male	44
Case #6 1:11-mj-09***	PB	Cleveland	Pled Guilty	Unknown, German citizen	Male	49
Case #7 1:11-cr-00***	OL	Cleveland	Pled Guilty	Unknown, German citizen	Male	69
Case #8 1:11-mj-03***	TD	Cleveland	Pled Guilty	African American	Male	42
Case #9 1:11-mj-02***	PR	Cleveland	Pled Guilty	African American	Female	41
Case #10 1:12-mj-03***	EM	Cleveland	Pled Guilty	African American	Male	27
	CB		Pled Guilty	African American	Female	22
Case #11 3:11-mj-07***	TL	Toledo	Pled Guilty	African American	Male	32
Case #12 3:12-mj-05***	BJ	Toledo	Guilty by Jury Trial	African American	Male	28
Case #13 3:12-mj-00***	DH	Toledo	Pled Guilty	African American	Male	26
	TD		Pled Guilty	African American	Male	27
Case #14 1:13-cr-00***	JM	Cleveland	Pled Guilty	Caucasian	Male	38
	AO		Pled Guilty	Caucasian	Female	24
Case #15 3:13-cr-00***	AG	Toledo	Pled Guilty	Caucasian	Female	35

TABLE 3: DEMOGRAPHICS OF VICTIM/SURVIVORS

Docket Number	Victim/Survivor(s) Identification	Victim/Survivor Gender	Victim/Survivor Race	Victim Survivor Age
Case #1 3:10-mj-07***	CB	Female	Caucasian	Under 18
Case #2 3:10-cr-00***	SW	Female	Caucasian	16
Case #3 3:10-cr-00***	CB	Female	Unknown	14
Case #4 3:10-cr-00***	KH AS DW JM	Female Female Female Female	Unknown Unknown Unknown Unknown	15 Under 18 Under 18 Above 18
Case #5 1:10-mj-02***	CW	Female	Unknown	16
Case #6 1:11-mj-09***	Unknown	Female	Unknown	11
Case #7 1:11-cr-00***	Unknown Unknown	Female Male	Unknown Unknown	11 11
Case #8 1:11-mj-03***	HM	Female	Unknown	16
Case #9 1:11-mj-02***	SJ	Female	Unknown	16
Case #10 1:12-mj-03***	CW	Female	Unknown	16
Case #11 3:11-mj-07***	KS	Female	Unknown	Unknown
Case #12 3:12-mj-05***	RM AC	Female Female	Caucasian African American	15 16
Case #13 3:12-mj-00***	JD#1 JD#2 JD#3 JD#4	Female Female Female Female	Unknown Unknown Unknown Unknown	19 16 20 23
Case #14 1:13-cr-00***	AW	Female	Unknown	16
Case #15 3:13-cr-00***	Unknown	Female	Unknown	Under 18

CASE 1  
3:10-MJ-07\*\*\*  
TOLEDO, OHIO  
FILED 09-21-10  
TERMINATED 05-07-12

According to examined court transcripts, there were three defendants in this case; namely MF, a 29-year-old African American male, his brother, KF a 27-year-old African American male and his mother BT, a 47-year-old African American female. The victim/survivor, CB, was a female who was stated to be under 18 years old. Transcripts identify that this case was brought to the attention of authorities when a confidential informant indicated that an individual was promoting the prostitution of a white female. This complaint then resulted in the arrest of the defendant MF and the victim/survivor CB.

Prosecution:

“a confidential informant stated a black male was promoting prostitution of a white female juvenile”

“Detective C observed two black males and a younger white female who matched the description the confidential informant gave. The younger white female TH flagged down the detective in his unmarked vehicle. TH offered sexual intercourse for \$70.00. TH told the detective she had a room at the [redacted] TH pointed to MF and stated she would need to get the key from him.”

Indictment:

“Defendant and his alleged prostitute (TH) were arrested. Both were taken into custody at the Toledo Police Department Headquarters (Safety Building).”

“arrested Defendant at a carry-out store on Telegraph Road, near where T.H. allegedly solicited a police detective. In connection with the arrest, Officer Taylor searched Defendant for weapons. He found both a pocket knife, which he did not return to Defendant, and a motel key, with the motel’s name and room number labeled on a piece of plastic attached to the keyring.”

According to a Superseding indictment filed on 02-16-11, In August of 2010, authorities officially made an accusation that defendant MF recruited a female who was under 18 years of age so as to engage in commercial sex.

Indictment:

“defendant MF, did knowingly recruit, entice, harbor, transport, provide and obtain by any means, in and affecting interstate commerce, a minor under the age of 18 years,

namely TH, knowing and in reckless disregard of the act that means of force, fraud, and coercion would be used to cause TH to engage in a commercial sex act”

After the arrest of defendant MF, according to court transcripts, the defendants MF, BT and KF engaged in conspiracy, and at times, threats and intimidations to influence the case so it would end favorably for MF. Additionally, the mother of BF and KF attempted to open a line of communication between the defendant MF and the victim/survivor TH; an action that was strictly prohibited by the court.

Indictment:

“ the defendants, MF and KF, did knowingly use intimidation and threaten and corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person”

“the defendant, BT, did corruptly endeavor to influence, obstruct, and impede the due administration of justice in connection with the prosecution of United States v. MF..., by obtaining for, and providing and causing to be provided to, defendant MF, communications from the victim TH”.

As a part of its case against the defendant, the prosecution filed a witness statement as evidence on 01-07-11 from LC, and individual not associated as a defendant with the case, but seemingly an acquaintance with the defendant. The statement was not written directly by the witness but was rather written by two FBI agents as the result of an interview. It appears through the interview that the defendant may have been involved with several other females and that he primarily has interest in white females.

Witness:

“MF advised LC that he was a pimp and that [victim/survivor] would be turning eighteen years old soon and MF would be able to “beat the charges.” MF advised LC that he was waiting for [victim/survivor] to contact him, but that she’s in a detention center in [redacted]. MF advised LC that he told [victim/survivor] not to cooperate or talk to the police and believes that she followed his instructions. LC explained that MF was hopeful when [victim/survivor] turned eighteen, she would be an adult and he would be “okay on the charges”. LC explained that MF was relayed information about [victim/survivor] whereabouts from his mother, BT. LC stated that MF was on the phone all the time with his mother directing her to call his lawyer, the NAACP., his baby-mama, and his “other girls”, to relay messages for him. LC said that MF told him that {victim/survivor} was not the first girl he ever pimped out. LC advised that MF has got a “few other girls, but they all white. He doesn’t mess with anybody but white girls”. MF would talk about the other girls, but he primarily talked about [victim/survivor] and his current case against him.

Transcripts state that while the defendant was incarcerated, he was moved to an isolated ward due to his attempts to contact individuals associated with the case. His confinement required that he be locked in his cell for twenty-three hours a day and have no communication with others. During this time, he attempted to commit suicide.

Defense:

“the Defendant attempted suicide. When counsel was able to speak with the defendant, he indicated that the stress associated with his current state of imprisonment had affected him mentally in such a way as to cause him to “lose it” and attempt to take his own life. The defendant is currently under a suicide watch in the jail.”

As a result of the investigation conducted into the case. The government filed five different counts against the defendants.

*Count 1:*

The United States alleges that defendant MF violated title 18 of the United States Code §1591 (a)(1) and (b)(1),(2), 1591(d). Specifically the document identifies that MF “did knowingly recruit, entice, harbor, transport, provide and obtain by any means, in and affecting interstate commerce, a minor under the age of 18 years, namely T.H. knowing and in reckless disregard of the fact that means of force, fraud, and coercion would be used to cause T.H. to engage in a commercial sex act”.

*Count 2:*

Defendants BT, KF, and MF are also identified by the United States as obstructing, attempting to obstruct, interfering with and preventing the enforcement of a sex trafficking investigation, a violation of §18.1591(d).

*Count 3:*

Defendant MF is identified by the United States as using intimidation, and threatening persuading another persons with the intent to influence, delay, and prevent testimony in a professional proceeding, (2), causing an individual to withhold testimony, and (3) hindering and delaying communication with law enforcement. This allegation constitutes a violation of §18.1512(b)

*Count 4:*

Defendant MF and KF are identified by the United States as using intimidation and threats, and misleading conduct to influence, delay, and prevent testimony in a professional proceeding, (2), causing an individual to withhold testimony, and (3) hindering and delaying communication with law enforcement. This allegation constitutes a violation of §18.1512(b)

*Count 5:*

Defendant BT is identified by the United States as obtaining for, and providing defendant MF, communications from victim/survivor T.H., an act that BT knew to be prohibited by court order. This allegation constitutes a violation of §18.1503(a)

All three defendants in this case pled guilty to various charges. MF pled guilty and was sentenced to 125 months with a special assessment of \$100.00. Upon release, he will be subject to supervised release for ten years and must also register as a sex offender. The defendant BT pled guilty and was sentenced to 3 years of probation and must participate in an adult program so as to work towards a General Educational Development (GED) degree. BT also must pay a special assessment of \$100.00, and must participate in mental health treatment program. Finally, KF pled guilty and was sentenced to 24 months of prison with a supervised release of three years and was charged a \$100.00 special assessment.

CASE 2  
3:10-CR-00\*\*\*  
TOLEDO, OHIO  
FILED 09-29-10  
TERMINATED 07-03-12

According to court narratives, this case involved one defendant named AW, aka “Party Time”, “PT”. At the time of the case, he was a 39-year-old African American male who had an eight-year-old daughter living with him. He was previously employed with a taxicab company and an ice-cream truck company. Additionally, he once was enrolled in green energy coursework. There was one Victim/Survivor in the case; namely SW, a 16-year-old white female who attended school to the 10<sup>th</sup> grade. She is identified as having run away from her foster parents house. Court transcripts reveal that this case began with Toledo detectives becoming aware of a missing, runaway youth that was suspected of

being involved in commercial sex within the area. One of the detectives stated that police were involved in actively looking for her.

Prosecution: "At what point did you become aware of SW?"

Witness: "That was roughly January of 2009."

Prosecution: "How did you become aware?"

Witness: "Through a complaint that our task force received."

Prosecution: "What was the complaint, to the best of your recollection?"

Witness: "That there was a missing juvenile that was possibly involved in prostitution."

Prosecution: "And there were steps that were taken to find that juvenile, is that correct?"

Witness: "That's correct".

Prosecution: "What steps were taken?"

Witness: "We looked at—throughout the city when we were doing surveillance, just checked normal places where we might find our runaways, different areas of town, checking with other social service agencies that we partner with, put the word out that that person might be missing so she might be found."

Transcripts indicate that police received a phone call that SJ had returned to her foster family.

Witness: "On March 19th we received a call from the foster parents, that they advised us that SW had 15 returned to foster -- to her foster home".

Court narratives indicate that SJ testified that she was not happy with her current placement or at the prospect of being adopted. She then decided on her own accord to run away from her foster family placement.

Victim/Survivor: "I started having behavioral problems at home."

Prosecutor: "What was happening with you?"

Victim/Survivor: "I really didn't want to be adopted or live there anymore"

Prosecutor: "You weren't happy"

Victim/Survivor: "No".

Prosecutor: "So what did you decide to do?"

Victim/Survivor: "I ran away"

Prosecutor: "How did you run away?"

Victim/Survivor: "I went out of the back of my window of their home."

When she was out of her foster home, transcripts identify that she had no money, transportation or place to stay. It was then that she came to stay with an individual named "Jody", through which SJ met and came to live with the defendant AW.

Prosecution:

"She ran away, she's literally on the street. She's homeless, looking for a friend that she couldn't connect with. She's penniless She has no means of transportation, of getting herself around except on her own feet. Just about has the clothes on her back. A couple weeks into this she meets the defendant, AW who takes her into his home"

Victim/Survivor: "Jody was getting evicted from her home, and he said that I could come stay with him and his daughter."

Transcripts state that initially, SJ and AW may have engaged in a consensual, albeit age-inappropriate, sexual relationship, and that they engaged in sexual activities on a regular basis as she was living at his residence. SJ identifies though, that at some point, she begins to engage in commercial sex and at that time, she felt, that she could no longer say no.

Prosecutor: "SW, once you moved in, did he have sexual relations with you?"

Victim/Survivor: "Yes"

Prosecutor: "How often"

Victim/Survivor: "On a daily basis."

Prosecutor: "And what was said for that to happen, how did that happen?"

Victim/Survivor: "I seen it as a relationship, we were boyfriend and girlfriend."

Prosecutor: "Did he tell you he loved you?"

Victim/Survivor: "Yes, he did."

Prosecutor: "And you thought that you were his girlfriend?"

Victim/Survivor: "Yes, I did."

Prosecutor: "Did you feel like you could say no?"

Victim/Survivor: "I didn't feel like I needed to at that time."

Prosecutor: "Because why?"

Victim/Survivor: "Because we were supposedly boyfriend and girlfriend."

Prosecutor: "And did the sex continue throughout the time you were there with him?"

Victim/Survivor: "Yes, it did."

Prosecutor: "Did there come a point when you didn't feel you could say no?"

Victim/Survivor: "Yes"

Prosecutor: "And tell the jury about that. What happened?"

Victim/Survivor: It was after the prostitution started for us. I just—I was scared."

Based upon investigation, court transcripts indicate that the defendant was charged in a one-count indictment.

*Count 1:*

The United States alleges that defendant AW did knowingly violate USC §18.1591(a)(1) and (b)(1).

