

ARTICLE

Sold for Sex: The Link between Street Gangs and Trafficking in Persons¹

*Laura J. Lederer**

Introduction

In April 2011 in Oceanside, California, 38 Crips gang members, their alleged associates, and two hotel owners were arrested for engaging in a sex-trafficking enterprise that involved the prostitution of minors and adult females.² After raping their victims and threatening to kill them if they tried to escape, the gang members sold the girls online.³ The girls were trapped in a hotel for 12 hours a day as men who had purchased their bodies from the gang members had sex with them. Although these commercial sex acts brought in between US\$1,000 to US\$3,000 a day, the young women and children never saw a penny of the money. Their only payment was receiving food, avoiding beatings, and staying alive. The trafficking ring might never have been discovered if one girl hadn't rebelled.

* *President, Global Centurion, Adjunct Professor, Georgetown Law Center*

1 For this article, the definition of a "street gang" is the one used by the National Gang Threat Assessment of 2009. It is the definition agreed on by the National Alliance of Gang Investigators' Associations: "A gang is a group or association of three or more persons with a common identifying sign, symbol, or name who individually or collectively engage in criminal activity that creates an atmosphere of fear and intimidation." States and localities have varying definitions of gangs. For example, Alabama's law on gangs defines a street gang as "any combination, confederation, alliance, network, conspiracy, understanding, or similar arrangement in law or in fact, of three or more persons that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity." Ala. Code § 13A-6-26 (2002). For more information, see "Gangs—Background, Federal Law, State Law, Do Anti-Gang Laws Violate the Constitution? Local Ordinances," <http://law.jrank.org/pages/7073/Gangs.html#ixzz1T7pFqyck>. In discussion of trafficking in persons, this article uses definitions from the Trafficking Victims Protection Act (TVPA) of 2000. Under the TVPA, only "severe forms of trafficking" are protected. Severe forms include (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which a person induced to perform such an act has not attained 18 years of age and (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 purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.

2 Office of the United States Attorney Southern District of California, <http://www.justice.gov/usao/cas/press/cas11-0418-Traylor.pdf>; Federal Bureau of Investigation, San Diego Division, "Members and Associates of Oceanside Crip Street Gangs and One Hotel Charged with Racketeering Conspiracy Relating to Prostitution of Minors and Adults and Other Crimes and Criminal Forfeiture," April 18, 2011, <http://www.fbi.gov/sandiego/press-releases/2011/sd041811.htm>. Traci Tamura, producer, "Gang Sex Trafficking and the Internet," CNN Backstory, June 29, 2011, <http://backstory.blogs.cnn.com/2011/06/29/gang-sex-trafficking-and-the-internet/>.

3 Ibid.

The turning point came after she witnessed another girl who was her friend being beaten. She watched in horror as [the trafficker] sprayed mace in her mouth and forced her to swallow it and told herself that she had to escape.⁴ She and two other girls managed to convince a customer that their lives were in danger. The customer agreed to allow them to contact the police, but only after he received his “payment” in sex.⁵

In a similar case in June 2011, MS-13 gang member Alonso Ormeno was indicted for trafficking girls at a Super 8 motel just outside of Washington, D.C.⁶ At least one of the girls was only 15 years old when she was sold. Ormeno advertised her as a “high school girl” and “fresh out of the box.”⁷ A year earlier, in Brooklyn, New York, eight members of the Bloods street gang were also charged with sex trafficking of minors. They solicited customers using online websites. The victims, recruited from local junior high and high schools, were trafficked into prostitution. The traffickers made US\$500 a day.

In Seattle, Washington, just one month before the Brooklyn indictments, 10 members of the West Side Street Mobb gang were convicted of trafficking 20 victims, 5 of whom were minors.⁸ Gang members beat and assaulted the young women and children to force them into prostitution.⁹

In November 2010, 29 Somali gang members were indicted for running a multistate sex-trafficking operation that regularly ferried minors and women between Minnesota, Tennessee, and other midwestern states.¹⁰ An excerpt from a news report describes one girl’s experience:

The girl was 12 when the gangsters told her the rule: They would sell her for sex to men outside the gang, but members of the Somali Outlaws or the Somali Mafia would use her for free. For more than two years she was taken on “missions” to abandoned garages, men’s bathrooms, apartments and hotels, enduring hours with multiple men so gang members could

4 Ibid. Further details of the case are in “Gangs Join to Prostitute Women,” CNN, June 23, 2011, <http://cnn.com/video/?/video/world/2011/06/23/cfp.gutierrez.gang.sex.traffick.cnn>.

5 Tamura, “Gang Sex Trafficking and the Internet” (note 2).

6 Indictment, United States of America v. Ormeno, May 2011, <http://www.scribd.com/doc/56490863/Alonso-Cornejo-Ormeno-Indictment>. For more details, see also Amanda Kloer, “Second Gang Busted for Child Sex Trafficking at Wyndham Hotel,” Change.org, June 14, 2011, <http://news.change.org/stories/second-gang-busted-for-child-sex-trafficking-at-wyndham-hotel>.

7 Ibid.

8 Federal Bureau of Investigation (FBI), “Sex Trafficking Convictions: Seattle Gang Dismantled,” May 20, 2010, http://www2.fbi.gov/page2/may10/trafficking_052010.html. “Mobb” is not a misspelling; it is an acronym for “Money Over Broke Bitches.” See Levi Pulkkinen, “Two More Convicted in West Seattle Child Prostitution Probe,” Seattle PI.com, February 18, 2010, <http://www.seattlepi.com/default/article/Two-more-convicted-in-West-Seattle-child-899770.php>.

9 FBI, “Sex Trafficking Convictions” (note 8).

10 Federal Bureau of Investigation, Memphis Division, “Twenty-Nine Individuals Charged for Sex Trafficking of Juveniles,” November 8, 2010, <http://www.fbi.gov/memphis/press-releases/2010/me110810.htm>. Brian Haas, “29 Suspected Gang Members Charged with Sex Trafficking,” The Tennessean, November 8, 2010, <http://www.wbir.com/rss/article/141770/2/29-suspected-Somali-gang-members-indicted-in-sex-trafficking-ring-that-included-Nashville>.

get money, pot or booze. Though her mother confronted two of the men twice early on and warned them the girl wasn't even 13, they continued to prostitute her.¹¹

Unfortunately, these cases are only a few examples out of hundreds of street gang involvement in human trafficking. An examination of the cases provides evidence of a clear link between street gangs and human trafficking in the United States. During the past decade, the United States has drafted laws and has trained law enforcement to address criminal gang activity. Similarly, in 2000, Congress drafted and passed a comprehensive law intended to address trafficking in persons. However, those two efforts have run parallel to each other for 10 years with no effective means of bringing them together. The purpose of this article is threefold: (a) to provide a better understanding of the involvement of street gangs in trafficking in persons, (b) to examine U.S. government responses to street gangs and to trafficking in persons, and (c) to suggest new approaches to addressing street gang involvement in human trafficking.

