

# GAME PLAN TO FIGHT HUMAN TRAFFICKING: LESSONS FROM SUPER BOWL XLVI

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## I Introduction

Super Bowl XLVI in Indianapolis, Indiana finished with rave reviews.<sup>2</sup> The game between the New England Patriots and the New York Giants was suspenseful through the last play.<sup>3</sup> The venue was attractive, easily accessible, and well organized, with more than 8,000 volunteers trained to assist out-of-towners to negotiate the crowds and activities. Even the weather cooperated: the sunny days and unseasonably warm temperatures rendered the heated sidewalks and tents largely unneeded. Behind the scenes, the Indiana Prevention of Abused and Trafficked Humans (IPATH) Task Force<sup>4</sup> worked for more than seven months to prepare for the off-the-field fight against human trafficking that unfortunately accompanies large sporting events like Super Bowl.<sup>5</sup> In the end, due to an effective partnership of more than 60 Task Force law

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<sup>2</sup> Niki Kelly, *Super win for Giants, Indy*, JOURNALGAZETTE.NET, Feb. 6, 2012, <http://www.journalgazette.net/apps/pbcs.dll/article?AID=/20120206/NEWS07/302069938>.

<sup>3</sup> Andy Benoit, *Super Bowl 46 Film Review, and Defending Brady*, NEW YORK TIMES NFL BLOG.NET. March 4, 2012, <http://fifthdown.blogs.nytimes.com/2012/02/07/super-bowl-46-film-review-and-defending-brady/>

<sup>4</sup> See IPATH website for more information, available at <http://www.indianaagainstrafficking.org/>.

<sup>5</sup> See e.g., Ann Oestreich, *Sex trafficking and the Super Bowl*, WASHINGTON POST, Feb. 3, 2012, <http://www.washingtonpost.com/blogs/guest-voices/post/sex-trafficking-and-the-super->

enforcement, government, non-profit, and faith based organizations, the fight against human trafficking was as successful as the Giants' win against the Patriots.<sup>6</sup>

It is critical to note that IPATH used the excitement and anticipation about the upcoming Super Bowl as an opportunity to increase public awareness, provide needed assistance to law enforcement, and make critical legislative changes. Human trafficking in Indiana pre-existed Super Bowl XLVII and will continue beyond Super Bowl week.<sup>7</sup> Thus, all of the efforts made and volunteers recruited were with the goal of informing, training, and providing effective outreach, victim services, and law enforcement to fight human trafficking on an ongoing basis.

This article may be read as both a letter to the Super Bowl XLVII Host Committee as well as a best practices outline and game plan to fight human trafficking through ongoing anti-human trafficking efforts. The article includes descriptions of critical partnerships, training priorities, anti-demand campaign activities, legislative and prevention initiatives, and strategies for law enforcement, which all combined to “tackle the trafficker.”<sup>8</sup> First, it defines human trafficking and describes the problem. Next, it outlines Indiana's preparations for the Super Bowl, describing the awareness campaign, legislative efforts, volunteer training and outreach

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[bowl/2012/02/02/gIQAQU78mQ\\_blog.html](http://www.washingtonpost.com/local/politics-and-policy/super-bowl-2012-02-02/gIQAQU78mQ_blog.html); Jerome Elam, *Pedophiles and pimps score at large sporting events like Super Bowl XLVI*, WASHINGTON TIMES, Jan. 17, 2012, <http://communities.washingtontimes.com/neighborhood/heart-without-compromise-children-and-children-wit/2012/jan/17/pedophiles-and-pimps-score-large-sporting-events-s/>; Melissa Beale, *The Infamous Link Between Sex Trafficking, Sex Tourism, and Sporting Events – What Lies Ahead for Brazil?*, COUNCIL ON HEMISPHERIC AFFAIRS, Oct. 18, 2011, <http://www.coha.org/the-infamous-link-between-sex-trafficking-sex-tourism-and-sporting-events-%E2%80%93-what-lies-ahead-for-brazil/>

<sup>6</sup> Memoranda on Follow Up on Anti-Human Trafficking During Super Bowl, Office of Indiana Attorney General, Consumer Protection Division (Feb. 24, 2012), *available at* [http://www.in.gov/attorneygeneral/files/2012\\_Super\\_Bowl\\_Scorecard.pdf](http://www.in.gov/attorneygeneral/files/2012_Super_Bowl_Scorecard.pdf) [hereinafter Memorandum].