"knowingly recruit, entice, harbor, transport, provide and obtain by any means, in and affecting interstate commerce, a minor under the age of 18 years, namely SW, knowing and in reckless disregard of the fact that means of force, fraud, and coercion would be used to cause SW to engage in a commercial sex act".

Defendant AW was found guilty by jury trial of violating §18.1591(a)(1) and



(b)(1)(2) regarding the sex trafficking of a minor. He was sentenced to 360 months in a federal correctional facility with five years of supervised release. He was also ordered to register as a sex offender upon release from prison.

CASE 3  
3:10-CR-00\*\*\*  
TOLEDO, OHIO  
FILED 11-03-10  
TERMINATED 12-05-12

Court transcripts identify that there are two defendants implicated within this case. The first, BR, aka B-Money is a 27-year-old African American male. He was a high school graduate, self-identifying as literate. He previously attended Tennessee State University, Monroe Community College and Owens Technical College but left school after being put on probation for carrying a concealed weapon in Monroe, Michigan. He held previous employment at Taco Bell, and Extra Touch Auto Detailing. The second defendant was identified as AW, aka "Buttercup", a 24-year-old African American female. Court narratives reveal the victim/survivor as CB, a 14-year-old female, whose race was not identified. At the time of the incident, a foster family was caring her for.

According to the examined court narratives, this case was initiated when authorities conducted a vehicle stop of the defendant BR. Officers stated that within the vehicle were two females, AW, an adult and CB a minor. Both of them were dressed in clothing that was suggestive of engaging in commercial sex.

Prosecution:

"At approximately 2:28 a.m. on June 23, 2009, defendant's light blue 1990 Lincoln Town Car, Ohio license [redacted] was stopped by the Ohio Highway Patrol heading northbound on I-75. The defendant was driving, and CB and AW were passengers; they were dressed in prostitution attire."

Transcripts identify that the defendant BR had previously met CB as a runaway from the foster home she was living at. After contact, BR introduced her to AW and they began engaging in commercial sex in and around truck stops. BR would drop off AW and CB where they would travel from various trucks, using the CB to recruit potential consumers. After the females would engage in commercial sex, they would call BR who would come to pick them up from a predetermined location.

Prosecution:

“CB had run away from a foster home in Toledo, Ohio about three weeks before meeting the defendant. Defendant provided CB his cell phone number. Some two days later C.B. called defendant who came and picked up CB.”

“defendant drove C.B. and Whitt to truck stops to engage in prostitution”

“AW and CB would go from truck cab to truck cab and use the CB radios of truck drivers to arrange acts of prostitution. After four or five hours Whitt would call defendant's cell phone and arrange for him to pick her and CB up either at a truck stop or a nearby Speedway gas station.”

“After picking the women up, Whitt and C.B. would give defendant the proceeds of the prostitution. While C.B. was staying with defendant he provided her with clothing, marijuana, and hygiene items.”

As a result of the investigation the government filed two charges against the defendants.

*Count 1:*

The United States alleges that defendants BR and AW violated USC §18.1591(a)(1) and (b)(2).

“in and affecting interstate commerce, knowingly recruit, entice, harbor, transport, provide and obtain, by any means, a minor under the age of 18, namely, CB, knowingly and in reckless disregard of the act that CB had not attained the age of 18 and that CB would be caused to engage in a commercial sex act”.

*Count 2:*

The United States alleges that defendants BR and AW knowingly transported a minor, CB with the intention that she would engage in prostitution. This allegation is a violation of §18.2423(a)

Upon completion of the evidentiary portion of the trial, both defendants pled guilty. BR pled guilty of violating §18.1591(a)(1) and (b)(2) Sex Trafficking of a Minor. He was sentenced to serve 96 months (8 years) in a federal prison and serve six years of supervised release. He also must register as a sex offender upon release from prison. AW

pled guilty of violating 18.2423(a) Transportation of a Minor to Engage in Criminal Sexual Conduct (Count 2). She was sentenced to 20 months in federal prison and must subsequently serve five years of supervised release. A \$100.00 special assessment was issued and upon release she must register as a sex offender.

CASE 4  
3:10-CR-00\*\*\*  
TOLEDO, OHIO  
FILED 11-03-10  
TERMINATED 12-02-11

According to court transcripts, there were six different defendants associated with this case. The first, *RC*, was a 27-year-old African American male. He completed 8<sup>th</sup> grade and had three children. Before his arrest, he was previously employed at a Walgreen's distribution center and various warehouses. The second co-defendant was *MM*, a 21-year-old Caucasian female. She had four children a six-month old, two four-year olds, and a seven-year old, two of her children were adopted out. *MM* graduated from high school and was under the care of a doctor or hospital for a mental condition. The third co-defendant was identified as *DH*, a 22-year-old African American male. He had a two-year old son and attended high school to the 12<sup>th</sup> grade but did not graduate. The third co-defendant was identified as *SP*, 21-year-old female. The fourth co-defendant was *CS*, a 23-year-old female. She had two children ages four and two and had graduated from high school but admits difficulty in reading. Before her arrest, she was previously employed at a gas station. The final co-defendant was *VT*, a 50-year-old African American female. She is the mother of defendant *RC*. She did not graduate from high school but attended part of the 12<sup>th</sup> grade and up until her arrest, she was employed as a State tested nurse's assistant (*STNA*). Court narratives reveal that there were four

victim/survivors involved in this case; KH, a 15-year-old female, AS, a minor under the age of 18, DW, a minor under the age of 18, and JM, a female above the age of 18; there are no indication of the race of the victim/survivors)

In an indictment filed 11/03/10, the United States of America alleges that defendants RC, MM and DH would recruit females including those under the age of 18 to engage in commercial sex as prostitutes for the benefit of the defendants. At times, these females would be transported within and across state lines, originating in Ohio to engage in sexual contact at hotels motels and other locations. RC and MM would instruct the females with pricing for engagement in commercial sex acts as well as how to avoid and evade law enforcement. Additionally, defendants RC and MM would inform the recruited females that they must turn over proceeds of their engagement in commercial sex to the defendant RC, who, would also engage in sexual intercourse with them.

Indictment:

“defendants RC and MM would provide the recruited females with instructions as to the charges for various sexual acts, how to avoid and evade law enforcement, and the requirement to turn over to defendants the proceeds of prostitution and other sex acts; defendant RC would have sexual intercourse with the females recruited to work for him; defendants RC, MM and DH transported females, including minors, to engage in prostitution and other illicit sexual conduct, at hotels, motels, and other locations, including places outside the State of Ohio.

It was also alleged that defendant MM as well engaged in commercial sex acts and would in-turn hand over most or part of the proceeds to defendant RC, who, at times would beat and assault the females who worked for him. He would also threaten the females who left or attempted to quit working as prostitutes.

Indictment:

“Defendant RC would have sexual intercourse with the females recruited to work for him”  
“Defendant MM, would and did travel in interstate commerce, with others not indicted herein, to engage in prostitution and other commercial sex acts, and would provide all or part of the proceeds earned from such conduct to defendant RC; and defendant RC would from time to time beat and assault females working for him, and threatened females who left or attempted to quit working as prostitutes for him.”

These allegations are the result of governmental investigations that outlined in 2007 in Toledo, Ohio, defendants RC and MM posted advertisements of minors named AS, KH and DW on craigslist.com so as to engage in commercial sex for the benefit of the defendants. During the years 2008 and 2009, the defendants engaged in a variety of commercial sex enterprises, which resulted in the arrest of MM for solicitation of an undercover officer in Monroe Michigan on October 10, 2008, and the arrest of a female named EM (not indicted) in Toledo, Ohio after a similar offense. In 2008, defendants RC and MM transported an individual known as WH in interstate commerce so as to engage in commercial sex for the benefit of the defendants. The defendants engaged in similar behavior from April 15, 2009 to April 22, 2009 using force, fraud, and coercion so as to cause an individual known as JM to engage in commercial sex for the benefits of the defendants.

Indictment:

“As early as some time in 2007, defendants RC and MM posted a minor named AS on Craigslist.com, and caused the minor to engage in acts of prostitution in Toledo-area hotels and at RC’s residence”

“In late August 2007, defendant RC posted and caused to be posted on Craigslist.com an advertisement for KH who was a minor”

“on or about September 4, 2007, defendants RC and MM posted on Craigslist.com in the Toledo area a “3-girl” post with MM, another individual but not indicted herein, and a minor, KH”.

“the defendant RC, aka “Lucky”, did knowingly, in and affecting interstate commerce, recruit, entice, harbor, transport and obtain by any means, a person, namely JM, knowing and in reckless disregard of the fact, that means of force, threats of force, fraud, and coercion would be used to cause JM to engage in commercial sex acts.

During the course of the investigation and subsequent incarceration of the defendants, the United States alleges that defendants RC, SP, CS and VT conspired with each other and others not listed in the indictment, to obstruct and interfere with the investigation. This occurred when defendant RC would contact SP, CS, and VT from prison so as to direct those individuals to engage in behavior that would influence the case.

Indictment:

“defendants, RC, SP, CS, and VT, did knowingly and willfully conspire and agree with one another, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States”

Based upon the evidence as listed within the indictment, the United States Government charged the defendants with the following in a 10-count indictment:

*Count 1:*

The United States alleges that from 2007- at least November 3<sup>rd</sup>, 2010 in Northern Ohio and elsewhere, defendants RC, MM, and DH

“did knowingly and willfully conspire and agree with one another, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States including (a) §18.1591(a)(1) and (b)(2) sex trafficking of children, (b) §18.1591(a)(1) and (b)(1) sex trafficking by force, fraud, and coercion, (c) §18.2421 transportation in interstate commerce with intent to engage in prostitution, and (d) §18.2422 persuading, inducing, enticing and coercing any individual to travel in interstate commerce to engage in prostitution.

*Count 2:*

The United States alleges that from August 1, 2007 through September, 2007, in Northern Ohio and elsewhere, defendants RC and MM

“did knowingly, in and affecting interstate commerce, recruit, entice, harbor, transport, provide and obtain by any means, a minor under the age of 18, namely, KH, knowing that KH had not attained the age of 18 years and would be caused to engage in a commercial sex act. This allegation is a violation of §18.1591(a)(1) and (b)(2)”.

*Count 3:*

The United States alleges that from 2007 through at least December 19, 2007, in Northern Ohio and elsewhere, defendants RC and MM violated USC §18.1591(a)(1) and (b)(2).

“did knowingly, in and affecting interstate commerce, recruit, entice, harbor, transport, provide and obtain by any means, a minor under the age of 18, namely, AS, knowing that AS had not attained the age of 18 years and would be caused to engage in a commercial sex act”.

*Count 4:*

The United States alleges that from May 10, 2009 through at least May, 16 2009, in Northern Ohio and elsewhere, defendants RC, MM and DH violated USC §18.2422(a)

“did knowingly persuade, induce, entice, and coerce other individuals to travel in interstate commerce, that is, from Toledo, Ohio, to Fort Wayne, Indiana, and back, to engage in prostitution, and in sexual activity for which any person can be charged with a criminal offense”.

*Count 5:*

The United States alleges that from March 15, 2009 through at least April 22, 2009, in Northern Ohio and elsewhere, defendants RC violated USC §18.1591(a)(1) and (b)(2).

“did knowingly, in and affecting interstate commerce, recruit, entice, harbor, transport, provide and obtain by any means, a person, namely, JM, knowing and in reckless

disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause JM to engage in commercial sex acts”.

*Count 6:*

The United States alleges that from October 10, 2008 in Northern Ohio, Defendants RC and MM Violated USC §18.2421 and §18.2422.

“did knowingly transport and cause to be transported another individual, namely WH in interstate commerce, that is, from Toledo, Ohio, to Monroe, Michigan, with the intent that WH engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense”.

*Count 7:*

The United States alleges that from May 20, 2008 and continuing to June 1, 2008 in Northern Ohio and other places, defendants RC, MM and DH violated USC §18.2421 and §18.2422

“did knowingly transport and cause to be transporter other individuals, in interstate commerce, that is, from Toledo, Ohio to Louisville, Kentucky, and back with the intent that such individuals engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense”.

*Count 8:*

The United States alleges that from June 15, 2008, and continuing to on or about July 1, 2008 in Northern Ohio and other locations that defendants RC, MM, and DH violated USC §18.2421 and §18.2422”.

“did knowingly transport and cause to be transported other individuals, in interstate commerce, that is, from Toledo, Ohio, to Louisville, Kentucky, and back, with the intent that such individuals engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense”.

*Count 9:*

The United States alleges that on or about April 14, 2009 in Northern Ohio and elsewhere, defendant RC violated USC §18.2421 and §18.2422.

“did knowingly transport and cause to be transported other individuals, in interstate commerce, that is, from Toledo, Ohio, to New York, New York, and back, with the intent that such individuals engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense”.

*Count 10:*

The United States alleges that from November 3, 2010, and continuing to the issuance of the date of the indictment, defendants RC, SP, CS and VT

“ did knowingly and willfully conspire and agree with one another, and with other persons unknown to the Grand Jury, to commit offenses against the United States, including (a) obstructing, attempting to obstruct, interfering with, and preventing the enforcement of Section 1591 of Title 18 (b) corruptly endeavoring to influence, obstruct, and impede the due administration of justice in violation of Title 18, United States Code, Section 1503(a); and (c) knowingly using intimidation, threatening, and corruptly persuading another person, and attempting to do so, with intent to influence, delay, and prevent the testimony of any person in an official proceeding and to cause a person to withhold testimony from an official proceeding, in violation of Title 18, United States Code, Section 1512(b)”.