The first part of this article introduces the subject. It is followed by a discussion of the prevalence of street gangs in the United States, summarizing key findings of the National Gang Threat Assessment of 2009 and examining recent case law that provides evidence of street gang involvement in human trafficking. The next section addresses trafficking in persons, summarizing the Trafficking Victims Protection Act (TVPA) of 2000 and the report of the Department of Justice on the U.S. government's progress in implementing the TVPA. This article next looks at federal, state, and local legislation that addresses criminal gang activity. Finally, recommendations are offered for improving the U.S. government's response to street gangs and trafficking in persons.

Findings of the National Gang Threat Assessment of 2009¹²

Gang Proliferation, Membership, and Communication

According to the National Gang Threat Assessment, there are an estimated 1 million gang members who belong to more than 20,000 gangs that are criminally active in all 50 U.S. states.¹³ During the past 20 years, local street gangs have become a significant threat, because they account for the largest number of gangs

11 Excerpt from Amy Forliti, "Somali Gangs Move into Sex Trafficking, Fraud," Associated Press, February 7, 2011.

12 U.S. Department of Justice, National Gang Threat Assessment of 2009, January 2009, <http://www.justice.gov/ndic/pubs32/32146/index.htm>.

13 The National Gang Threat Assessment of 2009 lists 16 street gangs as being most criminally active in the United States. They are 18th Street, Almighty Latin King and Queen Nation, Asian Boyz, Black P. Stone Nation, Bloods, Crips, Florencia 13, Fresno Bulldogs, Gangster Disciples, Latin Disciples, Mara Salvatrucha (MS 13), Surenos and Nortenos, Tango Blast, Tiny Rascal Gangsters, United Blood Nation, and Vice Lord Nation.

nationwide, but also because they engage in violence in conjunction with a variety of crimes.¹⁴

Since the 1970s, gangs have expanded beyond large cities until they have become entrenched in suburban and rural areas.¹⁵ Mainly through drug trafficking, urban gangs have funded the creation of smaller local gangs to enter new, suburban drug markets that are expected to produce high profits.¹⁶ Experts note that this shift has dramatically increased the number of youths involved in gang activity.¹⁷ The percentage of students reporting gang activity in their schools increased 20 percent from 2001 to 2005, because gangs began to use schools as arenas for distributing drugs and recruiting new members.¹⁸

Increasingly, gangs use the Internet to recruit new members, to intimidate rival gang members, and to boast about gang activity.¹⁹

Traditionally, gangs have been male dominated, and this remains true today.²⁰ Although a few all-female gangs exist, the overwhelming majority of females join male-dominated groups.²¹ However, in human trafficking situations, females are often not gang members. As one social worker put it, “the young women and girls are commodities that the gang members sell, just as they sell drugs and weapons.”²²

Gang Types

Although numerous types of gangs exist, the U.S. Department of Justice divides gangs into three main forms in the United States: (a) street gangs, (b) outlaw motorcycle gangs, and (c) prison gangs.²³ This article concerns itself mainly with street gangs.

14 Ibid.

15 Ibid.

16 Ibid.

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.

22 Courtney’s House, discussion with social worker involved in case management of young teenagers trafficked into prostitution by street gangs, September 2011.

23 This article focuses on street gangs and their involvement in human trafficking. However, initial exploration indicates that both prison gangs and motorcycle gangs may also be involved in human trafficking. Prison gangs operate through highly structured hierarchies, which exercise substantial control over street-level gang activity in many communities. National prison gangs have strong ties to drug-trafficking organizations. Criminal motorcycle gangs are highly structured organizations that participate in a wide range of criminal activity, including violence and trafficking in drugs and weapons. These gangs have memberships in the thousands. Note that many legitimate motorcycle clubs are not involved in criminal activities.

Criminal Activities

According to a survey of local law enforcement, street gangs commit as much as 80 percent of local violence.²⁴ From 2004 to 2008, law enforcement reported a 13 percent increase in street gangs involved in drug trafficking.²⁵ Drug distribution represents the primary means of financing gang activities. Other common gang-related crimes include armed robbery, auto theft, extortion, fraud, home invasions, identity theft, murder, and weapons trafficking. Street gangs are also being charged with new crimes, such as mortgage fraud schemes, Internet identity theft, and protection rackets.²⁶ U.S.–based gangs increasingly fund their operations through cross-border trafficking of drugs, weapons, and persons. Cross-border trafficking between Mexico and the United States is particularly prevalent in Texas and California.

Outlook

Gangs will continue to expand in membership and move into suburban and rural areas, which will lead to increased incidents of gang-related criminal activity.²⁷ Conflict between rival gangs may also increase as they compete over territory.²⁸ The expansion will also translate into closer and more sophisticated relationships with drug-trafficking operations in Mexico and Canada, particularly for Hispanic gangs located near the U.S.–Mexico border.²⁹

Street Gang Involvement in Sex Trafficking

Recruitment

To produce profit, street gangs involve themselves in several forms of human trafficking, particularly sex trafficking.³⁰ Traditionally, recruiting is done by some version of the “Romeo” method:

Sylvana Hines met Michael Ward, a member of the Pimping Hoes Daily gang, when she was fifteen years old. While the two were dating, she fell in love with him. He romanced her for a short time and then began to sell her to others when she was sixteen.³¹ When she indicated a desire to stop, he beat her. He had trafficked at

24 National Gang Threat Assessment of 2009, 8–9 (note 12).

25 Ibid., 9.

26 Ibid., 10.

27 Ibid., 13.

28 Ibid.

29 Ibid.

30 Statement of Assembly Member Marty Block, introducing AB 918, April 8, 2011.

31 *People v. Jacques*, Not Reported in Cal.Rptr.3d, 2011 WL 149281 at 3.

least seven or eight other women and girls into prostitution and was selling them on the streets at the same time.³²

Today, gangs use a variety of methods to recruit women for trafficking, ranging from romancing and manipulating young girls to marketing over the Internet. Often, one gang member recruits a new girl by giving her expensive gifts, taking her on dates, and taking her to gang-hosted parties where drugs and alcohol are plentiful. Later, the boy who recruited her can use her feelings of indebtedness to manipulate her into coerced commercial sex acts.³³ According to one expert, gang members use their knowledge of a girl's insecurities to make her feel vulnerable, allowing one gang member to manipulate her more easily by showing her affection. Girls are lured and enticed into the gang and then coerced, threatened, and intimidated into prostitution. It is the price they pay for love and affection.³⁴

Force, Fraud, and Coercion

Once recruited, gang members use numerous methods to keep young women and girls in check. Gang members provide free drugs, thereby addicting the young women and girls. Particularly after they have been trafficked into prostitution, the girls need the drugs to numb themselves against the commercial sex acts in which they are forced to engage.³⁵ In addition to controlling the flow of drugs to maintain control over the women, gang members can also require the women to buy the drugs with the small amount of profit the women are allowed to keep. That tactic effectively allows the gang to collect the entire proceeds from trafficking females involved with the gang.³⁶

Another method of keeping women and girls in check is sheer force. An example of this method is a case of trafficking involving the Outlaws Motorcycle Club. The Outlaws Motorcycle Club in southern Florida is a highly structured

32 Ibid.

33 Michel Dorais and Patrice Corriveau, *Gangs and Girls: Understanding Juvenile Prostitution* (Montreal: McGill-Queen's University Press, 2009), 38–39. In Virginia, an anti-trafficking expert noted that a new method of targeting and recruiting girls is “skip parties,” parties that gang members hold at private homes during school hours. They invite middle school and high school girls to skip school and come to the parties, where recruiting begins.