<sup>7</sup> Barb Berggoetz, *New Indiana law will strengthen penalties against child sex trafficking*, INDIANAPOLIS STAR, Jan. 31, 2012, <http://www.indystar.com/article/20120131/NEWS02/201310320/New-Indiana-law-will-strengthen-penalties-against-child-sex-trafficking>.

<sup>8</sup> The nonprofits that came to assist IPATH during Super Bowl week called their initiative “Tackle the Trafficker.” They included: Michael Bartel from FREE International; Brad Dennis from Klaas KIDS Foundation, Nita Belles from Oregonians Against Trafficking Humans, and Anna Rodriguez from Florida Coalition against Human Trafficking.

efforts. Then it describes the efforts made during Super Bowl week including outreach, initiatives by community groups and prevention techniques. This article concludes by identifying the best practices for preventing human trafficking connected with a large sporting event, conference, or other major venue.

As Co-Chair Designee<sup>9</sup> of IPATH, I will use my personal observations and experiences throughout this paper to enhance the discussion of the issues and of our successes in developing and implementing the strategy to combat human trafficking during Super Bowl XLVI. My background and experience assisted me in the role at both IPATH and the Office of the Attorney General (OAG). Prior to joining the OAG, I served as the Executive Director of the Neighborhood Christian Legal Clinic, which has been the Legal Services partner of IPATH since the task force's inception in 2005. In that role, I represented human trafficking victims to receive T Visas and other immigration relief.<sup>10</sup> Having this nonprofit background before becoming Co-Chair Designee in a law enforcement role, enables me to appreciate the role of both the nonprofit and law enforcement members of IPATH as well as the critical need for collaboration and cooperation of each member for a successful task force.

Further, fighting human trafficking and particularly preparing for Super Bowl and implementing a strategy to raise awareness and reduce demand was and is a priority of the OAG. Thus, the OAG and myself as IPATH Co-Chair Designee played a critical role to lead IPATH during this period, develop and implement strategies, write training materials and personally train law enforcement, judges, nonprofits, first responders and others. I was selected to be an

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<sup>9</sup> The Co-Chairs of IPATH are the Indiana Attorney General, Greg Zoeller and the United States Attorney for the Southern District of Indiana, Joseph Hogsett. Abigail Kuzma is the Co-Chair IPATH Designee of the Indiana Attorney General.

<sup>10</sup> The following federal humanitarian immigration law may be utilized to protect human trafficking victims: T Visa, U Visa, S Visa, Special Immigrant Juvenile, VAWA and Asylum.

International Fellow representing the United States in a program bringing together law enforcement officials from around the world to study human trafficking, which expanded my understanding of human trafficking worldwide.

Finally, in my role as senior staff in the office of an elected official, I was able to lead IPATH as the designated press contact, utilizing an experienced and efficient press staff. This allowed us to meet with members of the press frequently through personal interviews and press conferences and successfully “manage a consistent message” with respect to human trafficking in Indiana.

## II What is Human Trafficking?

### A. Definition

It is critical to specify what we mean by the term “human trafficking,” as well as what we do not mean by the term. The federal definition of human trafficking is divided into two parts:

Labor Trafficking:

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;<sup>11</sup>

and 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.<sup>12</sup>

It is important to note that under the federal law, a victim of sex trafficking that is under the age of 18 does not have to be forced in order to be a victim. This is critical, since the average

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<sup>11</sup> Labor Trafficking, 22 USC § 7102.

<sup>12</sup> Sex Trafficking, 22 USC § 7102; 8 CFR § 214.11(a).

age that a child is pulled into the sex trade is 12 to 14.<sup>13</sup> It is inconsistent with his or her developmental age or with other laws regarding exploitation of children to require “force, fraud or coercion” with respect to this horrific life, when a child is unable (and by law not responsible) to care for or support him or herself and may be easily manipulated by others for profit.