Court transcripts reveal that all defendants pled guilty to respective crimes.

Defendant RC pled guilty to violating §18.371, conspiring to obstruct a sex trafficking investigation and §18.1591(a)(1) and (b)(2) Sex Trafficking of Children. RC was sentenced to 240 months (20 years) of incarceration within a federal prison. Upon release from prison RC must serve eight years of supervised release and register as a sex offender and a special assessment of \$300.00 was issued.

Defendant MM pled guilty to §18.371, conspiring to obstruct a sex trafficking investigation. MM was sentenced to a term of probation for five years. Defendant DH pled guilty to §18.2421 and §18.2422, Transportation in Interstate Commerce with Intent to Engage in Prostitution. He was sentenced to 24 months of incarceration in a federal prison. Upon release, defendant DH must serve 3 years of supervised release and a special assessment of \$100.00 was issued. Defendant SP pled guilty to §18.1594(c) Conspiring to Obstruct a Sex Trafficking Operation. She was sentenced to one day of prison with credit for time served and three years of supervised release.

Defendant CS pled guilty to §18.1594(c) Conspiring to Obstruct a Sex Trafficking Investigation. She was sentenced to one day of prison with credit for time served and three years of supervised release. Defendant VT pled guilty to §18.1594(c) Conspiring to Obstruct a Sex Trafficking Investigation. She was sentenced to three years of probation.



CASE 5  
1:10-MJ-02\*\*\*  
CLEVELAND, OHIO  
FILED 01-05-11  
TERMINATED 03-23-12

According to court narratives. This case involved one defendant named ET. At the time of the incident, he was a 44-year-old African American male who received a GED in 1986. He had four children; two were aged 24, one is 18, and one is 11. He had never been married. Transcripts indicate that this case involves one victim/survivor, CW, a 16-year-old female student, whose race was not indicated, who attended Cleveland Heights High School. This case was initiated when Cleveland FBI worked with a confidential informant to collect information pertaining to child sex trafficking.

Trial Brief:

The Cleveland Division of the Federal Bureau of Investigation developed a relationship with an individual (identified herein as CW) who was cooperating with the FBI in gathering information on individuals who were believed to be engaged in child sex trafficking. Defendant ET contacted the CW on or about December 7, 2010, and he advised that he had a sixteen-year-old female whom he would be able to sell to the CW for sexual services. Defendant believed CW was a “madam,” who was involved in providing prostitutes to johns, or customers. In recorded conversations over the next two days, Defendant agreed to sell “SJ,” a sixteen-year-old student at Cleveland Heights High School, to CW. The “sale” was arranged by Defendant to take place at a Starbucks coffee house”.

The confidential informant, employed by the FBI was stated that she originally asked her ex-husband to put her in contact with underage girls so they could be used for sex. It was this ex-husband who put her into contact with the defendant ET.

Witness: “My ex-husband, Davis is—is a street person, kind og a whorish kind of guy. So I went to him and I asked him did he know any young girls, and he said yes”

Prosecution: “Did Dave put you in contact with the defendant?”

Witness: “Yes”

Prosecution: “Okay. And based on that introduction, what did you initially start talking to the defendant about?”

Witness: “Buying girls”.

Prosecution: “Did you indicate what kind of girls you were looking for?”

Witness: “Yes”

Prosecution: “And what kind of girls did you indicate that you were looking for?”

Witness: “I wanted young girls. I wanted young girls, 16, 17 years old.

Prosecution: “And did you indicate to the defendant what you wanted them for?”

Witness: “Yes”.

Upon arrest, the defendant ET admitted to knowing the age of the victim/survivor and the intent that the “madam” had for her.

**Criminal Complaint:**

“ET was interviewed at the Cleveland Division of the FBI. ET admitted knowing that this victim was 16 years old. ET stated he sold this juvenile to a madam for \$300. ET stated originally he planned on selling the juvenile to the madam for phone sex but acknowledged that on December 9, 2010 at the time of the sale he knew he was selling the juvenile for sexual purposes”.

Post recovery, the victim/survivor was interviewed and identified that she understood the business transaction that had taken place between the two adults.

**Criminal Complaint:**

“The sixteen year old victim was interviewed. This victim stated that ET sold her to a madam for an unknown sum of money. The victim stated “when I saw ET take the money I knew that I had just been sold”.”

Based upon investigation, according to transcripts, the government filed a two-count indictment against the defendant.

*Count 1:*

The United States alleges that defendant ET from December 7, 2010 through December 9, 2010, in Northern Ohio, violated §18.1591(a)(1) and §18.1591(b)(2).

“did knowingly in and affecting interstate commerce, recruit, entice, harbor, transport, provide, obtain and maintain by any means, a minor under the age of 18, namely SJ, knowing and in reckless disregard of the fact that SJ had not attained the age of 18 years and that SJ would be caused to engage in a commercial sex act, and did attempt so to do”.

*Count 2:*

The United States alleges that defendant ET on or about December 9, 2010 in Northern Ohio violated §18.1591(a)(2)

“ did knowingly benefit, financially and by receiving anything of value, from participating in a venture, in and affecting interstate commerce, which did recruit, entice, harbor, transport, provide, obtain and maintain, by any means, a minor under the age of 18 years, namely SJ, knowing and in reckless disregard of the fact that SJ had not attained the age of 18 years and that ST would be caused to engage in a commercial sex act”.

The defendant ET was found guilty by jury trial of violating §18.1591 (a)(1), §18.1591(b)(2)and §18.1594 Juvenile Sex Trafficking. Also of violating §18.1591(a)(2) Financially benefiting from Juvenile Sex Trafficking. He was sentenced to 135 months

(11.25 years) in prison and upon release must serve 10 years of supervised release and register as a sex offender.

CASE 6  
1:11-MJ-09\*\*\*  
CLEVELAND, OHIO  
FILED 04-06-11  
TERMINATED 12-02-11

Court narratives indicate that PB was a 49-year-old medical doctor from Albstadt, Germany. There was no actual victim/survivor as the situation was a part of a government run sting operation. However, the defendant believed the victim/survivor would have been an 11-year-old girl. According to an affidavit filed with Ohio Northern Federal Courts by Special Agent (SA) Gabriel Hagan with Homeland Security on March 14, 2011; In September 2009, DHS-ICE, RAC/Cleveland established an undercover website so as to conduct a sting operation which offered “international travel” from Cleveland, Ohio to Canada for the purpose of engaging in sexually explicit conduct with children. The website was advertised in areas of the Internet frequented by individuals who were interested in child pornography. On June 10, 2010, SA Gabriel Hagan acting in an undercover capacity received an initial contact e-mail from the defendant that stated:

Defendant:  
“Hello, please send your offer and costs  
Thanks”

On June 13, 2010 SA Gabriel Hagan sent an electronic brochure to the defendant engaged in open communication. Two months later, on August 11, 2010 SA Hagan received an email from defendant inquiring about services and again two months later on

October 5, 2010. On December 30, 2010 SA Hagan sent updated information to the defendant and engaged in dialogue on January 2-4 and 10th, 2011.

On January 11, 2011 the defendant responded with an e-mail stating the following:

Defendant:

“Quite nice, but not very special... Before planning I need to have more details concerning height, weight, development... so I ask for informationed {sic} and new pics showing pure body before choosing, especially [names redacted to protect the integrity of the undercover operation] (age?), and what they are open to do and to be done with. Excuse me, face pics are not enough for proofing real options, for the trip would be quite long to your place and we don't know each other....”

Six days later, on January 17, 2011 SA Hagan, acting as an undercover officer, responded that trading such images would attract the attention of the police and the defendant responded on January 19, 2011:

Defendant:

“Thank you for the answer and for the description. I do understand that you are cautious; actually I am real and interested, but have to be sure of a few points. Probably You mixed it up with somebody else, but I did not receive “5 pics- not just face but the hole body”. I received access to the web side [sic], showing 9 faces. It would be absolutely unsuspecting to send no-nude pics in underwear or even swimming suit to get an impression. Concerning stage of development [name redacted] would be good but obviously she is having overweight (BMI 24) which I don't like at all (it was important to ask?). I am planning to come in April between 16<sup>th</sup> and 20<sup>th</sup>, or perhaps already in March. Do you probably receive other ones till then? I case of arrangement you would fetch me at a hotel near airport (probably “Best Western”) and bring me back there the other day right? How can I be sure to return savely [sic]? And once more: Private vid/pic without handling over is possible I assume? Treatment without marks and bruises goes without saying. Smooth sedation can be brought if necessary, for I know how to do. Tell me which way you want me to transfer the deposit. Hoping to hear from you in ordern [sic] to start concrete arrangements”.

On January 21, 2011 SA Hagan sent two photographic files of children to the defendant and advised him on the procedure for reserving a child. The defendant responded:

Defendant:

“it makes me a little bit worried that you mix me up with somebody else, and to consider safety is no proof of garantuee [sic]. Furthermore, the number of girls you can offer in a very short time has decreased from nine (webside [sic] 11.01.10) to three (11.01.18) to two (11.01.21), - how can I be sure to receive anything if I am going to arrange a trip in March? And the answer of private vid/pics without handing over is not answer yet. Anyway, both ones are not optional, but if at all it'll be [name redacted], hopefully beginning to start developing little t.s. and hairs until then... if You have some more pics of her would be good. [name redacted] is not interesting for me. At now I plan to arrive at late evening of March 5<sup>th</sup> and leve again on March 8<sup>th</sup>. So I could be ready to be fetched in the morning o March 6<sup>th</sup> (which is Easter Sunday) and be brought back March 7<sup>th</sup> (this

day would be the meeting I guess). What, if until then she isn't ready anymore? How many hours do I have and what location is it (hotel, house, bathroom...)? Am I completely alone with her? Arrangement should be fixed soon, for the flight has to be booked, and is becoming more expensive every day. In case we can arrange it I will transfer deposit cash with risk of it getting lost, but keeping my privacy complete. Consider time of post transfer more than a week from my place. I suggest to pay the rest in two parts, first on arrival, last half on the spot when having been brought back safely to the hotel the other day  
Kind regards”.

On January 24, 2011 the defendant sent an update to his previous -mail:

Defendant:

“... little correction: March 6<sup>th</sup> is not Easter Sunday, of course... (this would be 1 month later)

On January 27<sup>th</sup>, 2011 the defendant sent an e-mail outlining the following:

Defendant:

“Thank You for You reply. So at least I am strongly interested in [name redacted], if she ist [sic] the one described below (11 yo, 132cm, 36kg) and the girl on the pic. I would like to book her on March 7<sup>th</sup>, as I wrote, for the 8hour-package. I really want to come. Can You please tell me her stage of development (t...s, hair)? Will she do regular, anal (with condom), oral (without), soft bondage, been taken on vids/pics, toys playing, friendly smiling and not arguing or crying?? Which language does she speak [sic], English? I take for granted that she ist healthy and very clean, and has soft skin. (?) (If not please tell me to choose another). I'd like to bring her something... is there something especially she likes as a small gift? Please let her carry a sign with “For Pete...” and take a pic to send me to proof. 2 oder [sic] 3 further pics right now would be nice (as You wrote it to be possible), now, as I told You my choice [sic]. My question was whether I can take vid and pics as I wish and keep it for myself privately?.... It is the stage of arrangement... and I'm ready for it.  
Kind regards”.

On February 2, 2011 SA Hagan sent an image file corresponding to the purported child in question and responded to the questions asked by the defendant. According to his response, the child's favorite color was purple, likes unicorns, and enjoys to painting and drawing.

The defendant responded on February 2, 2011:

Defendant:

“Thank you for the reply and the pic, which is very nice, and she seems to be e friendly little girl, whom I like to meet. No I understood: Private Video or photos are not possible, only such You will keep and upload, right? This is a pity but I can understand your point of view. If I gave you the video/pics of the experience, who is takeing [sic] care of making it anonymus [sic] (face)? Do you provide camera to collect the data or should I bring one and memory card is handed over to you? Soft bondage means binding her or tying her hands/feet with very soft ropes (without hurting her or producing marks or bruises), cause I'd like to see and do her like this. If she should be scared I could bring some short acting slight sedative, which is doing no harm. Right now March 7

unfortunately from my side does not work any more ( I thought you would not answer any more, but now I know You and Your offer is real), so have to postpone [sic] it for example 1 week, means meeting her on March 14. I'd like to transfer the deposit anyway right now to show You I am serious. Please tell me how and where to send. If March 14 is not open for [name redacted], I choose another day or even another girl (actually I would not like to change the girl). Give my greetings to [name redacted] and tell her I will bring her something nice... and am looking forward for the day with her. Kind regards".

The next day, on February 3, 2011 SA Hagan inquired about defendant's status as a medical professional and the sedative he was planning to use on the child. Additionally, SA Hagan inquired about the origin country of the defendant's passport.

The defendant responded to the line of questioning on February 4, 2011:

Defendant:

"[mr. [Defendant] – we make sure to make the face anonymous because if you get caught we get caught and is much more worse for us so is in our best interest to make it that way. We suggest to customer to bring their own camera so they are comfortable with how to use it and you will give to us the card after.] Okay, then I bring my own camera and we do it like that.