34 Ibid., 39. Although numerous methods are used to recruit, the key recruiting technique still seems to be romancing the young woman or child. See Seattle West Mobb trial where a gang member “admitted that he sweet-talked a girl he had known since junior high school,” and then moved her into prostitution. “He told the girl he loved her, then made her work almost seven days per week in motels in Seattle and SeaTac, according to plea paperwork.” “Gang Member Admits Forcing Teen Girls into Prostitution,” Seattle Times, August 27, 2009.

35 Interview with Norma Hotaling, survivor of sex trafficking, June 2008.

36 Ibid., 44.

organization from which members are not allowed to defect.³⁷ Armed guards watch the clubhouse around the clock, and a witness has testified that the clubhouse is stocked with weapons and explosives.³⁸ Women cannot join the Outlaws but may either be a member's "old lady," effectively his property, or belong to the entire group. Gang members often have more than one old lady, with the highest-ranking female members responsible for training new recruits.³⁹

Most of the women are forced to generate income for the Outlaws by working as nude dancers or through commercial sex acts.⁴⁰ The Outlaws also use female gang members to transport drugs to gang members in prison.⁴¹ Because the Outlaws control the flow of money and drugs to the women, the women find themselves dependent on the gang and unable to leave. Punishment for misbehavior ranges from beatings to gang rape.

Even the highest-ranking female can suffer from violence and coerced commercial sex acts. Outlaws member James Thomas Nolan forced his "number one old lady," Iris Geoghagen, to engage in commercial sex acts for his profit.⁴² He beat her repeatedly, which resulted in her hospitalization on multiple occasions. In one instance, she was beaten so badly that she required surgery to rewire her jaw. When she wanted out of the gang, Nolan told her she could buy her freedom for US\$125,000; then he told her that she could not get out because her only income belonged to him already.⁴³

Similarly, Nuestra Familia in California acts as a structured organization in which the members must follow the leaders' orders or face threats of violence or death. Gang member David Hernandez testified that he feared for his life if he did not follow his superiors' orders, including duties such as collecting the profits of the women the gang trafficked for commercial sex acts.⁴⁴

The Black Dragons is a street gang with 45 to 50 members, which was founded in California in 1989 or 1990 by Khoanh A. Lam. The gang has a hierarchical leadership, with the newest recruits carrying out the criminal activity to shield the

37 According to the National Gang Threat Assessment, "Outlaws Motorcycle Club has more than 1,700 members belonging to 176 chapters in the United States and 12 foreign countries. U.S. law enforcement authorities estimate that Outlaws has more than 94 chapters in 22 states with more than 700 members. Outlaws also identifies itself as the American Outlaws Association (A.O.A.) and Outlaws Nation. Outlaws is the dominant OMG [outlaw motorcycle gang] in the Great Lakes region. Gang members produce, transport, and distribute methamphetamine and transport and distribute cocaine, marijuana, and, to a lesser extent, MDMA [ecstasy]. Outlaws members engage in various criminal activities, including arson, assault, explosives operations, extortion, fraud, homicide, intimidation, kidnapping, money laundering, prostitution operations, robbery, theft, and weapons violations." National Gang Threat Assessment of 2009, Appendix D, <http://www.justice.gov/ndic/pubs32/32146/appd.htm>.

38 U.S. v. Starrett, 55 F.3d 1525, 1533 (11th Cir. 1995).

39 Ibid., 1534.

40 Ibid.

41 Ibid.

42 Ibid., 1537.

43 Ibid.

44 People v. Dominguez, 121 Cal.App.3d 487, 48–95 (1981).

leaders from prosecution. Although the group was primarily involved in robbery, extortion, and murder, Than Ho and Vinh Liu, two of the gang's younger members, were ordered to collect money from houses of prostitution for the gang's leadership.⁴⁵ After Than Ho was accused of using money from the houses of prostitution to purchase narcotics for his own use, the gang leader issued a "green light" on Than Ho, thereby allowing any gang member who so desired to beat or kill him. After Than Ho continued to keep money from the houses of prostitution, members of the Black Dragons and the Oriental Lazy Boys, a gang that sometimes worked in partnership with the Black Dragons, beat Than Ho against the side of a car while a gang member brandished a gun. When a Black Dragon friendly with Than Ho tried to stop the beating, another gang member stabbed him in the stomach.⁴⁶

Prevalence of Gang Involvement in Human Trafficking

Street gang involvement in human trafficking is much more extensive within the United States than is commonly understood. To date, the U.S. government has prosecuted more than 200 cases of street gangs, motorcycle gangs, and prison gangs in which commercial sex acts, prostitution, or human trafficking are mentioned.⁴⁷ However, trafficking in persons by gangs is often overlooked. Gang members are

45 See *People v. Lam*, Not Reported in Cal.Rptr.3d, 2006 WL 3333588 at 1.

46 *Ibid.*, 3.