Each case is unique, and the facts must be carefully examined to determine if they support a finding of human trafficking. The following two examples<sup>14</sup> illustrate the distinction between sex and labor trafficking:

**Sex Trafficking:** a 15 year old girl runs away from her abusive family for the second time. She meets a 20-something man at the mall, who befriends her and offers to buy her something pretty. Their romantic relationship grows slowly as she becomes more dependent upon him and believes he loves her. He starts to ask her to do things for him, eventually leading to pimping her out for profit and resorting to violence and psychological trauma to control her.

**Labor Trafficking:** a 40-year old woman is told by a family friend that he knows of a business man looking to hire a secretary. There are two housing options: live in the basement apartment and earn more money or live outside for less money. Once she begins the work, she realizes he has different expectations for his “personal assistant.” He makes her clean and cook, working 12 hours a day. He is always telling her how to do things and criticizing her. She sleeps under the stairs, rather than in a room. She is never paid, but for a while she is hopeful that he will fulfill his promise. When she says she wants to leave, he resorts to violence and threatens to kill her.

Human trafficking is often confused with other crimes. For example, smuggling is the illegal transportation of a person across international borders.<sup>15</sup> While a trafficking victim may have been smuggled into the United States, most smuggling cases do not involve human trafficking; the smuggled person is generally entering into the relationship with the smuggler

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<sup>13</sup> *Child Prostitution, supra* note 11.

<sup>14</sup> In order to protect the privacy of the victims, IPATH has developed these examples; they are not actual cases but contain a combination of typical facts taken from actual cases.

<sup>15</sup> See (2006), U.S. DEPT. OF STATE, available at <http://www.state.gov/m/ds/hstcenter/90434.htm>.

voluntarily and is free to leave afterwards.<sup>16</sup> If the individual is not free to leave the job, it is likely both the crimes of smuggling and human trafficking are involved. Similarly, labor trafficking typically involves labor violations.<sup>17</sup> However, many employment situations involving labor violations do not contain the factors of force, fraud, or coercion required for a finding of human trafficking.<sup>18</sup>

While sexual abuse or rape may be a factor indicating force in a labor trafficking case and is almost always a factor in sex trafficking cases, not all sexual abuse is human trafficking. For example, a young girl could be raped by her boyfriend, but unless he is using her (and if she is over 18, he has forced her) to provide sexual services for profit, it is not human trafficking. Prostitution is typically involved in sex trafficking, and the profit is often taken by the trafficker.<sup>19</sup> However, if the sex worker is not underage or there is no pimp using force, fraud, or coercion to induce the act of prostitution, there is likely no indication of human trafficking.

## B. The Problem

Nearly a year before the Super Bowl, the IPATH Task Force met with members of the Dallas nonprofit Traffick911<sup>20</sup> to discuss their experience with fighting trafficking during the XLV Super Bowl. The meeting was both much appreciated by IPATH and informative, particularly with respect to expectations and mistakes made related to the lack of organization of

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<sup>16</sup> OREGONIANS AGAINST TRAFFICKING HUMANS (OATH), *What is Human Trafficking?*, [http://www.mcso.us/public/human\\_trafficking/what\\_is.html](http://www.mcso.us/public/human_trafficking/what_is.html) (last visited April 6, 2012).

<sup>17</sup> For example, a “severe form of human trafficking” in labor may involve a fact situation where the victim works more than 12 hours per day (see Labor Trafficking example above). This activity would violate both labor law (as to how many hours may be worked per day/ wage and hours requirements) as well as contribute to a determination of human trafficking under federal or state law.