[so you are a doctor that you know how to give the sedative? Which one is it do you use? And how do you use it?] Yes, I am. It will be Midazolam short acting (completely gone within 1-2 hour), and given as sweet liquid. Normally used for calming before operation. No problem at all. Don't worry a second.

[we can do for you 14 March.] It would be necessary to fix the day very soon because the flights are getting more expensive and tickets poorer

[as we tell to you before it will make difference how we plan and which address we give to you – you will send it from inside or outside usa? Passport is usa or euro?] I will send from outside USA, Passport ist Euro.

[ and again, we must receive it within 1 week from time we will give it to you – this is for safety and there can be no exception with this.] I will try my best, probably it would be [sic] good to receive the address on Sunday night oder [sic] Monday morning in order not to have the weekend in between.

[ we know you will be pleased with [name reacted]] hopefully, and if you have a few pics of her to be sent, would be nice

[and we look forward to business relation with you.] same if everything is working

[kind regards]  
kind regards"

From February 3<sup>rd</sup>, 2011 – February 18, 2011 Defendant and SA Hagan engaged in dialog back and forth regarding logistics and payment.

On February 18, 2011 defendant sent e-mail that outlined the following:

Defendant:

“Thank You for Your work and plans. I just booked in [hotel name and location redacted], is already confirmed; as well Best Western is cancelled. So I will stay there from 12March till 15March. (Do they provide breakfast?) Thank you for fetching me at the airport. How do I recognize you? I will bring the receipt. There is a question concerning that: If I understood right, the deposit of 100USD is to be subtracted from the total amount. It then should be:  $999,00 + 200,00 = 1199,00 - 100,00$  (Deposit)-56,00(1 night rate) = 1043,00USD, but you wrote 1143 USD to be paid at pickup. Is it my mistake? If not, please remember and better send a new receipt. For we have a long time together is there a chance to provide meals and drinks for her and me at the place You chose? Is there tv or music? Heating is okay I guess. Yes, I will bring everything needed. Please make sure that she is very clean (hair, teeth, body, nails, clean underwear), well smelling, not tired or in bad mood, stays healthy, brings hair and teeth brush, if possible swimming suit. Okay we will be in contact within the time ahead. Looking forward to time at Your place.

Thanks

Kind regards.”

On March 1, 2011 the defendant sent a follow-up e-mail:

Defendant:

“Thank You for Your mail and the nice pic of [name redacted]. Tell her I’m as well looking forward to see her. Actually at now she still can tell certain wishes (up to a reasonable limit) what shw would like as a present. I thought of bringing her something like soft toy ( I was looking for a unicorn, what You told me she would like, but I sill did not find), but if she likes different I’m open for her ideas of course, for I want to see her smile. (But she should tell quickly for metime for buying is limited at now). Tell I am bringing colored pencils, for she likes to paint and draw, and I like her to paint something for me during the time we have. Of course I do not want to spend the time by sitting in a restaurant for I want to be alone with her nearly all of the time. But I think she (and me) will be hungry at certain time and needed to have soft drinks or so. As I cannot go outside with her, perhaps it would be a good idea to buy take away on the way to the motel in the morning, so we stay in the room whole time. I was thinking about the question of sending a pic of me and I am hesitating for own safety reason. I will send You good description and will carry a pullover on the right arm, nobody else certainly will do; so recognizing will be very easy.

Thank You for today.

Kind regards”

Defendant and SA Hagan continued communicating back and forth regarding logistics and payment.

On March 9, 2011 defendant sent the following e-mail:

Defendant:

“Thank you for Your message:

I understood the meeting point and will go there after having picked up the baggage. (If- in any case- we miss each other I will take a taxi to the hotel and be there the following day at the reception area at 10.00am) After arrival I will wait at #4 and look for the car with [name redacted]. I guess she belongs to the crew and is informed about everything;

so I will show her the receipt. The money is to be paid when starting the tour I guess. Yes, Friday morning is okay. Last time I will check the e-mail is Saturday 05am our time, which is Friday 11pm your time. But consider that sometimes Emails take there time as well. After that time I am on my way. Hopefully [name redacted] is okay and healthy. Please bring her in excellent condition, as You told. I was buying here small presents from the list, but wondering for these stuff normally is for younger girls... anyway. Hopefully she is not forgetting that we meet because she is to serve me well, not only for receiving presents. But I think You give clear rules for the girls as I understood you. Okay, I'm looking forward for starting the tour.  
Kind regards."

On March 11, 2011 defendant sent the following e-mail:

Defendant:

"Thank for Your message.

I have the number and will not call if not necessary. You can tell [name redacted] I will bring her a nice present of even to... taken from the list You gave me. I want her to enjoy this and smile about it. I just asked to make sure that she is not misunderstanding the reason of meeting. Of course Your policy is respected; she will be okay and save as well, don't worry, for I do know my safety is depending on this s well. I start tomorrow early in the morning, so If You have a further message, please write before today 11pm your time.

Thank You for Your work. Looking forward to see You.

Kind regards"

Based upon the evidence as filed within the affidavit, the Government charged the defendant in a three-count indictment:

*Count 1:*

The United States alleges that from on or about June 10, 2010 through March 12, 2011), in Northern Ohio and elsewhere, defendant PB violated USC §18.1591 and §18.1594.

"attempted to obtain, by any means, a person knowing, or in reckless disregard of the fact, that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act".

*Count 2:*

The United States alleges that from June 10, 2010 through March 12, 2011 in Northern Ohio and elsewhere, defendant PB violated USC §18.2251(a)

"did attempt to use a minor to engage in sexually explicit conduct... for the purpose of producing a visual depiction of such conduct; intending such visual depiction be produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, and such visual depiction was to be transported in interstate and foreign commerce".

*Count 3:*

The United States alleges that on March 12, 2011 in Northern Ohio and elsewhere, defendant PB violated USC §18.2423(f) and §18.2423(b).

"did knowingly travel in interstate and foreign commerce, from Stuttgart, Germany, to Atlanta, Georgia, and then to Cleveland, Ohio, for the purpose of engaging in illicit sexual conduct... with another person, that is, an eleven year-old girl".



PB pled guilty and was subsequently convicted of violating USC §18.1591 Attempted Sex Trafficking of Children, §18.2251 Attempted Exploitation of Children and, §18.1591 Travel with Intent to Engage in Illicit Sexual Conduct. He was sentenced to 211 (17.58 years) months in prison, and upon release must serve 5 years of supervised release. He will also be required to register as a sex offender and pay a \$300.00 special assessment.

CASE 7  
1:11-CR-00\*\*\*  
CLEVELAND, OHIO  
FILED 04-13-11  
TERMINATED 12-22-11

Court narratives identify that OL was a 69-year-old retired medical doctor from Leizpig, Germany. He was in the US attending flight school on a student visa in St. Augustine, Florida. There was no actual victim/survivor in this case as it was a part of a government run sting operation. However, the defendant believed that he would be involved in commercial sex with an 11-year-old boy and girl. An indictment filed with Ohio's Northern federal court system states that the US government established a fake website that advertised commercial sex with children. This was done for the express purpose of conducting a sting operation.

Prosecution: "And specifically was there a time you became with involved in an undercover website advertising travel out of the country for purposes of engaging in sexual activity with a child?"

Witness: "Yes."

Prosecution: "And can you just tell us briefly about that website?"

Witness: "The website advertised international travel for the purpose of paying to have sex with children, and for an extra fee, you could record your sexual encounter with that child or children."

Prosecution: "And how was the website advertised or put out into the community for others to view and respond to?"

Witness: "Links were placed in chat rooms, bulletin boards, forums where it was very clear that there was an interest in the exploitation of children and child pornography."

The transcripts reveal the defendant, OL, was intending to come to the United States from Germany so as to attend a flight school in St. Augustine, Florida. His plans though were to initially stop in Cleveland, Ohio so as to purchase commercial sex with what he thought was an 11 year old girl and boy.

Prosecution: "And what were the circumstances under which he was in the United States?"

Witness: "He stated that he was here in the U.S. attending a flight school, and that it was in St. Augustine, Florida."

Prosecution: "And what was his initial response to you during your interview with him?"

Witness: "His initial response was that he had paid not to specifically have sex with them but to watch them have sex with each other".

Prosecution: "Now, in the e-mail exchange that you document in your affidavit, what was Mr. [defendant]'s expression as to what he wanted to do with the 11 year-old female and 11 year-old male?"

Witness: "I won't use the words that he used, but he stated that his intentions were genital to genital sexual intercourse and oral genital sexual intercourse."

The testimony of a federal Special Agent indicate that originally, the defendant had made arrangements with the individuals behind the sting, thinking that it was an actual organization that arranged commercial sex with children. The plan was for him to arrive in Northeast Ohio in September 2011. The defendant however, backed out before those arrangements came to fruition. The defense attorney indicated that after backing out, the defendant broke off communication with the individuals behind the sting operation for five months. On January 3<sup>rd</sup> of 2011, four months after backing out of the arrangement, the special agent in charge, contacted the defendant to see if he was still interested.

Defense: "There came a time that there was a meeting that was originally scheduled to take place with Mr. [defendant] and the undercover agents back in September, I believe?"

Witness: "Correct".

Defense: "And, then, arrangements were made, and Mr. [defendant] canceled those arrangements at the last minute, correct?"

Witness: "Correct".

Defense: "And Mr. [defendant] did not reinitiate any contact with you, either through the remainder of September of 2011, correct?"

Witness: "Correct."

Defense: "I'm sorry. That would be 2010, correct?"

Defense: "He did not initiate contact with you through the remainder of October of 2010?"

Witness: "Correct."

Defense: "Did not reinitiate contact with you through November of 2010?"

Witness: "Correct".

Defense: "Did not initiate contact with you through December of 2010?"

Defense: "In fact, after Mr. [defendant] canceled the contact in September, did not reinitiate the contact with you, correct?"

Witness: "After the New Year, I sent an e-mail asking if he was still interested."

Court transcripts identify that the Special agent who was in charge of the operation testified in the line of questioning that the defendant backed out originally in September because he knew that his behavior was wrong.

Defense: "And Mr. [defendant] indicated the reason he backed out in September because he knew it was not okay and knew it was wrong to do that then?"

Witness: "Correct."

Defense: "And that he basically had come to his senses after spending -- after having sort of been drawn into this, after viewing pornography over the internet, and realized it was wrong and shouldn't do this?"

Witness: "I don't know that he stated that he had gotten drawn in by viewing pornography, but he stated his reason for canceling was that he knew it was wrong, and that's why he canceled."

Defense: "And then when you contacted him, again, in January 8 2011, that piqued his interest again in what he had been thinking about doing before?"

Witness: "Apparently so because he said he was still interested."

Based upon subsequent investigation, the government charged the defendant in a three-count

indictment.

*Count 1:*

The United States alleges that from on or about June 10, 2010 through April 1, 2011), in Northern Ohio and elsewhere, defendant OL violated USC §18.1591 and §18.1594.

"attempted to obtain, by any means, a person knowing, or in reckless disregard of the fact, that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act".

*Count 2:*

The United States alleges that from June 10, 2010 through April 1, 2011 in Northern Ohio and elsewhere, defendant OL violated USC §18.2251(a)

"did attempt to use a minor to engage in sexually explicit conduct... for the purpose of producing a visual depiction of such conduct; intending such visual depiction be produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, and such visual depiction was to be transported in interstate and foreign commerce".

*Count 3:*

The United States alleges that on March 12, 2011 in Northern Ohio and elsewhere, defendant OL violated USC §18.2423(f) and §18.2423(b).

“did knowingly travel in interstate and foreign commerce, from Leipzig, Germany, to St. Augustine, Florida, and then to Cleveland, Ohio, for the purpose of engaging in illicit sexual conduct... with another person, that is, an eleven year-old girl and boy”.

PB pled guilty to violating USC §18.1591, §18.1594, §18.2251(a) and §18.2423(b). He was sentenced to 180 months (15 years) and was given the option participate in the International Prisoner Transfer Program so as to serve the remainder of his sentence in the Czech Republic. Upon release, the defendant must participate in six years of supervised release and a \$300.00 special assessment was issued.

CASE 8

1:11-MJ-03\*\*\*

CLEVELAND, OHIO

FILED 06-28-11

TERMINATED 11-29-11

Court narratives identify the defendant within this case as TD, aka “Jhon”, a 42-year-old African American male. The victim/survivor was listed as HM, a 17-year-old female. According to the court transcripts, Special Agent Timothy Kolonick of the Cleveland FBI filed a criminal complaint as to defendant TD on 06-01-11. According to SA Kolonick, on May 28, 2011, Agents and Task Force officers witnessed a female minor, HM advertised on Cleveland.backpage.com. According to the advertisement she was called “Jada” and her advertised age was 21. The language within this advertisement for commercial sex identified a third party wherein potential consumers were asked to “contact my assistant” via a listed phone number. According to the criminal complaint, on May 28<sup>th</sup>, 2011 HM was contacted and advised agents that defendant TD took these photographs when HM was 16 years of age.

SA Kolonick noted on the criminal complaint that on May 29<sup>th</sup>, 2011 a confidential informant (CI) was contacted by the defendant to see if the CI was interested in purchasing time with HM for prostitution at a hotel in North Olmsted, Ohio. On that day HM was interviewed and noted that she had been prostituting for the defendant since roughly September of 2010 and that he had known that she was underage. HM also revealed that the defendant had threatened her if she ever spoke to law enforcement. Additionally, in an indictment filed with the federal courts dated 06-28-11, the defendant allegedly transported HM across state lines from Cleveland, Ohio to Jacksonville, Florida for the purposes of prostitution.