47 The following are street gang cases in which human trafficking is mentioned: *People v. Morales*, 2011 N.Y. Slip Op. 04537, 2011 WL 2135388 (N.Y. App. Div. 2011); *Toua Hong Chang v. State*, 778 N.W.2d 388 (2010); *People v. Knight*, 405 Ill. App.3d 461 (2010); *People v. Quang Minh Tran*, 177 Cal.App.4th 138 (2009); *People v. Williams*, 170 Cal.App.4th 587 (2009); *Garcia v. State*, 239 S.W.3d 862 (Tex. App. 2007); *Hongyok v. Gonzales*, 492 F.3d 547 (5th Cir. 2007); *Moore v. Quarterman*, 536 F.Supp.2d 654 (W.D. Tex. 2007); *People v. Sales*, 116 Cal.App.4th 741 (2004); *Hollander v. Flash Dancers Topless Club*, 340 F.Supp.2d 453 (S.D.N.Y. 2004); *People v. Lucas*, 203 Ill.2d 410 (2002); *U.S. v. D.R.*, 225 F.Supp.2d 694 (E.D.Va. 2002); *State v. Lambert*, 58 Conn.App. 349 (2000); *Tse v. U.S.*, 112 F. Supp.2d 189 (D. Mass. 2000); *People v. Foster*, 297 Ill.App.3d 600 (1998); *City of New York v. Andrews*, 186 Misc.2d 533 (N.Y. App. Div. 2000); *People v. Leisner*, 138 A.D.2d 273 (N.Y. App. Div. 1988); *People v. Marquez*, 226 Cal.App.3d 969 (1991); *People v. Jackson*, 145 Ill.App.3d 626 (1986); *People v. Dominguez*, 121 Cal.App.3d 481 (1981); *People v. Morano*, 38 N.Y.Crim.R. 454 (1920); *Chang Hyeong Lee v. State*, Not Reported in S.W.3d (Tex. App. May 12, 2011); *Burton v. Zavaras*, 2009 WL 62397 (D.Colo., June 28, 2011); *People v. Jacques*, Not Reported in Cal. Rptr.3d, 2011 WL 149281; *U.S. v. Juvenile Male No. 2*, No. 10-CR-470 (JFB), 2011 WL 223599 (E.D.N.Y. January 26, 2011); *Duncan v. Superior Ct.*, Not Reported in Cal.Rptr.3d, 2010 WL 740272; *People v. Lopez*, Not Reported in Cal.Rptr.3d, 2010 WL 1744949; *People v. Stamps*, Not Reported in Cal.Rptr.3d, 2010 WL 2541653; *People v. Tillis*, Not Reported in Cal.Rptr.3d (2010); *People v. Wiley*, Not Reported in Cal.Rptr.3d, 2010 WL 3482954; *People v. Castro*, Not Reported in Cal.Rptr.3d, 2010 WL 65390; *People v. Molina*, Not Reported in Cal.Rptr.3d, 2009 WL 3069488; *People v. Blair*, Not Reported in Cal.Rptr.3d, 2009 WL 708830; *People v. Superior Ct.*, Not Reported in Cal.Rptr.3d, 2008 WL 5263726; *People v. Cordova*, Not Reported in Cal.Rptr.3d, 2008 WL 2895958; *New Jersey Div. of Youth and Family Servs. v. S.K.*, Not Reported in A.2d, 2006 WL 2135700 (N.J. Super. Ct. App. Div.); *People v. Lam*, Not Reported in Cal.Rptr.3d, 2006 WL 3333588; *State v. Yang*, Not Reported in N.W.2d., 2004 WL 2049753; *People v. Diaz*, Not Reported in Cal. Rptr.3d, 2004 WL 1922186; and *People v. Chambers*, Not Reported in Cal.Rptr.2d, 2003 WL 21367939. The following are outlaw motorcycle gang cases that mention trafficking in persons: *State v. Cook*, 530 N.W.2d 728 (Iowa 1995); *Snell v. State*, 290 Ark. 503 (1986); *Piscottano v. Murphy*, 511 F.3d 247 (2nd Cir. 2007); *U.S. v. Starrett*, 55 F.3d 1525 (11th Cir. 1995); *U.S. v. Cortinas*, 142 F.3d 242 (5th Cir. 1998); *U.S. v. Hattaway*, 740 F.2d 1419 (7th Cir. 1984); *U.S. v. Cole*, 704 F.2d 554 (11th Cir. 1983); and *Kilgore v. Younger*, 30 Cal.3d 770 (1982). The following are prison gang cases that mention human trafficking: *Kilgore v. Younger*, 30 Cal.3d 770 (1982); *Armstrong v. State*, 18 S.W.3d 928 (Tex. App. 2000); *Brumfield v. State*, 18 S.W. 3d 921 (Tex. App. 2000); *People v. Garnica*, 121 Cal.App.3d 727 (1981); *Campbell v. State*, 18 S.W.3d 914 (Tex. App. 2000); *U.S. v. Krout*, 66 F.3d 1420 (5th Cir. 1995); and *U.S. v. Littrell*, 478 F.Supp.2d 1179 (C.D.Cal. 2011).

usually prosecuted for drug trafficking, weapons trafficking, armed robbery, auto theft, extortion, fraud, home invasions, identity theft, murder, and other felonies.⁴⁸

Human Trafficking for Profit

Gang involvement in human trafficking is profit driven. Street gangs engage in sex trafficking for the same reason they engage in drug trafficking and weapon trafficking: to generate revenue. Unlike selling drugs and weapons, however, a human body may be sold repeatedly. Because demand remains high, particularly for young girls, the profitability of human trafficking greatly increases. So long as human trafficking remains profitable, gangs will continue to engage in it. Cutting off demand may be the answer to preventing gangs from engaging in sex trafficking.

Trafficking in Persons in the United States

Department of Justice Report

The Trafficking Victims Protection Reauthorization Act of 2005 requires biennial reporting on the nature, scope, and characteristics of human trafficking in the United States.⁴⁹ To assist in meeting that obligation, the Human Trafficking Reporting System was created to collect incident-based data from state, local, federal, and nongovernment agencies. For the purposes of the system, an incident is defined as any investigation into a claim of human trafficking or any investigation of other crimes in which elements of potential human trafficking were identified.⁵⁰

Between January 1, 2008, and June 30, 2010, the Human Trafficking Reporting System captured information from 42 jurisdictions that cover nearly 25 percent of the U.S. resident population. Although those jurisdictions were not representative of the entire nation, they were widely dispersed geographically.⁵¹ The information was categorized and analyzed by the U.S. Department of Justice's Bureau of Justice Statistics before being compiled into a special report.

48 See Fuller v. Johnson, 114 F.3d 491 (5th Cir. 1997); People v. Lucas, 203 Ill.2d 410 (2002); Faheem-El v. Lane, 657 F.Supp. 638 (C.D. Ill. 1986); Snell v. State, 290 Ark. 503 (1986); People v. Knight, 405 Ill. App.3d 461 (2010); People v. Quang Minh Tran, 177 Cal.App.4th 138 (2009); People v. Williams, 170 Cal.App.4th 587 (2009); Garcia v. State, 239 S.W.3d 862 (Tex. App. 2007); People v. Sales, 116 Cal.App.4th 741 (2004); Armstrong v. State, 18 S.W.3d 928 (Tex. App. 2000); Brumfield v. State, 18 S.W. 3d 921 (Tex. App. 2000); People v. Dominguez, 121 Cal.App.3d 481 (1981); People v. Jacques, Not Reported in Cal.Rptr.3d, 2011 WL 149281; People v. Lopez, Not Reported in Cal.Rptr.3d, 2010 WL 1744949; People v. Cordova, Not Reported in Cal.Rptr.3d, 2008 WL 2895958; and People v. Chambers, Not Reported in Cal.Rptr.2d, 2003 WL 21367939.

49 Trafficking Victims Protection Reauthorization Act of 2005, Title II, Section 201.

50 Duren Banks and Tracey Kyckelhahn, "Characteristics of Suspected Human Trafficking Incidents, 2008–2010," Bureau of Justice Statistics, April 2011.