<sup>18</sup> *Id.*

• <sup>19</sup> *Human Trafficking FAQs, How is Pimping a Form of Sex Trafficking?*, Polaris Project, [http://www.polarisproject.org/human-trafficking/human-trafficking-faqs#How is pimping a form of sex trafficking?](http://www.polarisproject.org/human-trafficking/human-trafficking-faqs#How%20is%20pimping%20a%20form%20of%20sex%20trafficking%3F) (last visited Jan. 14, 2012). See also, OAG Don’t Buy the Lie” Power Point, <http://www.in.gov/attorneygeneral/2963.htm>

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<sup>20</sup> <http://goodmenproject.com/newsroom/the-super-bowl-a-haven-for-sex-trafficking/>.

well meaning volunteers and publicity. Traffick911 reported that during the 2011 Super Bowl, 59 commercial sex related arrests were made during the week of Super Bowl, and 11 of those arrests were suspected to involve human trafficking.<sup>21</sup> Moreover, Klaas KIDS Foundation and FREE International, nonprofits that worked to track missing children and underage human trafficking victims during the event, documented a marked increase in commercial sex internet activity during this period: Backpage<sup>22</sup> online escort ads increased from 135 on January 15, 2011 to 367 on February 5, 2011, the day before Super Bowl.<sup>23</sup>

This is not surprising, given that human trafficking has long been associated with large sporting events, conferences, and other large venues involving a great number of men “looking for a party.”<sup>24</sup> Human trafficking generates \$32 billion a year<sup>25</sup> and is tied with the drug trade as the second largest and fastest growing criminal industry in the world.<sup>26</sup> Regrettably, there is a

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<sup>21</sup> Jessica Huseman, *Anti-prostitution Efforts in Arlington Netted 59 Arrests Before and on Day of Super Bowl*, DALLASNEWS.COM, February 14, 2011, <http://www.dallasnews.com/sports/super-bowl/local/20110214-anti-prostitution-efforts-in-arlington-netted-59-arrests-before-and-on-day-of-super-bowl.ece>.

<sup>22</sup> Backpage.com is a classified advertising website. See letter to Mr. Samuel Fifer, Counsel for Backpage.com, LLC from the National Association of Attorneys General (NAAG), *Re: Backpage.com’s ongoing failure to effectively limit prostitution and sexual trafficking activity on its website*, at 1, August, 31, 2011,) available at <http://www.law.alaska.gov/pdf/press/083111-NAAGletter.pdf>, [hereinafter, NAAG letter to Backpage.com]; *National Association of Attorneys General (NAAG) Speech on Backpage.com*, available at <http://www.kirk.senate.gov/?p=blog&id=434>; *AGs Give Backpage.com Deadline to Substantiate Claims it Limits Prostitution Ads*, available at <http://www.naag.org/ags-give-backpage.com-deadline-to-substantiate-claims-it-limits-prostitution-ads-august-31-2011.php>. See also Nicholas D. Kristof, New York Times, [http://www.nytimes.com/2012/03/18/opinion/sunday/kristof-where-pimps-peddle-their-goods.html?\\_r=1&scp=5&sq=kristof%20human%20trafficking&st=cse](http://www.nytimes.com/2012/03/18/opinion/sunday/kristof-where-pimps-peddle-their-goods.html?_r=1&scp=5&sq=kristof%20human%20trafficking&st=cse). stating, “Backpage accounts for about 70 percent of prostitution advertising among five Web sites that carry such ads in the United States, earning more than \$22 million annually from prostitution ads, according to AIM Group, a media research and consulting company.”

<sup>23</sup> Lisa Trigg, *The Seedy Side of the Super Bowl; Behind Glitz and Glamour is the Dark Realm of Human Trafficking*, TRIBSTAR.COM, Jan. 8, 2012, <http://tribstar.com/local/x608924131/The-Seedy-Side-of-the-Super-Bowl>.

<sup>24</sup> *Id.*

<sup>25</sup> Administration for Children & Families, U.S. DEPT. OF HEALTH & HUMAN SERVICES, <http://www.acf.hhs.gov/trafficking/about/index.html> (last visited Jan. 13, 2012).