During detention hearing proceedings for the defendant conducted on 06-15-11, Detective John Morgan of the Crimes Against Children Task Force testified as a witness. Court transcripts of Detective Morgan's testimony indicate that upon arrest, the defendant attempted to break a cellular phone that was linked with commercial sex advertisements on backpage.com.

"Task force officers and agents both explained to me that when they went to actually effect the arrest, Mr. Davis was coming out of his back door, and when they went to effect the arrest, they identified themselves as law enforcement, "Let me see your hands, let me see your hands." It was explained to me that he actually had his hands down here on this side of his waist and they don't know if he was reaching for a gun or what he was doing. Well, it turns out that he snapped the cell phone in half and then came up real quick and threw the phone over the garage."

Detective Morgan also stated that the victim/survivor HM began working at adult entertainment clubs beginning when she was 16 years old and that she used a fake identification in order to gain employment there. At one of the clubs, while she was performing, she met the defendant.

"She said that she began working at two strip clubs when she was 16 years old, strip clubs meaning adult entertainment clubs, one at Club Secrets and the other one was at the Lido Lounge. And she told us about the first night that she worked there, when she was approached by a guy that she only knew as [Defendant] and he approached her, said she

could make a lot of money, they could make a lot of money together. On the second evening that she was working at this place, the establishment discovered that she was underage and she used a fake ID to actually get on stage, so they terminated her employment at that time.”

According to the transcripts of Detective Morgan’s testimony, HM and the defendant had a financial relationship where everything was split 50/50, including the hotel room.

“She told us that the arrangement was that the hotel -- everything was split 50/50, the hotel room included. So if it's \$200 for a half an hour of time with her by a client, then she gets a hundred and then [Defendant] gets a hundred.”

Detective Morgan also identified with the court transcripts that HM and the defendant had a sexual relationship where the drug ecstasy was provided.

“She said she had sex with Mr. Davis multiple times. The first time that they had sex was the first night she'd actually seen her first client. After the business transaction had concluded with the client, she stated that [Defendant] came in and says, "You know, I have to test out the goods," quote, unquote, and she also at that time told us that he would provide her with ecstasy.”

At one point, Detective Morgan revealed the defendant and HM traveled to Macon, Georgia and Jacksonville, Florida so as to engage in commercial sex. A secondary commercial sex worker flew down to meet them while they were there.

“She stated that at some time in December, she and [Defendant] drove down to [Defendants] grandmother's house in Macon, Georgia, and that the other escort we identified as [secondary commercial sex worker] had flown down, and that [Defendant] had actually drove her down to Macon, Georgia where they were both posted on the Internet for prostitution. It's to my understanding that it was kind of slow in Macon, Georgia, she may have seen one person, but then they traveled from Macon, Georgia to Jacksonville, Florida where they were -- both were again posted, and that she did see customers in Jacksonville, Florida.”

Upon cross examination from defense counsel, Detective Morgan identified that at one point HM did, for a time, stop working with/for the defendant but continued to work within the commercial sex for herself.

Defense: “Okay. Now, you also testified that HM worked for my client for a period of time and then quit working for him, correct?”

Witness: “Correct.”

Defense: “Now, do you know what she was doing for employment when she quit working for my client, allegedly?”

Witness: "She was doing absolutely nothing."  
Defense: "Well, was she still putting ads on the internet?"  
Witness: "She was."  
Defense: "So she was working for herself?"  
Witness: "Yeah, under a different telephone number."

Based upon subsequent investigation, court transcripts indicate that the government charged TD

in a four-count indictment.

*Count 1:*

The United States alleges that defendant TD from September 2010 through February 2011 in Northern Ohio, violated USC §18.1591(a)(1) and (b)(2).

"knowingly recruited, enticed, harbored, transported, provided, obtained, and maintained by any means, in and affecting interstate commerce a juvenile named herein as HM, knowing and in reckless disregard of the fact that HM had not attained the age of eighteen years and that HM would be caused to engage in a commercial sex act".

*Count 2:*

The United States alleges that defendant TD from May 27, 2011 through May 31, 2011 in Northern Ohio, violated USC §18.1591(a)(1) and (b)(2).

"knowingly recruited, enticed, harbored, transported, provided, obtained, and maintained by any means, in and affecting interstate commerce a juvenile named herein as HM, knowing and in reckless disregard of the fact that HM had not attained the age of eighteen years and that HM would be caused to engage in a commercial sex act".

*Count 3:*

The United States alleges that defendant TD from December 1, 2010 through late December 2010 in Northern Ohio, and elsewhere violated USC §18.2423(a)

"knowingly transport an individual, named herein as HM, who had not attained the age of eighteen years, in interstate commerce, from Cleveland, Ohio, to Jacksonville, Florida, and back, with the intent that such individual engage in prostitution and in sexual activity for which any person can be charged with a criminal offense".

*Count 4:*

The United States alleges that defendant TD on or about June 1, 2011 in Northern Ohio, violated USC §18.1591(d) as he

"obstructed, attempted to obstruct, interfered with, and prevented the enforcement... in that he attempted to destroy evidence of violations of Section 1591 in the course of his arrest on a federal complaint".

The defendant TD pled guilty to violating USC §18.1591 (a)(1) and (b)(2)

Juvenile Sex Trafficking. He was sentenced to 54 months (4.5 years) in prison and upon release must serve 5 years of supervised release and must register as a sex offender, a special assessment of \$100.00 was issued.

CASE 9  
1:11-MJ-02\*\*\*  
CLEVELAND, OHIO  
FILED 08-17-2011  
TERMINATED 10-03-12

Court narratives identify that the defendant in this case was PR, a 41-year-old African American female. She attended High School to the 11<sup>th</sup> grade at John Hay High School in Cleveland, Ohio and did not graduate. She earned a GED and had three children, a 14-year-old son that lived with her, another son who was 20, and a daughter in her young 20's who had recently given birth. The primary victim/survivor in this case is identified as SJ, a sixteen-year-old female, whose race is not identified. However, also mentioned within the indictment and court narratives are victim/survivors BF, JDR, and SLT.

In a criminal complaint filed with the Ohio Northern Courts, Special Agent Kolonick of the Cleveland FBI, stated that this case was brought to the attention of authorities when the defendant contacted police to report that a minor, known as SJ, stole a television set from the defendant's residence.

Witness: "a police report was made by the defendant. In that report, the defendant claimed that SJ and other unidentified individuals had stolen property from her house. She called the 911 operator a couple times, and told her that SJ could be found at a gas station in the neighborhood. Police officers then responded to that location. They interviewed SJ and asked her what had occurred. SJ explained to them that she has been living with the defendant".

Defense: "it was actually Ms. [defendant] who brought SJ to the attention of law enforcement, correct?"

Witness: "Yes, correct."

Defense: "Want that was when she contacted the Cleveland Police Department to report that SJ, that her neighbor observed SJ along with another female and two young males, in essence, burglar her home, correct?"

Witness: "That is correct."

Defense: "That they forcibly entered her home, and that they left her home with a big screen TV?"

Witness: "Yes."



According to court transcripts, SJ, the individual accused of stealing the television was a missing child. When officers responded to her home address, although she was reported missing, her older brother was able to contact her and SJ arrived very quickly. The older brother then instructed SJ to tell police about prostitution that had been going on at the defendant's house, where she had previously been staying.

Defense: "Where SJ's mother reported that her daughter had been reported missing. "At this time, the missing juvenile's older brother Reggie was able to contact this missing juvenile, and within minutes, the juvenile showed up on the scene"?"  
"And then once she arrived she—I don't know what she admitted or denied about stealing Ms. [defendant's] television set or burglarizing her home, but her brother then again and said, "Why don't you tell them about the prostitution at that house," Correct?"  
Witness: "Yes."

It was at this point, according to court transcripts, that authorities began questioning SJ as a possible victim of a sex trafficking case rather than perpetrator of a home burglary. Initially, during questioning, SJ admitted to having a consensual sexual relationship with the defendant but denied being involved in the commercial sex enterprise. She then recanted to add that she too, was involved in commercial sex.

Witness: "she stated that there's prostitution going on at that house, and she also indicated that she has been in a relationship, a dating relationship, I believe is what she called it, with the defendant."  
Prosecution: Initially she (SJ) denied she was involved?"  
Witness: "Yes, she did."  
Prosecution: "In prostitution?"  
Witness: "Yes, she did."  
Prosecution: "Okay. Since that time, has she admitted her involvement in prostitution?"  
Witness: "Yes. Initially, when she was first talked to, she was told that she was forced to strip naked and walk around the house. After that, she was asked specifically if she was—you know, if she was forced to prostitute. She immediately broke down, began to cry, and indicated that she was."

Based upon investigation, the court narratives identify that the defendant was charged in a seven-count indictment and had to forfeit a sum of money that the government believes were illicit gains made through prostitution related activities.

*Count 1:*

The United States alleges that from March 1, 2011 to on or about July 11, 2011, defendant PR violated USC §18.1591 (a)(1) and 18.1591(b)(1),

“did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a minor under the age of 18 years, namely SJ, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause SJ to engage in a commercial sex act, and that SJ had not attained the age of 18 years and would be caused to engage in a commercial sex act”.

*Count 2:*

The United States alleges that from June 24, 2011 to on or about July 5, 2011, defendant PR violated USC §18.1591 (a)(1) and 18.1591(b)(1),

“ did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely BF, aka Skye, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause BF, aka Skye, to engage in commercial sex acts”.

*Count 3:*

The United States alleges that from June 1, 2011 to on or about July 14, 2011, defendant PR violated USC §18.1591 (a)(1) and 18.1591(b)(1),

“ did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely JDR, aka Ginger and Redd, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause JDR, aka Ginger and Redd, to engage in commercial sex acts”.

*Count 4:*

The United States alleges that from March 13, 2011 to on or about April 1, 2011, defendant PR violated USC §18.1591 (a)(1) and 18.1591(b)(1),

“ did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely SLT, aka Kandie and Redd, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause SLT, aka Kandie and Redd, to engage in commercial sex acts”.

*Count 5:*

The United States alleges that on or about March 26, 2011, defendant PR violated USC §18.2251(a)

“did, employ, us, persuade, induce, entice, and coerce a minor, identified herein as SJ to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was produced using materials that had been mailed, shipped, and transported in or affecting interstate and foreign commerce, by any means including by computer”.

*Count 6:*

The United States alleges that on or about July 14, 2011, defendant PR violated §18.2252(a)(4)(B).

“did knowingly possess a computer, which computer contained numerous visual depictions of a real minor engaged in sexually explicit conduct...which visual depictions were produced using materials that had been mailed, shipped, and transported in or affecting interstate and foreign commerce, by any means including by computer”.

*Count 7:*

The United States alleges that on or about July 14, 2011, defendant PR violated §18.2256(a)(2) and §18.2252(a)(2)

“did knowingly distribute, using any means or facility of interstate or foreign commerce, a computer image file, which file contained a visual depiction of a real minor engaged in sexually explicit conduct”.

*Forfeiture:*

The United States states that Counts 1-4 of the indictment are subject to forfeiture according to Title 18.1594(d)(1) and (d)(2).

“Upon conviction of any or all of the offenses contained within the trial, defendant PR will forfeit to the United States all property, real and personal, that was used or was intended to be used, to commit or to facilitate the commission of the offenses(s); and all property, real and personal, constitution or derived from any proceeds obtained, directly or indirectly, as a result of the offenses(s) including, but not limited to:

a) \$3000.00 in US currency turned over to the Federal Bureau of Investigation”

The defendant PB pled guilty of violating USC §18.1591(a)(1) and (b)(2) Sex Trafficking of a Child. She was sentenced to 132 (11 years) months in prison and 5 years supervised release. She was required to register as a sex offender and pay a \$100.00 special assessment.

CASE 10

1:12-MJ-03\*\*\*

CLEVELAND, OHIO

FILED 02-02-12

TERMINATED 12-04-12

Court narratives identify that there were two defendants within this case. The first defendant was EM, a 27-year-old African American male who attended school to 9<sup>th</sup> grade. He previously had been treated for, and was taking medication for, bipolar depression. His co-defendant was identified as CB, a 22 year old African American female. She previously earned her GED and an associate’s degree in Criminal justice. At the time of arrest she was attending Cleveland State University so as to earn a bachelors degree in Criminal Justice. She was previously employed as an adult, exotic dancer and, according to an interview conducted with police, began prostitution to earn money for her

and co-defendant EM. The two defendants had previously been living in EM's mothers house; however it was foreclosed on approximately a year and a half before their arrest. She and the defendant had been homeless during that time, living in hotels and his sports utility vehicle. Transcripts state that the victim/survivor is known as CW, a 16-year-old female who was a missing juvenile from Columbus, Ohio. She originally ran away from home to meet an individual she met online, unrelated to the defendants in this case.

Court transcripts reveal, that on May 25, 2011 officers from the Mentor Police Department responded to a theft complaint at a local motel. When they arrived, they discovered PM, a 27-year-old female who they identified as having conducted commercial sex out of that room. She indicated that a need for money inspired her involvement in prostitution and that two of her acquaintances, namely EM and CB, encouraged her to engage in commercial sex under their tutorage. She also identified that the activity was not limited to just her, and that underage individuals may be involved. Additionally, PM stated as seen in the affidavit, that EM can become violent at times.