51 Ibid.

It should come as no surprise that 81 percent of confirmed traffickers were male, whereas 94 percent of confirmed sex-trafficking victims were female.⁵² Of confirmed labor-trafficking victims, 68 percent were female.⁵³ Most of the victims in domestic sex-trafficking cases were younger than 25 years old. In fact, although only 38 percent of confirmed labor-trafficking victims were under 25, the number increases to 87 percent for sex-trafficking victims.⁵⁴

What may come as a surprise, however, is the origin of most of the victims. Many people assume that trafficked persons in the United States come primarily from other countries—illegally smuggled immigrants who are tricked by the promise of employment. Although that is the case for some victims, most victims are not foreigners but are actually children born here in the United States.⁵⁵ In fact, according to the Bureau of Justice Statistics report, more than four-fifths of victims in sex-trafficking crimes were identified as U.S. citizens (83 percent).⁵⁶ These statistics confirm that trafficking in the United States is not simply an international problem. It is very much a domestic problem in which U.S. women and children are trafficked into prostitution.

The involvement of street gangs in the proliferation of these crimes cannot be underestimated. And although some progress has been made toward understanding the street gang trafficking, additional research is needed on the nature and scope of their involvement. More information is needed on the methods of recruitment, transportation, and marketing in street gang trafficking. Further investigation will provide a clear understanding of the use and types of force, fraud, and coercion. Finally, a better idea is required of the types of crimes, including sex trafficking, labor trafficking, organ trafficking, and related activities, such as identify theft, document tampering, and human smuggling. Furthermore, to successfully combat trafficking at the street gang level, the key role of state and local agencies must be acknowledged. Partnerships between all levels of government must be further encouraged. The Bureau of Justice Statistics report noted that in 92 percent of sex-trafficking cases, the lead investigating agency was a state, local, or territorial agency, whereas less than 7 percent of investigations were headed by federal agencies.⁵⁷ State and local governments will have to learn to recognize trafficking victims and offenders as such before appropriate action can be taken to eliminate demand for trafficked persons.

52 Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972, 109th Congress (2005).

53 *Ibid.*, 6.

54 *Ibid.*, 1.

55 *Ibid.*

56 *Ibid.*

57 *Ibid.*, 4.

U.S. Department of State Tier Placement for the United States

The U.S. Department of State is mandated by law to produce an annual “Trafficking in Persons Report” (TIP report). The TIP report assesses and rates countries and territories worldwide on the progress they are making in addressing human trafficking. For the first time in 2010, and again in 2011, the U.S. Department of State assessed and rated the progress of the United States. It cites one study that found that despite increased efforts in recent years, fewer than 10 percent of state and local law enforcement agencies in the United States had protocols or policies on human trafficking.⁵⁸

According to the 2011 TIP report, victims who are U.S. citizens, both adults and children, are predominantly found in sex-trafficking cases.⁵⁹ Foreign victims, however, are more often found in labor trafficking than in sex trafficking.⁶⁰ In 2009, the most recent year for which data are available, 235 males and 844 females younger than 18 were reported to the Federal Bureau of Investigation as having been arrested for prostitution in commercialized vice, which was an increase from 206 males and 643 females in 2008. U.S. citizen children involved in commercial sexual exploitation are often runaway, troubled, and homeless youth.⁶¹ NGOs providing services for these children suggest that the law enforcement focus should be on the adults trafficking children and the exploiters who are buying them. In addition, they recommended that children who are trafficked into prostitution always be treated as victims. Several states have passed laws decriminalizing prostitution for children, but many states have not.⁶² According to the TIP report, the Department of Education increased efforts to provide educational resources to school districts to help them prevent, identify, and respond to human trafficking and commercial sexual exploitation of children. However, states have not yet created programs to increase awareness or identification within schools.⁶³

The TIP report concluded that the U.S. government fully complies with the minimum standards for the elimination of trafficking, including strong federal law enforcement efforts, strengthened support for federal task forces on trafficking, and proactive measures to identify cases.⁶⁴ Still, much work needs to be done. For example, sex-trafficking prosecutions involving minors do not require a showing of

58 U.S. Department of State, 2011 U.S. Trafficking in Persons Report, 373.

59 *Ibid.*, 372.

60 *Ibid.*

61 *Ibid.*

62 According to ECPAT, in the past two years, Connecticut, Illinois, Minnesota, New York, Vermont, and Washington have passed legislation that decriminalizes child prostitution and provides social services for victims.

63 *Ibid.*, 376. Because schools are a primary source for gang recruitment, new educational modules must also address street gang trafficking.

64 *Ibid.*, 372.

force, fraud, or coercion, yet the United States has seen very few human-trafficking charges related to street gangs that force minors into lives of prostitution.

U.S. Government Response to TIP and Street Gangs

Response to TIP

The Victims of Trafficking and Violence Protection Act of 2000, the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 provide the tools to combat trafficking in persons both worldwide and domestically. For these tools to be useful, however, they require a comprehensive, multidisciplinary effort.

Within the government, such an effort means the participation and coordination among agencies with a range of responsibilities that include criminal enforcement, labor enforcement, victim outreach and services, public awareness, education, trade policy, international development and programs, immigration, intelligence, and diplomacy. Although the United States has struggled with effective interagency coordination in the past, the federal government's anti-trafficking response is slowly evolving into a comprehensive, multifaceted strategy that successfully draws on the specialized expertise of numerous federal departments. In fact, coordination has increased dramatically in recent years.

For example, the Bureau of Justice Assistance in the Justice Department's Office of Justice Programs has developed and administered the Anti-Human Trafficking Task Force Initiative that funds task forces nationwide through grants to local law enforcement agencies.⁶⁵ On the international front, the Human Trafficking Prosecution Unit has partnered with the Office of Overseas Prosecutorial Development Assistance and Training, the Office of International Affairs, the Department of Homeland Security's Immigration and Customs Enforcement, and Mexican national law enforcement authorities to develop bilateral investigations and prosecutions of transnational trafficking networks. This U.S.–Mexico Bilateral Enforcement Initiative has produced landmark prosecutions under Mexico's anti-trafficking law, charging Mexican associates of traffickers under investigation in the United States.⁶⁶ Numerous departments have come together to organize local initiatives, regional training forums, and national conferences that bring together federal, state, and local law enforcement, government agencies, and

65 U.S. Department of Justice, Civil Rights Division, "Report on the Tenth Anniversary of the Trafficking Victims Protection Act," October 29, 2010.