<sup>26</sup> INTERNATIONAL LABOR ORGANIZATION (ILO), A GLOBAL ALLIANCE AGAINST FORCED LABOR (2005) at p.55, available at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf).

strong correlation between missing children and underage sex trafficking.<sup>27</sup> Every year a million children worldwide are exploited through the commercial sex trade,<sup>28</sup> with nearly 300,000 children in danger of becoming sexual commodities here in the United States.<sup>29</sup> Even more shocking, in the United States, the *average* age that children are manipulated into the commercial sex trade is 12-14.<sup>30</sup> This Justice Department age statistic has been supported by a number of independent studies.<sup>31</sup>

Further, contrary to commonly held expectations that human trafficking is limited to foreign born persons, 83% of underage sex trafficking victims are U.S. citizens.<sup>32</sup> While there are some 12.3 million persons trafficked into forced labor, bonded labor, and forced prostitution worldwide,<sup>33</sup> it is estimated that between 14,500 and 17,500 are trafficked into the U.S. each year.<sup>34</sup> In fact, it is the demand for trafficked human beings in the U.S. and a few other wealthy countries that fuels human trafficking worldwide. Below is a map<sup>35</sup> that clearly outlines in dark red the countries where victims are **trafficked from**. These typically include countries with tremendous poverty and political distress: the Ukraine, Russia, Lithuania, Belarus, Bulgaria,

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<sup>27</sup> Berggoetz, *supra* note 7. See also NAAG Letter to Backpage.com, *supra* note 22, at 1.

<sup>28</sup> U.S. DEPARTMENT OF STATE, THE FACTS ABOUT CHILD SEX TOURISM (2005) at p.22 (2005), available at <http://www.state.gov/documents/organization/47255.pdf>.

<sup>29</sup> *Testimony of Ernie Allen* (July, 2010), NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, available at [www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PageId=4312](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4312).

<sup>30</sup> *Child Prostitution*, U.S. DEPT. OF JUSTICE, CEOS, <http://www.justice.gov/criminal/ceos/prostitution.html> (last visited Jan. 13, 2012).

<sup>31</sup> See e.g., SCHILLER DUCANTO & FLECK FAMILY LAW CENTER, DOMESTIC SEX TRAFFICKING OF CHICAGO WOMEN AND GIRLS (2008), available at [http://www.law.depaul.edu/centers\\_institutes/family\\_law/pdf/sex\\_trafficking.pdf](http://www.law.depaul.edu/centers_institutes/family_law/pdf/sex_trafficking.pdf). Where it was cited that 33% of a sample group of female commercial sex workers in Chicago began in the sex trade between the ages of 12 and 15, with 56% being 16 or younger.

<sup>32</sup> *U.S. Dept. of Justice Trafficking in Persons Report, 2010*, <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=40>.

<sup>33</sup> U.S. DEPT. OF STATE TRAFFICKING IN PERSONS REPORT (2010), available at <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>; see also CONGRESSIONAL RESEARCH SERVICE, TRAFFICKING IN PERSONS: U.S. POLICY AND ISSUES FOR CONGRESS (2010) at p.2, available at <http://www.unhcr.org/refworld/topic,4565c22535,4565c25f42b,4d2d96e62,0,USCRS,,.html>.

<sup>34</sup> *Id.*

<sup>35</sup> *UN Highlights Human Trafficking, Origin & Destination Countries*, BBC News available at [http://news.bbc.co.uk/2/hi/in\\_depth/6497799.stm](http://news.bbc.co.uk/2/hi/in_depth/6497799.stm).

Romania, Moldova, Albania, and other Eastern European countries, as well as Nigeria. In contrast, the countries where those persons are **trafficked to** are among the wealthiest, including the United States, Germany, and Italy. China and Thailand are countries where the victims are both trafficked from and trafficked within their countries.<sup>36</sup>

One of the most significant causes of human trafficking proliferation is the role of internet sites like Backpage.com in creating “virtual brothels,” wherein the internet site owner, as well as pimps and traffickers, make millions of dollars selling human beings for sex.<sup>37</sup> Backpage.com is owned by Village Voice Media, LLC, which is the top internet provider of “adult services” in the United States.<sup>38</sup> The anonymity of the internet makes it easy to hide the trafficked victims and allows commercial sex buyers to arrange for and partake of commercial sex services without the concern of being seen walking into a brothel.<sup>39</sup> As noted above<sup>40</sup> and below,<sup>41</sup> this practice is of particular concern during large events such as the Super Bowl. Pimps and traffickers make vast sums of money by reserving hotel/motel rooms ahead of the event and using the internet to make “appointments” in short time increments.<sup>42</sup> Then the pimp or trafficker will bring his “stable” (derogatory term commonly used by pimps for the group of girls he controls for commercial sex) of girls to the pre-designated location, where the “john” (common

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<sup>36</sup> *UN Highlights Human Trafficking, ORIGIN & DESTINATION COUNTRIES*, BBC NEWS *available at* [http://news.bbc.co.uk/2/hi/in\\_depth/6497799.stm](http://news.bbc.co.uk/2/hi/in_depth/6497799.stm).