Affidavit:

"PM stated that she discussed her personal problems with two acquaintances, EM aka "Tubbs" and his girlfriend, CB, whom suggested to her that she begin prostituting herself with them. PM advised officers that "Tubbs" and CB "pimp" several girls, some of whom OM believed were less than 18 years of age."

"After the girls engage in sexual conduct with the client and collected their money, they would contact "Tubbs" and/or CB who would return to the hotel to collect their share of the money. PM stated that "Tubbs" is extremely violent and will beat the girls who prostitute for him to ensure they will keep working as prostitutes for him."

According to the affidavit, CW, the primary victim/survivor in this case, originally met the defendants after running away from home and being forced to work in the commercial sex arena for another individual. During this time, the gentleman she was forced to work for was arrested. After this, she was approached with a business

proposition from the defendant EM. The defendant ended up purchasing CW a bus ticket to travel from Columbus, Ohio to Cleveland, Ohio so as to start working for him.

Affidavit:

“CW originally met this individual over an internet chat line called “Urban Chat”. After talking to “Rico” for several days she ran away from home in order to meet “Rico” in person. Shortly after meeting “Rico” he forced her to prostitute herself out of hotels in the Columbus, Ohio area.”

“CW was informed by other girls at the hotel that “Rico” had been arrested for an unknown reason. While walking around the hotel, CW was approached by an individual who called himself “Tubbs”.”

““Tubbs” asked her if she had been prostituting out of the hotel and she responded by telling him that she had been. “Tubbs” advised her that she could earn a lot more money prostituting herself in Cleveland, Ohio and he agreed to buy her a bus ticket so that she could travel from Columbus, Ohio to Cleveland, Ohio.

Transcripts indicate that originally, CW engaged in prostitution activities having been promised a share of the money. It is unclear in the transcripts if she, indeed, was allowed to keep a portion of the earnings. However, transcripts do state that CW was involved in commercial sex with over 200 individuals and with the defendant EM.

Affidavit:

““Tubbs” originally promised CW that for her acts of prostitution she would be able to keep 50% of all the money she earned, the other 50% being provided to Tubbs”.”

“Over approximately a 30 day period CW was forced to prostitute, on average, 10 times per day. CW estimated that “Tubbs” and CB forced her to engage in prostitution with over 200 males.”

“CW stated that CB was enrolled at the Cleveland State University in the Criminal Justice program and would go to class on Tuesday and Thursday evenings. On those evenings Tubbs would force CW to have sex with him. On several occasions he would tell her the sex act he wanted her to perform and she would perform it out of fear. On other occasions “Tubbs” would force her to submit to anal sex.”

Court transcripts state that another individual, BW, was interviewed by police officers regarding her involvement in commercial sex with the defendants. According to the interview, BW met the defendant CB and was told that for engaging in commercial sex with them, she could expect a 50% cut of her earnings.

Affidavit:

“Whit initially met and befriended CB. As the two became acquainted with each other, CB advised BW that she was a student at Cleveland State University (C.S.U.), studying Psychology, and also worked as a prostitute for her boyfriend, EM aka “Tubbs”. CB explained to BW that she could also work for “Tubbs” and she would be expected to evenly split (50%/50%) all of her earnings with “Tubbs”.

Once BW was working for the defendants, court transcripts reveal that, at one point, the defendants traveled between cities and states so as to increase their earnings. BW also revealed during an interview, the financial arrangements and costs to engage in commercial sex.

Affidavit:

“BW stated that they had all decided to travel from Cleveland, Ohio to Pittsburgh, Pennsylvania because they were not earning much money in Ohio prostituting themselves so they thought they may be able to earn more money prostituting themselves in Pennsylvania.”

“BW stated that all of “Tubbs” prostitutes, including CW, charged the same amount of money to engage in sexual conduct with clients. BW stated they all charged a client \$100.00 for 30 minutes of sexual interaction with them or \$180.00 for 60 minutes of sexual interaction with them. BW stated that all of “Tubbs” prostitutes provided him with 50% of their earnings.”

Based upon investigation, court transcripts identify that the defendants were charged with three counts in an indictment.

*Count 1:*

The United States alleges that on or about October 1, 2011 through December 5, 2011 in Northern Ohio that defendants EM and CB violated §18.1591 and §18.1592.

“aided and abetted by one another, in and affecting interstate and foreign commerce, recruited, enticed, harbored, provided, obtained, and maintained, by any means, a person knowing, and in reckless disregard of the fact, that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act”.

*Count 2:*

The United States alleges that on or about December 16, 2011 through December 31, 2011 in Northern Ohio that defendants EM and CB violated §18.2423(a) and §18.2422.

“aided and abetted by one another, did knowingly transport an individual who had not attained the age of 18 years, that is an 16 year-old girl, in interstate commerce, from the State of Ohio, to the State of Pennsylvania, with the intent that such 16 year old girl engage in prostitution”.

*Count 3:*

The United States alleges that on or about January 3, 2012 in Northern Ohio that defendants EM and CB violated §18.2252A(a)(5)(B).

“did knowingly possess a cell phone that contained child pornography..., which child pornography, using any means or facility of interstate and foreign commerce, had been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer, and which was produced using materials which had been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer”.

Both defendants pled guilty to various charges. EM pled guilty of violating USC §18.1591 Trafficking of Children §18.1592 Aiding and Abetting the Trafficking of Children, §18.2423(a) Transportation of a Minor and §18.1592 Aiding and Abetting the Transportation of a Minor, and §18.2252A(b)(2) Possession of Child Pornography. He was sentenced to 240 (20 years) months in prison and upon release must serve 5 years of supervised release. EM must also register as a sex offender and pay a \$300.00 special assessment. The defendant CB pled guilty of violating §18.1591 Trafficking of Children and §18.1592 Aiding and Abetting the Trafficking of Children and §18.2423(a) Transportation of a Minor and §18.1592 Aiding and Abetting the Transportation of a Minor. She was sentenced to 70 months (5.83 years) of prison and 5 years supervised release. CB must register as a sex offender and pay a \$200.00 special assessment. BW faced no criminal sanctions for involvement with the case.

CASE 11  
3:11-MJ-07\*\*\*  
TOLEDO, OHIO  
FILED 05-29-12  
TERMINATED 09-21-12

Court narratives identify that the defendant in this case was TL, a 32-year-old African American male. The victim/survivor was KS, a child reported missing June 29, 2011. In an affidavit filed on October 7, 2011 the affiant stated that the Toledo VICE squad participated in a prostitution sting and responded to an advertisement placed on backpage.com during September 27, 2011. During this sting a detective called the phone number that was listed on the advertisement and the individual who responded stated that she charged \$125.00 for a half hour and \$175.00 per hour for commercial sex. The detective traveled to the hotel room to supposedly engage in commercial sex and told the

female in the room that he was a police officer conducting a sting operation. At this time, the female, later identified as KS reacted emotionally and informed the detective of threats made against a family member.

Affidavit:

“At that time, Detective [redacted] informed KS that he was the police. KS began to yell and walk towards the door. KS told Detective [redacted] that the man outside the hotel room was her pimp, who she knew as [redacted]. [Redacted] made KS engage in prostitution related activities. [Redacted] threatened KS that if she did not engage in prostitution related activities under his direction, that he would kill KS’s mother.”

During the sting, the defendant TL was directly outside the room that KS and the detective were occupying. Two other detectives approached him and identified themselves, which caused TL to flee. The detectives were able to catch up to the defendant and arrest him. During this episode, the defendant threw down a cellular phone subsequently breaking it. Upon gaining a warrant and investigating the contents of the phone, detectives found that text messages were sent from the defendants phone and were being received on KS’s phone.

Affidavit:

“The cellular telephone that TL broke during his pursuit had numerous incoming and outgoing text messages indicative of prostitution activities. The other cellular telephone that TL had showed a text message from KS saying she was ok and KS’s cellular telephone showed the same text message being sent to TL”.

Within the hotel room in question, there was a script allegedly written by the defendant TL for KS to read to potential consumers.

Affidavit:

“There was a handwritten note in room #123 that stated, “Hi, how ru sweeti”, “Would u like 2 schedule a appointment”, “125 HH, 200 HR”, “Off 75 south, exit Miami”. KS informed detectives that TL wrote that note and explained they were her instructions on how to conduct her appointments”.

Court transcripts identify that the defendant TL initially met KS through a friend. TL traded phone number with this mutual friend, and received KS’s phone number during the process. Later, he phoned KS and stated that she could earn money if she would agree to take modeling photographs. During this meeting, the affidavit filed with



the federal court state that TL forced KS to perform oral sex and then raped her. The following day, the defendant allegedly threatened KS's family and forced her to engage in prostitution for the benefit of the defendant.

Affidavit:

"TL took KS inside the house, while [redacted] waited outside. TL led KS to an empty room and instructed KS to undress. KS was afraid and figured she should do as he said in order to not get hurt. TL took naked photographs of KS, as well as videotaped her via his cellular telephone. TL forced KS to perform oral sex on him. TL then pushed KS to the floor and vaginally penetrated KS without KS's consent. TL knew KS was a juvenile at that time. Later, TL had [redacted] drive KS home."

"The following day, TL called KS and told her he was going to pick her up. TL threatened KS that if she did not do what he said or answer his calls, that he would kill KS's mother. TL picked KS up and took her to the house on [redacted] where she completed approximately three acts of prostitution under TL's direction".

Transcripts state that the mutual friend who initially introduced KS to TL was also working as a prostitute for the defendant and was instructed to teach KS the inner-workings of the commercial sex market. The detectives within the affidavit outline that KS clearly delineated the rules of commercial sex that she was to abide by.

Affidavit:

"TL picked out the outfit he wanted KS to wear and instructed KS to put make-up on and get dressed. TL told [redacted] that KS should "learn the ropes". At this point, KS became fearful because she did not want to engage in prostitution related activities. [Redacted] and KS left the Day's Inn and went to several other hotels to meet dates. [Redacted] engaged in prostitution related activities, while teaching KS what to do, how to do it, what to say, and went to say it. KS was instructed to masturbate, while she watched [redacted] engage in acts of prostitution."

"KS described that she was taught the following:

- (1) answer the phone as "Melissa" and talk sweet.
- (2) ask if the person is law enforcement, if no, continue
- (3) explain the rates and give directions to the hotel,
- (4) meet the customer in the parking lot so LS could determine whether or not he could handle in a fight
- (5) during this time, text with TL
- (6) escort the date to the room and receive the money, while TL waits outside the room
- (7) put a condom on the date
- (8) after the date leaves, give all the money to TL."

After the period of "learning the ropes", the commercial sex operations continued in Toledo, and then eventually, in Chattanooga Tennessee. During this time, according to court transcripts, the defendant provided KS with illegal drugs, had her tattooed. After

returning via bus to her boyfriend's house, KS stated that she no longer wanted to engage in commercial sex with the defendant. However, the defendant verbally threatened her loved ones with physical violence if she left. She continued engaging in prostitution activities for several weeks after until she was caught in the police sting operation.

Affidavit:

"TL provided food, condoms and marijuana to KS during this week. TL also had a friend tattoo the word "Love" on KS right front hip area in black ink. KS engaged in approximately 30 acts of prostitution under TL's direction during this week. KS charged dates \$125 dollars per half hour and \$175 dollars per hour. TL gave KS \$30 dollars at the end of the week and took her home".

"TL and KS returned to Toledo, Ohio via the Greyhound bus. KS took a cab from the bus station in Toledo to her boyfriend's house on [redacted] in Toledo."

"KS told TL she was done and did not want to engage in prostitution related activities anymore. TL threatened to kill KS's mother, boyfriend, sister, and brother if she did not continue to engage in prostitution related activities under his direction. TL told KS, "I'll fucking kill your mother, your sister, your brother, so get your ass back to work."

"Out of fear for her safety and that of her loved ones, KS agreed to engage in prostitution related activities under TL's direction again."

"KS engaged in prostitution related activities the next two to three weeks, until Toledo Police caught her in the prostitution sting on September 27, 2011.

*Count 1:*

The United States alleges that on or about July 7, 2011 in Northern Ohio that defendant TL violated §18:2421 Interstate Transportation for Prostitution

*Count 2:*

The United States alleges that on or about July 23, 2011 in Northern Ohio that defendant TL violated §18:2421 Interstate Transportation for Prostitution

*Count 3:*

The United States alleges that on or about July 23, 2011 in Northern Ohio that defendant TL violated §18:1519 Destruction of Evidence.

The defendant pled guilty to all three counts and was sentenced to 36 months on each count to be served concurrently (9 years total). Additionally, he was assessed a \$300.00 special assessment and must serve three years of supervised release on each count for which he was charged.

CASE 12

3:11-MG-05\*\*\*

TOLEDO, OHIO

FILED 05-29-12

TERMINATED 05-21-14

Court transcripts indicate that the defendant in this case was BJ, a 28-year-old African American Male. There were two victim/survivors in this case, RM, a 15-year-old white female and AC, a 16-year-old black female. In an affidavit filed 05-01-12, in Lucas County Ohio, Special Agent Laure Lebo of the FBI identified that during a prostitution sting conducted in Toledo, Ohio an undercover officer made contact with a 15-year-old white female named RM who was advertised on a website, backpage.com. During the contact, made via phone, the officer heard what he thought was a male voice giving directions to the individual regarding the business transaction.