66 *Ibid.*, 9.

nongovernmental organizations (NGOs) to coordinate anti-trafficking efforts and to exchange expertise.⁶⁷

Governments have also worked increasingly with NGOs in the area of victim protection.⁶⁸ The Office of Justice Programs' Office for Victims of Crime provides grants to nongovernmental victim service providers to meet the needs of human-trafficking victims and has established a Training and Technical Assistance Center to provide guidance and expertise to grantees.⁶⁹ Victim assistance experts in the Justice Department's Office for Victims of Crime and Office of Violence against Women and the Anti-Trafficking in Persons Division of the Department of Health and Human Services' Office of Refugee Resettlement are collaborating to develop, fund, and guide victim assistance programs; to improve law enforcement capacity to work with victims; and to streamline access to victim assistance during investigations and prosecutions.⁷⁰ Victim-witness coordinators in the Human Trafficking Prosecution Unit, U.S. Immigration and Customs Enforcement, Federal Bureau of Investigation, and U.S. Attorneys' Offices around the country have also played instrumental roles in coordinating with NGOs and law enforcement to ensure the protection of victims.⁷¹

These cooperative efforts are only a few of the ways in which the federal government has begun working to bring an end to human trafficking. The President's Interagency Task Force to Monitor and Combat Trafficking—a cabinet-level entity created by the 2000 TVPA—has been central in coordinating government-wide efforts to combat human trafficking. The Departments of Defense, Labor, and Homeland Security and the U.S. Agency for International Development have all played critical roles in anti-trafficking efforts. Even the Department of Agriculture has taken significant steps, ensuring that agricultural products imported into the United States are produced without the use of child or forced labor.

Despite these improvements, however, none of these efforts were aimed at preventing street gang involvement in human trafficking. Until recently, street gangs were not seen as perpetrators and, thus, were not targeted for specific anti-trafficking policies and programs. Nor were female gang members or gang girlfriends viewed as victims of street gangs. In early 2010, the first cases emerged in the courts. Shortly thereafter, new research by Global Centurion and other NGOs uncovered hundreds of cases of street gang involvement in human trafficking.

Coordinated efforts are essential to an integrated response to human trafficking, but that coordination must take place on the state and local levels and must be intentionally incorporated into nonfederal legal systems. It will be challenging to

67 Ibid., 10.

68 See *ibid.*, 11–12.

69 *Ibid.*

70 *Ibid.*, 12.

71 *Ibid.*

coordinate such a broad multilevel effort, but it is a critical endeavor that will undoubtedly yield unprecedented results. If such a comprehensive approach can be applied to the area of street gangs and human trafficking, it will greatly improve the ability to protect child victims and to achieve long-lasting results.

Response to Street Gangs

Since the mid-20th century, gang violence in the United States has become widespread—all 50 states and the District of Columbia report gang problems. As street gangs have become a significant problem, many municipalities, states, and even the federal government have found it necessary to enact gang-related legislation. The laws vary widely from jurisdiction to jurisdiction, and some are more extensive than others. During the past decade, communities have drafted and passed gang-focused legislation to address specific community problems.

At the federal level, a number of efforts to introduce legislation to address gang problems in the United States have been made. The Gang Prevention and Effective Deterrence Act of 2003,⁷² the Gang Deterrence and Community Protection Act of 2005,⁷³ the Gang Abatement and Prevention Act of 2007,⁷⁴ and the Gang Abatement and Effective Deterrence Act of 2009⁷⁵ had similar results. Introduced in either the House or the Senate, they stalled and ultimately did not pass. Questions about constitutional issues, such as freedom of association and states' rights among others, have doomed these efforts. RICO (Racketeer Influenced and Corrupt Organizations Act)⁷⁶ was enacted in 1970 and since then has been the basis for numerous state anti-gang laws.⁷⁷ It has also been subjected to, and has survived, several constitutional challenges and has been used to arrest, charge, and prosecute in recent street gang trafficking cases.⁷⁸

Under RICO, “racketeering activity” is broadly defined enough to include some gang activities, but the statute is designed to combat more organized crime

72 S. 1735, 108th Congress (2003) (introduced by Senator Orrin Hatch of Utah).

73 H.R. 1279, 109th Congress (2005) (introduced by Representative Randy Forbes of Virginia).

74 S. 132, 111th Congress (2009).

75 Ibid.

76 “Racketeering” is defined broadly and applies to “any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance.” 18 U.S.C. § 1961(1)(A) (2006).

77 David R. Truman, “The Jets and Sharks Are Dead: State Statutory Responses to Criminal Street Gangs,” *Washington University Law Quarterly* 73, no. 683 (1995): 686.

78 See *ibid.*, 689.

activities.⁷⁹ The Continuing Criminal Enterprise Statute⁸⁰ is centered on gang activity in relation to drugs. For instance, the statute defines a continuing criminal enterprise as a “continuing series of drug violations by five or more people.” The statute allows the government to seize any property that was the result of, used in, or was intended to be used in, the criminal enterprise⁸¹ and imposes a life sentence if the defendant is found to be the “administrator, organizer, or leader of the enterprise.”⁸²

States have taken important steps to combat gang activity. Of the 50 states and the District of Columbia, all but 3 have enacted some form of legislation relating to gang activity (Vermont, West Virginia, and Wyoming have not).⁸³ Twenty-one states and the District of Columbia have passed gang prevention laws,⁸⁴ 33 states have created enhanced penalties for gang-related criminal acts,⁸⁵ and 21 states have public nuisance laws that count gang activity among the factors in determining a nuisance.⁸⁶ Thirty-nine states and the District of Columbia have legislation

79 These activities include “murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act).” 18 U.S.C. § 1961(A) (2000). Furthermore, racketeering may include bribery; sports bribery; counterfeiting; theft from an interstate shipment; embezzlement from pension and welfare funds; extortionate credit transactions; fraud and related activity in connection with identification documents; transmission of gambling information; mail fraud; wire fraud; financial institution fraud; unlawful procurement of citizenship or nationalization; reproduction of naturalization or citizenship papers; sale of naturalization or citizenship papers; obscene matter; obstruction of justice; obstruction of criminal investigations; obstruction of state or local law enforcement; tampering with a witness, victim, or informant; false statements in application and use of a passport; forgery or false use of a passport; misuse of a passport; fraud and misuse of visas, permits, and other documents; peonage and slavery; interference with commerce; robbery or extortion; racketeering; interstate transportation of wagering paraphernalia; unlawful welfare fund payments; illegal gambling businesses; laundering of monetary instruments; engaging in monetary transactions in property derived from specified unlawful activity; use of interstate commerce facilities in the commission of murder-for-hire; sexual exploitation of children; interstate transportation of stolen motor vehicles and other stolen property; trafficking in counterfeit labels for phonorecords, computer programs, or computer program documentation or packaging and copies of motion pictures or other audiovisual works; criminal infringement of a copyright; unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances; trafficking in goods or services bearing counterfeit marks; trafficking in certain motor vehicles or motor vehicle parts; trafficking in contraband cigarettes; and white slave traffic. 18 U.S.C. § 1961(1)(B).