Affidavit:

“NWOACTF [Northwest Ohio Violent Crimes Against Children Task Force] received information from the Toledo Police Department (TPD) that TPD just arrested a 15-year-old white female, RM..., in a prostitution sting.”

“The undercover officer called RM at [redacted], the cellular telephone number listed in the advertisement and arranged to meet RM at the motel for sexual intercourse. During the conversation with RM, the undercover officer heard a male’s voice in the background, who appeared to be instructing RM what to say”.

When the undercover officer arrived at the motel room, he was instructed that oral and vaginal intercourse would cost \$180.00 per hour. Due to this offer of solicitation, RM was arrested.

Affidavit:

“Upon arriving at the motel, RM directed the undercover officer to room number [redacted]... Once inside the room, RM solicited the undercover officer for both oral and vaginal sexual intercourse, charging him \$180 dollars for the hour. RM was subsequently arrested”

Upon her arrest, RM identified that she was engaged in commercial sex, working with another female who was waiting in a nearby bar while RM was supposed to be conducting the sex act in the motel room. Police went to that establishment and made contact with another young female. At that time, investigators believed that two individuals who were connected to the situation left through the back door of the bar.

Affidavit:

“RM informed TPD detectives that she was with another juvenile female, who was waiting at the bar next door with the two pimps, while RM was supposed to be “turning the trick” in the motel room. RM described this other female as “a young looking black female”. TPD detectives went into the bar next door to the Motel {redacted} and recovered the black female RM described. TPD detectives questioned the 16 year old black female [redacted]... AC was subsequently arrested. Investigators believed the two pimps exited the bar via the back door while TPD detectives questioned AC.

During questioning, RM stated that previous to engaging in prostitution with defendant BJ, she engaged in commercial sex under the direction of an adult female, who, in time, introduced RM to the defendant BJ. According to the court transcripts, the contact between BJ and RM initially occurred via text message.

Affidavit:

“RM was engaging in acts of prostitution under the direction of an adult female. RM advised that this adult female facilitated RM meeting and eventually engaging in prostitution under the direction of BJ”.

“BJ had several phone conversations and exchanged several text messages with RM, in an attempt to recruit RM to engage in acts of prostitution under his direction.

The affidavit reveals that the defendant BJ asked the RM if she was interested in earning money by engaging in commercial sex on 09-20-11. RM stated that she was interested and additionally had a friend, AC with her. The defendant BJ sent a cab to pick up the two girls and deliver them to an apartment. While at this apartment, the defendant took photographs of the females so as to post them on backpage.com. During this time, the defendant allegedly discussed the inner-workings of the commercial sex enterprise.

Affidavit:

“BJ contacted RM by phone and asked RM if she wanted to make some money engaging in prostitution related activities that day. RM agreed and advised BJ that she had a friend AC with her.”

“Jackson sent a cab to pick up RM and AC at the laundry mat on [redacted]”

“While at [the apartment], BJ took AC in the bedroom and took several lascivious photographs of AC I in her bra and underwear. BJ asked AC how old she was. AC told BJ she was 16 years old. BJ told AC that he was going to advertise her as an 18 year old.”

“BJ instructed RM that she should charge \$160 dollars for a half hour and \$180 for a whole hour of sexual intercourse.”

“BJ told RM that AC should charge less because she was less attractive”

“BJ instructed AC that she should attempt to perform oral sex on the date, prior to sexual intercourse, to determine if the customer was law enforcement. BJ told both RM and AC that they have to give him all the money they make. BJ would in turn take them shopping and to get their hair and nails done. BJ would also supply them with lingerie, outfits, and heels.”

Based upon government investigation, the court transcripts identify that the defendant was charged in a two-count indictment.

*Count 1:*

The United States alleges that on or about September 20, 2011 in Northern Ohio, Western defendant BJ violated §18.1591(a)(1)

“knowingly recruited, enticed, harbored, transported, provided, obtained, and maintained by any means, in and affecting interstate and foreign commerce, RM, a minor whose identity is known to the Grand Jury, knowing and in reckless disregard of the fact that RM had not attained the age of 18 years and that RM would be caused to engage in a commercial sex act”.

*Count 2:*

The United States alleges that on or about September 20, 2011 in Northern Ohio, Western defendant BJ violated §18.1591(a)(1)

“knowingly recruited, enticed, harbored, transported, provided, obtained, and maintained by any means, in and affecting interstate and foreign commerce, AC, a minor whose identity is known to the Grand Jury, knowing and in reckless disregard of the fact that AC had not attained the age of 18 years and that RM would be caused to engage in a commercial sex act”.

Defendant BJ was found guilty by jury trial of violating USC §18.1591 (a)(1) and (b)(2) Sex Trafficking of Children. He was sentenced to 180 months in prison (15 years) and upon release must serve 5 years of supervised release. EM must also register as a sex offender and pay a \$200.00 special assessment.

CASE 13

1:13-CR-00\*\*\*

CLEVELAND, OHIO

FILED 05-29-13

TERMINATED 06-12-14

Court transcripts identify that within this case, there were two defendants. The first, JM, was a 38-year-old white male. At the time of the trial, he was enrolled in college classes. JM had previously served 100 months in prison (8.33 years) where he completed his GED. He identified that beginning at age 11, he experimented with drugs but did not identify as a drug addict. He stated that he only smoked “spice”, a synthetic

form of marijuana. He was the father of three children, one of which was involved in the offense. His criminal history began when he was eight years old and had nine juvenile adjudications. His first adult conviction was at 18, and had been designated a career offender. His previous convictions include several drug trafficking offenses, drug possession, weapons possession and escape. The second defendant, AO was a 23-year-old white female who grew up in Cleveland, Ohio. She went to Avon Lake Schools and JVS, the vocation school where she studied cosmetology until the 11<sup>th</sup> grade. She did not graduate or earn her GED. She was previously employed at McDonalds, JC Penney and Speedway. She began using drugs as a teenager and identified that she has used marijuana, ecstasy and cocaine. She has two children and initially met the defendant through a mutual friend who was introducing them so as to engage in consensual sex.

Court transcripts identify that this case involves four different victim/survivors. The first, JD #1, is a 19-year-old female who attended Troy Elementary, Learwood Middle School, and Avon Lake high School. She admitted on the stand to becoming an Oxycodone addict after an injury at 14, and then switching to heroin as a more affordable alternative. The second victim/survivor is JD #2, a 16-year-old female who was adopted at-birth by her parents. She was currently enrolled in high school during the period of DMST. She stated that she began experiment with drugs at 13, taking mushrooms and smoking marijuana. The third victim/survivor was identified only as JD #3, a 20-year-old female with no other discernable information contained within the court transcripts. The fourth victim/survivor was listed as JD #4, a 23-year-old female. She was previously married and had a five-year-old child, and during the time that she was married, an 11-year-old stepdaughter. She originally became addicted to drugs after being prescribed

opiates following an emergency c-section. She ended up switching to heroin as she found it more affordable.

According to a criminal complaint filed with Ohio's Northern Federal Court, Elyria Police Department (EPD) initiated this case through the serving of search warrant. They believed that defendants JM and AO were involved in dealing heroin and conducting prostitution related activities. During this time, police found a key to a Ramada Inn. They responded to the hotel to find a 19-year-old female in the room who stated that she was being held by JM and forced to prostitute to pay off a drug debt.

**Criminal Complaint:**

"EPD arrested JM and charged him with trafficking in heroin and compelling and promoting prostitution. EPD arrested AO and charged her with possession of heroin, permitting drug use, and compelling and promoting prostitution. EPD discovered a Ramada Inn key card on AO's person during a search incident to arrest. EPD responded to the Ramada Inn for a well-being check and located a 19-year-old female in the hotel room. The female stated she was being held by JM and forced to prostitute herself to pay off a drug debt.

According to the criminal complaint, the defendant AO acted as the business manager for the prostitution enterprise. She placed advertisements for commercial sex, direct clients, and cared for the commercial sex workers. Additionally, it appears as though the drug heroin was used as a method of coercion as transcripts indicated AO provided the commercial sex workers with it so as to function.

**Criminal Complaint:**

"AO was voluntarily interviewed by EPD officers. AO told the officers she worked for JM facilitating meetings for sex between girls (escorts) and men (clients). AL stated she posted advertisements for "escort services" on websites such as "Backpage.com" and used her cellular phone, [redacted] as the point of contact for those ads. AO said when the clients called she claimed to be a friend of the girls in the ad and arranged the appointment. AL directed the clients on where to meet the escort and quoted prices of \$120 for a half hour and \$220 for an hour."

"AO also stated she was responsible for feeding the escorts. AO was paid 30% from each transaction between of the girls and a client."

"she stated she provided the heroin to the escorts to prevent them from becoming horribly ill. AL admitted that by providing the heroin, the escorts were able to function and meet clients, ensuring AO could continue earning her 30% share."

As a part of their investigation, according to court transcripts, EPD subpoenaed records from the website Backpage.com to examine the extent of prostitution activities between the defendants JM and AO. According to Backpage.com records, the defendant JM purchased advertisements, all linked to one telephone number, for 10 different females between December 2012 and April 2013.

Criminal Complaint:

Backpage.com invoice records showed JM purchased ads for 10 different females from December 2012 through April, 1013 [sic]. The women were advertised as “Brittany”, “Exotic Royal”, “Maria”, “Sable”, “Big Booty”, “Cierra”, “Jane”, “Bella”, “Anna”, “Jade”, “Cloe”, and “Sunni”.

According to the transcripts Jane Doe #1 (JD1) began contact with the defendants as a customer to the drug business, purchasing heroin. When JD1 was unable to pay for the drugs, JM began to have sex with her as a form of payment. Eventually JM began providing JD1 with heroin in a quantity that exceeded repayment methods. This caused JM to recruit JD1 as a commercial sex worker. During her time working for JM, JD1 stated that she saw other females performing the same actions, and attempting to work off some form of debt. Eventually, according to court transcripts, JD1 was under the constant supervision of JM and AO and lived in fear of physical violence.

Criminal Complaint:

“When JD1 did not have enough money for heroin, JM offered to have sex with JD1 in exchange for heroin. JM began fronting heroin to JD1 and her drug debt because too high for her to pay. JM told JD1 about his prostitution business. Within weeks, JM told JD1 that this is how she would work off her debt and refused to take her home. JD1 said several girls were living at this residence and working for JM as prostitutes. JD1 said the girls were all attempting to pay off a drug debt to JM. JD1 was addicted to heroin and was forced to rely on JM for her daily heroin to avoid going through painful withdrawal [sic].”

“JM took JD1’s cell phone from her shortly after her arrival at the house, and supervised all telephone calls. JM gave JD1 specific instructions on what she was allowed to say on the phone. JM supervised all phone calls to JD1’s family and later required her to use an unregistered prepaid cell phone.”

“JD1 was not allowed to have any money or purchase any items for herself. JD1 stated that if she kept any money, she believed JM would “beat the living crap out of me.” JM purchased all her clothes, makeup, food, cigarettes, drugs and condoms. JD1 cooked and cleaned for JM and was not allowed to be [sic] alone in the [redacted] house.”



Court transcripts indicate that JD1 was fearful of JM and that she witnessed violence perpetrated on others. Additionally, she stated that JM was regularly armed and made verbal threats against the commercial sex workers. JD1 stated that she stayed as a method of protection for herself and her family as the defendant knew where she lived.

Criminal Complaint:

“ JD1 said she was afraid to attempt to leave the [redacted] house because JM knew where she lived and where her family lived. She was afraid JM would hurt her or her family if she tried to leave.”

“JD1 witnessed JM push other girls around, hit other girls, and in one instance held a girl by her neck against a wall choking her. JM hit JD1 in the face on one occasion when a family member came to Elyria looking for her. JD1 said JM had several guns at the house and carried a black handgun in the back of his pants and waived it around when he was angry, JM also carried a stun gun. JD1 described JM as having a terrible temper and he frequently made statements such as :”don’t get me wrong, I’m not afraid to kill a bitch” and that he “would chop up and dispose of a bitch”.

The second victim/survivor, JD2 is a 16-year-old female who initially met the defendant JM through his 18-year-old son. During their initial meeting, it seems that JM gave JD2 free drugs and had sex with her at which time AO suggested that the girl would eventually become associated with the prostitution business. Eventually, due to her drug habit, JD2 did come to be associated with the prostitution business. She engaged in sex with clients, and was fearful of JM due to his temper and his carrying of a firearm. JD2 eventually left the house that served as a base for JD and AO’s prostitution activities when her parents discovered her being advertised on Backpage.com.

Criminal Complaint:

“JD2 met JM through JM’s eighteen-year-old son. During JD’s first visit to [redacted], JM provided JD2 with free drugs and had sexual intercourse with JD2. JM told JD2 he knew she was 16 or 17 years old, but did not want to discuss it. The following day, AO told JD2 all the girls at the house were working as prostitutes for JM to work off their drug debts. AL told JD2, “You’ll end up doing it. You don’t think so, but you will.””

“ For approximately the next two weeks, JD2 went to JM on a daily basis after school and on weekends.

“JD2 witnessed JM with a gun and on one occasion she witnessed JM chase three males down the street with his gun. JD2 said JM was mean, had a terrible temper and screamed at all the girls.”

“JD2 saw another client at non that same day and was paid by him for sexual intercourse. JD2 called AL from the motel phone to come get her and AO told JD2 she had another client on the way. JD2 saw her third client that day and was paid by him for sexual intercourse. Before JD2 could call AO to pick her up, a fourth client came to the door. JD2 said she began crying and was unable to have sex with this client. AO picked up JD2 and took her back to the [redacted] house.

Upon arriving JD2 gave all the money she made to JM. She said she knew she would not receive any as she owed it to him for drugs. JD2 said JM was angry because the client she did not have sex with was a regular client.”  
Within days, JD2 left the [redacted] house when her parents discovered her photographs on Backpage.com”

Based upon investigation and victim/survivor interviews, court narratives indicate that the defendants were charged in a nine-count indictment.

*Count 1:*

The United States alleges that on or about December, 2012 and continuing to April 9, 2012 defendants JM and AO violated §18.1591(a)(1),(b)(1) and (b)(2); §21.841(a)(1) and (b)(1)(c) and §18.371.

“defendants JM, AO and others known and unknown to the grand jury, did knowingly and voluntarily conspire, combine, confederate and agree with each other to:

A. Knowingly recruit, entice, harbor, transport, provide, obtain and maintain by any means, in and affecting interstate commerce, a person, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, coercion, and any combination of such means, will be used to cause the person to engage in a commercial sex act, and to knowingly recruit, entice, harbor, transport, provide, obtain and maintain by any means, in and affecting interstate and foreign commerce, a person, knowing and in reckless disregard of the fact that the person has not attained the age of 18 years and the person will be caused to engage in a commercial sex act...

B. knowingly and intentionally distribute, dispense, and possess with intent to distribute and dispense (i) a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and (ii) a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance”.

*Count 2:*

The United States alleges that on or about December, 2012 and continuing to April 9, 2012 defendants JM and AO violated §18.1591(a)(1), (b)(1) and 2

“ From in or about February 2013, and continuing to on or about April 9, 2013, in the Northern District of Ohio, Eastern Division, defendants JM and AO, did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely Victim #1, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be use to cause Victim #1 to engage in a commercial sex act”.

*Count 3:*

The United States alleges that on or about February 2013 and continuing to April 9, 2013 defendants JM and AO violated §18.1591(a)(1), (b)(1) and 2

“ From in or about February 2013, and continuing to on or about April 9, 2013, in the Northern District of Ohio, Eastern Division, defendants JM and AO, did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely Victim #2, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be use to cause Victim #2 to engage in a commercial sex act”.

*Count 4:*

The United States alleges that on or about March 2013 and continuing to April 2, 2013 defendants JM and AO violated §18.1591(a)(1), (b)(1) and 2

“ From in or about March 2013, and continuing to on or about April 2, 2013, in the Northern District of Ohio, Eastern Division, defendants JM and AO, did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely Victim #3, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be use to cause Victim #3 to engage in a commercial sex act”.

*Count 5:*

The United States alleges that on or about December, 2012 and continuing to April 9, 2013 defendants JM and AO violated §18.1591(a)(1), (b)(1) and 2

“ From in or about March 2013, and continuing to on or about April 2, 2013, in the Northern District of Ohio, Eastern Division, defendants JM and AO, did knowingly recruit, entice, harbor, transport, provide, and obtain by any means, in and affecting interstate commerce, a person, namely Victim #4, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be use to cause Victim #4 to engage in a commercial sex act”.

*Count 6:*

The United States alleges that on or about January 4, 2013 and continuing to April 9, 2013 defendant JM violated §21.841(a)(1), (b)(1)(C).

“defendant JM did knowingly and intentionally distribute less than 100 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance”.

*Count 7:*

The United States alleges that on or about January 4, 2013 and continuing to April 9, 2013 defendant JM violated §21.841(a)(1), (b)(1)(C).

“defendant JM did knowingly and intentionally distribute less than 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule I controlled substance”.

*Count 8:*

The United States alleges that on or about May 28, 2013 defendant JM violated §18.1512(b)(1) and (c)(2).

“ defendant JM did knowingly intimidate, threaten, and corruptly persuade another person, and attempted to do so, and engaged in misleading conduct toward another person, with the intent to influence, delay, or prevent the testimony of any person in an official proceeding, and otherwise obstructed, influenced and impeded an official proceeding, and attempted to do so, to wit: advising his son, TL to, among other things, “stick with the script” when testifying before the Federal Grand Jury”.

*Count 9:*

The United States alleges that on or about April 2013 to the filing of the Superseding Indictment, defendant JM violated §18.1512(c)(2)

“ Victim #4 spoke to JM about the investigation and asked JM how she could tell the truth during this investigation without incriminating anyone, and JM responded that they would talk about that”  
“provide[d] AO with money to purchase personal items and to advise her not to “flip”, i.e., speak with federal law enforcement officers investigating the conduct alleged in this Superseding Indictment.”

“JM told Victim #4 not to speak with the FBI agents attempting to contact her concerning the allegations set forth in this Superseding Indictment, and told her not to make incriminating statements against him”,

JM was found guilty by jury trial of violating the following offenses §18.371, Conspiracy to commit sex trafficking and drug trafficking; §18.1591(a)(1)&(b)(1) & 2, §18.1591(a)(1), (b)(1), (b)(2) and 2; §18.1591 (a)(1), (b)(1) & 2, sex trafficking of children or by force, fraud or coercion, §21:841(a)(1) & (b)(1)(c) distribution of heroin, §21:841(a)(1) & (b)(1)(c) Distribution of cocaine, §18:1512(b)(1) & (c)(2) Obstruction through witness tampering and §18:1512(c)(2) Obstruction of justice. JM was sentenced to 60 months (5 years) as to Count 1 and 240 months (20 years) as to Counts 6,7,8, and 9 all to be served concurrently. Upon the completion of his sentence, JM must serve 10 years of supervised release, register as a sex offender, must also pay a special assessment of \$900.00 and a fine of \$5000.00. His co-defendant, AO, pled guilty to §18:371, Conspiracy to commit sex trafficking and to distribute heroin and cocaine. She was sentenced to 30 months in prison and will serve three years of supervised release. AO must also register as a sex offender and pay a \$100.00 special assessment.

CASE 14  
3:12-CR-00\*\*\*  
TOLEDO, OHIO  
FILED 09-18-12  
TERMINATED 08-27-14

Court narratives indicate that this case involved two defendants. The first, DH, was 26 years old and attended some college. He had six children ages six, five, four, two and three and had previously worked as a factory worker and the Home Depot. The

second defendant, TD was 25 years old, and had three children aged six, five and four. He attended school through the 11<sup>th</sup> grade and had previously worked in a carry out store. Transcripts state that there was one victim/survivor, AW, who was a 16-year-old female who did not have her race indicated. The United States initially alleged that defendants DH and TD recruited a female minor named AW in Northwest Ohio, so as to engage in commercial sex for the benefits of the defendants.

Superseding Indictment:

“defendants herein, aided and abetted by each other, did knowingly recruit, entice, harbor, transport, provide, obtain, and maintain by any means, in and affecting interstate commerce, AW, a minor whose identity is known to the Grand Jury, having had a reasonable opportunity to observe AW and knowing and in reckless disregard of the fact that AW had not attained the age of 18 years, knowing that AW would be caused to engage in a commercial sex act”.

Additionally, transcripts indicate that the defendant, DH, attempted to mislead investigators.

Superseding Indictment:

“...DH, defendant herein, did obstruct, attempt to obstruct and interfered with the enforcement of Section 1591 of Title 18, United States Code, by providing false and misleading information to investigators”.

Based upon investigation, court transcripts indicate that the defendants were charged in a three-count indictment.

*Count 1:*

The United States alleges that on or about March, 2012 and continuing to August 8, 2012 in Northern Ohio, Western division, defendant DH and TD violated §18.1952(a)(3)

“knowingly conspired with each other, and with other persons both known and un known to the Grand Jury, to use a facility in interstate commerce, to wit: the internet or a telephone, with the intent to promote, manage, establish, carry on or facilitate the promotion, management, establishment or carrying on an unlawful activity, to wit: a business enterprise involving prostitution offenses involving prostitution offenses in violation of the laws of the State of Ohio and the United States, including but not limited to the offenses set forth in Count Two of this Indictment, and to thereafter perform or attempt to perform an act of promotion, management, establishment or carrying on of the unlawful activity, and at least one of the participants did n act to effect the object of the conspiracy”.

*Count 2:*

The United States alleges that on or about August 8, 2012 in Northern Ohio, Western defendants DH and TD violated §18.1591(a)(1) and (c)(2)

“defendants herein, aided and abetted by each other, did knowingly recruit, entice, harbor, transport, provide, obtain, and maintain by any means, in and affecting interstate commerce AW, a minor whose identity is known to the Grand Jury, having had a reasonable opportunity to observe AW and knowing and in reckless disregard of the fact that AW had not attained the age of 18 years, knowing that AW would be caused to engage in a commercial sex act”.

*Count 3:*

The United States alleges that on or about September 6, 2012 in Northern Ohio, Western defendant DH violated §18.1591(d)

“ defendant herein, did obstruct, attempt to obstruct and interfered with the enforcement of Section 1591 of Title 18, United States Code, by providing false and misleading information to investigators assigned to the Northwest Ohio Violent Crimes Against Children Task Force who were investigating the offense charged in Count Two of this Indictment”.

DH pled guilty to violating §18.1592(a)(3) Conspiracy to use a facility to promote prostitution, §18.1591(a)(1)(c) and §18.3583(k) and (2) Sex trafficking of a minor, aiding and abetting and §18.1591(d) Obstruction of investigation into alleged sex trafficking of a minor. He was sentenced to 60 months as to Count 1, 200 months as to Count 2, and 200 months as to Count 3, all to be served concurrently. Upon release he must serve supervised release, three years as to count 1, five years as to count 2, and three years as to count three; all terms will run concurrently. The defendant must register as a sex offender and pay a \$300.00 special assessment. The defendant was also ordered to provide financial restitution in the amount of \$240.00 to victim/survivor AW. TD pled guilty to violating §18.371 and §18.1952(a)(3) conspiracy to use a facility in interstate commerce to facilitate prostitution, and §18.1591(a)(1) and (c) Sex trafficking of a minor. Defendant was sentenced to serve 60 months as to Count 1, and 224 months as to Count 2 to be served concurrently. Upon release, the defendant was sentenced to serve 5 years of supervised release and register as a sex offender as well as pay a \$200.00 special assessment. The defendant was ordered to provide financial restitution in the amount of \$240.00 to victim/survivor AW

CASE 15  
3:13-CR-00\*\*\*  
TOLEDO, OHIO  
TOLEDO, OHIO  
FILED 08-16-13  
TERMINATED 04-24-14

Court transcripts indicate that the defendant in this case, AG, was a 35-year-old Caucasian female. She was married and had completed the 12<sup>th</sup> grade. When she was a teenager, she received treatment at an inpatient facility for substance abuse addiction. The victim/survivor in this case was identified as MN, a 16-year-old female. According to court narratives, this case was pending for some time; beginning with the actual act committed during December of 2009, and then the pleading of guilty during in September of 2013. According to the United States, the defendant AG transported an individual under the age of 18 from Ohio to Michigan to engage in commercial sex.

The Court:

“[defendant]did knowingly transport and cause to be transported an individual identified as M.N., who had not attained the age of 18 years, in interstate commerce, that is, from the State of Ohio to the State of Michigan, with the intent that the minor M.N. engage in sexual activity for which any person can be charged with a criminal offense”.

The defendant chose to wave being indicted and to just plead guilty to the charges as the court filed them.

Defense:

“I have reviewed with Amber her right to have this case presented to the grand jury. I have explained to her her constitutional rights. This all took place in my office. She understands those rights and knowingly, voluntarily waived them this morning to enter a guilty plea.”

The transcripts indicate that the defendant chose to plead guilty to the charges as filed as part of a plea deal so as to avoid further and potentially more intense charges for something that occurred in December of 2012.

Prosecution:

“the defendant agrees to plead guilty to the Information in the case, which the Court has gone over. The United States agrees not to bring any further charges against the defendant for criminal violations that are now known to the U.S. Attorney's Office at the

execution of the agreement, or for anything that was pointed out by the defendant in the proffer that took place I believe in December of 2012.”

Upon pleading guilty, and pending sentencing, the defendant was released on bond to her own accord, a very unusual move involving a case of DMST according to the court.

The Court:

“You heard Mr. Moroney say he's never had a case with these charges where the defendant has been released. The Court is releasing you because of the unique circumstances in your case. You have cooperated fully and the Court has -- the Government has acknowledged that. You have good counsel who has been involved in your case throughout. And so, the Court, under these circumstances, finds it appropriate to release you and I am instructing you to fully follow all the conditions of your release.”  
“...All right. If there's nothing further, the defendant will be released once she completes the bond papers.”

Based upon investigation, court transcripts indicate that the defendant was charged in a one-count indictment.

*Count 1:*

The United States alleges that during December, 2009 in Northwestern Ohio, defendant AG violated §18.2423(2).

“did knowingly transport and cause to be transported an individual, identified as MN, who had not attained the age of 18 years, in interstate commerce, that is, from the state of Ohio to the state of Michigan, with the intent that MN engage in sexual activity for which any person can be charged with a criminal offense”.

AG pled guilty to violating §18.2423(a), transporting a minor with the intent that the minor engage in criminal sexual activity. She was sentenced to 36 months of prison with five years of supervised release. AG must register as a sex offender and pay a \$100.00 special assessment.