80 A “continuing criminal enterprise” is defined as participating in a continuous series of felonies that “are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which such person obtains substantial income or resources.” 21 U.S.C. § 848 (c)(2)(A), (B)(2006).

81 18 U.S.C. § 853(a)(2006).

82 18 U.S.C. § 848(b)(1)(2006).

83 “Highlights of Gang-Related Legislation: Spring 2010,” National Gang Center, Bureau of Justice Statistics, <http://www.nationalgangcenter.gov/Legislation/Highlights> (last visited July 25, 2011).

84 Ibid. See generally Arizona Code §41-191.07, California Penal Code §13825.4, Missouri Code §161.650, and New Jersey Code §18A:35-4.26.

85 Ibid. See generally Alaska Code § 12.55.137, Louisiana Code § 15:1403, Minnesota Code § 609.229, Montana Code § 45-8-404, and South Dakota Code § 22-10A-2.

86 Ibid. See generally Florida Code § 823.05, Georgia Code § 16-15-7, and Illinois Code § 720 ILCS 5/37-1.

that defines “gang,”⁸⁷ and more than half the state legislatures have laws against graffiti.⁸⁸ Twenty-two states define gang activity, and the same number has enacted legislation on gangs and schools.⁸⁹ Many states have also enacted laws specifically permitting and creating gang-related databases.⁹⁰ In addition to those state-level databases, several regional databases and numerous municipal databases keep track of gang activity.⁹¹

At all levels of government, new innovative approaches are starting to emerge in the fight to combat gang activity. Indiana, for example, requires that real estate and dwellings be disclosed as “psychologically affected property” in real estate transactions if they are the locations of criminal gang activity.⁹² Many municipalities have also taken steps to fight gang recruitment. Los Angeles has long imposed a school-day anti-loitering law for 14- to 18-year-olds,⁹³ with the hope that it would help deter gang activity among youth.⁹⁴ Some cities, such as Fort Worth, Texas, are increasing the funding for gang intervention and prevention programs even among budget cuts.⁹⁵

Even more innovative approaches will need to be adopted, however, to curb the growing trends in gang activity. Much can be learned from other countries and how they are adapting their operations. In Canada and the United Kingdom, for example, law enforcement personnel have begun seizing gang-related property

87 Ibid. See generally New Jersey Statutes § 2A:153-4.1, Arkansas Code § 5-74-202, Florida Statutes § 874.03, and Colorado Revised Statutes § 19-1-103.

88 Ibid. See generally Delaware Code 11 § 812, District of Columbia Code § 22-3312.05, Hawaii Revised Statutes § 577-3.5, and Minnesota Statutes § 617.90.

89 Ibid. See generally Arizona Revised Statutes § 13-709, Georgia Code § 20-8-6, Indiana Code § 20-20-30-8, and Maryland Code § 9-803.

90 Arizona, Colorado, Florida, Illinois, Minnesota, North Dakota, South Carolina, Texas, Virginia, and Washington all have statutes specifically enabling the use of gang databases. “Gang-Related Legislation by Subject: Gang Databases,” National Gang Center, Bureau of Justice Statistics, http://www.nationalgangcenter.gov/Content/HTML/Legislation/gang_databases.htm (last visited July 25, 2011).

91 Two of the most notable regional databases are the Northeast Gang Information System and CAL/GANG. See generally, Raymond Dussault and Julie Wartell, “Technology Acquisition Project Case Study: California Department of Justice CAL/GANG System,” in *Case Studies on Acquisition of Information Technology for Law Enforcement* (Alexandria, VA: Institute for Law and Justice, 2001), 38, http://www.ilj.org/publications/docs/Case_Studies_Acquisition_of_IT.pdf.

92 “‘Psychologically Affected Property’ Defined,” Indiana Code § 32-21-6-3.

93 Los Angeles Municipal Code § 45.04

94 But see Jorge Morales, “Truancy Tickets Keep L.A. Students at Home,” *LA Progressive*, July 27, 2009, <http://www.laprogressive.com/political-issues/truancy-tickets-keep-la-students-at-home> (indicating that the law may be doing more harm than good).

95 Daniel Wood, “Why One City Is Spending More on Anti-Gang Efforts despite Budget Cuts,” *Christian Science Monitor*, June 10, 2011, <http://www.csmonitor.com/USA/2011/0610/Why-one-city-is-spending-more-on-antigang-efforts-despite-budget-cuts>.

and then using the seized property to combat future gang activity.⁹⁶ Those and other creative approaches will need to be adopted to combat early and heavy recruitment methods of gangs and to confront increasing trends in gang violence.⁹⁷

Despite the plethora of gang-related laws, however, few make any connection between street gang activity and human trafficking. Until a spate of court cases and new research, human trafficking had not been identified as a key suspect activity for gangs. That is changing. California Assembly Bill 918 (currently in committee) would amend a 2000 law to punish gang-related activity, adding pimping, pandering, and human trafficking as offenses that may be used to establish a pattern of criminal gang activity punishable by law.⁹⁸ Several other communities are following suit.

Recommendations

To effectively combat street gang involvement in human trafficking, all the current prevention, prosecution, protection, and assistance programs to combat both human trafficking and street gangs need to be continued. In addition, new approaches that combine collaborations are vital.

State and local governments should add human trafficking to the list of suspect activities for criminal gangs. Gang activity is evolving and criminal code statutes need to reflect that change. Where gangs are using sexual exploitation and human trafficking to fund their operation and victimize vulnerable young women and children, states should add pimping, pandering, and human trafficking to the list of gang crimes recognized in state law. Those additions will give law enforcement officials the tools necessary to track gangs that commit those crimes, making it easier to prosecute and put those criminals behind bars. In addition, such additions will aid in the rescue and restoration of the young women and girls being exploited in this criminal activity. Most states now have laws that define criminal gangs and

96 See "Car Seized from Organised Crime Gang to Be Used by Police," Strathclyde Police Department, Glasgow, <http://www.strathclyde.police.uk/index.asp?docID=7576> (last accessed July 26, 2011); and "Abby PD Use Hummer Seized from Trafficker in Anti-Gang Campaign," Vancouver Sun, February 23, 2011, <http://blogs.vancouversun.com/2011/02/24/abby-pd-use-hummer-seized-from-trafficker-in-anti-gang-campaign>.

97 Canadian law enforcement authorities even seized a dozen pit bulls being trained by gangs to fight and turned them into anti-gang dogs. The dogs are taken to elementary and middle schools to help teach children about the dangers of criminal gang activity.

98 Committee on Appropriations, California State Assembly, "Bill Analysis: AB 918 as Amended, March 25, 2011," http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0901-0950/ab_918_cfa_20110503_152131_asm_comm.html.

list offenses that are associated with gang activity.⁹⁹ The definition of a criminal street gang (a) triggers enhanced penalties and bail, (b) affects probation and parole conditions, (c) augments law enforcement tools, and (d) affects the way a case is handled by all stakeholders in the system. Pimping and pandering currently carry mandatory prison sentences in most states, but a few states provide for enhanced penalties for a criminal street gang connection. According to California Assemblyman Marty Block, who is offering AB 918, which adds pimping, pandering, and human trafficking to the California Street Terrorism Enforcement and Prevention Act (the STEP Act), new hybrid gangs have evolved in the United States solely for the purpose of profiting from pimping, but it is difficult to prosecute those gang members effectively.

The U.S. government's Task Forces on Gangs and Task Forces on Human Trafficking should meet together regularly. Currently, two separate systems of task forces are in place (one set of task forces to address criminal gang activity and another set of task forces to address human trafficking). This single-system approach results in a lack of coordination and planning across systems. Data are stove-piped, resulting in loss of capability. Task forces on human trafficking and gang activity should meet at least twice a year to exchange information and resources and to coordinate activities.

Gang investigations should include special proactive tactics for spotting human trafficking. In their 2009 book *Gangs and Girls*, Michael Dorais and Patrice Corriveau compiled extensive research that indicates that many victims do not recognize themselves as such because they are in love with their pimps or consider their abusers to be family.¹⁰⁰ Some are even convinced to see sex as an obligation—an onus that must be performed to earn a place in their new “family.” Girls from broken homes and abusive situations who are beaten and raped by male figures can be more easily desensitized to sex through sexual assault, gang rapes, and physical violence. They will rarely object then when one further step of commercial sex is

99 For example, California's gang law lists 33 offenses associated with gang activity: assault with a deadly weapon; robbery; unlawful homicide or manslaughter; sale, possession for sale, transportation, manufacture, offer for sale of controlled substances, or offer to manufacture controlled substances; shooting at an inhabited dwelling or occupied motor vehicle; discharging or permitting the discharge of a firearm from a motor vehicle; arson; intimidation of witnesses and victims; grand theft; grand theft of any firearm, vehicle, trailer, or vessel; burglary; rape; looting; money laundering; kidnapping; mayhem; aggravated mayhem; torture; felony extortion; felony vandalism; carjacking; sale, delivery, or transfer of a firearm; possession of a pistol, revolver, or other firearm capable of being concealed on the person; threats to commit crimes resulting in death or great bodily injury; theft and unlawful taking or driving of a vehicle; felony theft of an access card or account information; counterfeiting, designing, using, or attempting to use an access card; felony fraudulent use of an access card or account information; unlawful use of personal identifying information to obtain credit, goods, services, or medical information; wrongfully obtaining Department of Motor Vehicles documentation; prohibited possession of a firearm; carrying a concealed firearm; and carrying a loaded firearm.

100 Dorais and Corriveau, *Gangs and Girls* (note 33)

required or asked of them.¹⁰¹ Developing new outreach strategies to reach girls in gangs will be critical. One very good source of help in this task will be survivors— young women and children who were trafficked by gangs and may be best equipped to help develop new and successful outreach programs.

Gangs involved in human trafficking should be charged under TVPA or state law in addition to other criminal charges. Having enacted strong laws against human trafficking, the government must fully enforce them to effectively deter trafficking in persons. Typically gang members are charged with Class A felonies, such as murder, extortion, drug trafficking, and weapons trafficking, while trafficking in persons goes uncharged. With increased street gang involvement in human trafficking, a concerted effort must be made to understand and combat this criminal activity. Adding sex-trafficking charges to other counts is key to combating both criminal street gang activity and trafficking in persons.

Communities should develop specialized outreach, education, and training programs to address gang-related trafficking. Prevention programs are an essential part of combating street gangs involved in human trafficking. New modules on street gangs can be added to anti-trafficking training courses and components on trafficking in persons must be added to street gang training. New educational curricula need to be developed for each classic concentric circle of concern: (a) the individual at risk, (b) family, (c) friends, (d) schools, (e) religious institutions, and (f) communities. Each community should establish sector-specific training courses for parents, teachers, social workers, health providers, law enforcement officials, religious leaders, and others who may be first to encounter street gangs involved in human trafficking. Basic education about the problem is important; even more critical is a protocol for how to identify the problem and how to take immediate and effective action. As one expert noted, “As long as street gangs are better organized than the forces combating them, they will have the upper hand.”¹⁰²

Law enforcement should seize assets from gangs involved in human trafficking and restore justice to trafficking victims. A critical component of successful law enforcement in drug trafficking and arms trafficking is asset forfeiture. Confiscation of assets that are the proceeds of crime and the instrumentalities of crime (money, cars, houses, luxury items, and so forth) is a “hit ‘em where it hurts” strategy that is a “law enforcement success story.”¹⁰³ The program has become a key part of the federal government’s efforts to combat major criminal activities, and yet to date, it is rarely used in human-trafficking cases. Currently, assets seized are turned over to local law enforcement to fund future law enforcement activity. Seizing the

101 “Why does it matter,” one teenaged victim said when asked why she didn’t flee a trafficking situation, “I’m damaged goods already.”

102 Dorais and Corriveau, *Gangs and Girls*, 108 (note 33).

103 U.S. Marshall Service, “Asset Forfeiture Program,” <http://www.justice.gov/marshals/assets/assets.html>.

assets of street gangs involved in trafficking will cripple the gangs and enhance law enforcement activities. An even better approach would allow all assets seized in street gang trafficking activities to be used for victim services for girls rescued from trafficking situations.

Creative application of the law should be explored. Title IV of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008¹⁰⁴ is the Child Soldiers Prevention Act of 2008. It defines a “child soldier” as (among other definitions) “any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.” It is a tactic of adult members of street gangs to arm young (mostly male) children and send them out to commit serious crimes. That “conscripted” and committing of crimes, such as murder, armed robbery, and extortion, put young males forever on the other side of the law. Is it possible to use the TVPA’s prohibitions against child soldiers to address the growing problem of recruitment of young male children into street gangs, other types of gangs, and organized criminal networks? It is critical to explore new applications of the law to help create a comprehensive approach to combating street gang involvement in trafficking in persons.

Conclusion

During the past 10 years, street gangs have increasingly turned to human trafficking as a way to generate funds. Little is known about the dynamics involved in this trafficking; even less is known about how to combat this growing phenomenon. Additional research on the methods of recruiting, transporting, harboring, marketing, buying, and selling involved in gang-related human trafficking will be important. Street gangs engage in human trafficking because the risk is low and the profit is high. Drafting and passing new laws targeting gang-related human trafficking will be important. In addition, new proactive law enforcement tactics that help identify street gangs involved in human trafficking must be developed. Federal and local law enforcement authorities should identify approaches that encourage collaboration between current efforts to address human trafficking and efforts to address street gangs. Finally, community education about street gangs, human trafficking, and the combination of the two is critical. Sectoral approaches tailored for parents, teachers, and community leaders will strengthen community resistance to human trafficking and other criminal gang activities.

104 William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Title IV.