<sup>37</sup> NAAG letter to Backpage.com, *supra* note 22, at 3, indicating that the estimated annual revenue from the Backpage.com adult services section is \$27.7 million.

<sup>38</sup> Nicholas D. Kristof, New York Times, [http://www.nytimes.com/2012/03/18/opinion/sunday/kristof-where-pimps-peddle-their-goods.html?\\_r=1&scp=5&sq=kristof%20human%20trafficking&st=cse](http://www.nytimes.com/2012/03/18/opinion/sunday/kristof-where-pimps-peddle-their-goods.html?_r=1&scp=5&sq=kristof%20human%20trafficking&st=cse).

<sup>39</sup> TRAFFICKING IN HUMAN BEINGS: INTERNET RECRUITMENT at 21 (2007), COUNCIL OF EUROPE, *avaialbe at* [www.coe.int/t/dghl/.../trafficking/Source/THB\\_Internetstudy\\_en.pdf](http://www.coe.int/t/dghl/.../trafficking/Source/THB_Internetstudy_en.pdf) (noting that the internet is “user-friendly, fast and anonymous – and deliver victims “on a plate” to traffickers, who no longer have to leave their homes to find them”).

<sup>40</sup> *See Supra*, at note 8.

<sup>41</sup> *See Infra*, at note 96.

<sup>42</sup> NAAG letter to Backpage.com, *supra* note 22, at 1.

name for commercial sex purchaser) will come to use the girls for commercial sex.<sup>43</sup> Often the girls will be brought to the event from many miles away to be sold for sex. For example, in May, 2011, a Dorchester, Massachusetts man posted pictures on Backpage.com to recruit johns, and then forced a 15-year-old girl into a motel to have sex with various men for \$100 to \$150 per hour.<sup>44</sup>

Backpage.com has long been linked to human trafficking. The National Association of Attorneys General “tracked more than 50 instances, in 22 states over three years, of charges filed against those trafficking or attempting to traffic minors on Backpage.com.”<sup>45</sup> The cases tracked were only those that were recorded in newspaper articles.<sup>46</sup> Thus, it is presumed that there are many more instances where Backpage.com has been used to promote human trafficking.<sup>47</sup> Unfortunately, sites like Backpage.com successfully hide behind the “clearly stated purpose” of the Communications Decency Act of 1996 (CDA). “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”<sup>48</sup> In their response to the National Association of Attorneys General letter regarding this issue, Backpage.com cited *Zeran v. America Online*,

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<sup>43</sup> *Domestic Sex Trafficking: The Criminal Operations of the American Pimp*, POLARIS PROJECT, 2, available at [http://www.dcjs.virginia.gov/victims/humantrafficking/vs/documents/Domestic\\_Sex\\_Trafficking\\_Guide.pdf](http://www.dcjs.virginia.gov/victims/humantrafficking/vs/documents/Domestic_Sex_Trafficking_Guide.pdf); see also Jody Raphael and Brenda Myers-Powell, *Interviews with Five Ex-Pimps in Chicago*, Apr. 2009, [http://law.depaul.edu/centers\\_institutes/family\\_law/pdf/pimp\\_pilot\\_project.pdf](http://law.depaul.edu/centers_institutes/family_law/pdf/pimp_pilot_project.pdf).

<sup>44</sup> See e.g. NAAG letter to Backpage.com, *supra* note 22, at 1.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> 47, U.S.C. § 230(c) (1).

*Inc.*<sup>49</sup> in their defense: “[t]he Act ‘plainly immunizes computer service providers . . . from liability for information that originates with third parties.’”<sup>50</sup>

### III The Indiana Response: Preparation for Super Bowl.

Beginning in July, 2011, seven months before Super Bowl XLVI, IPATH increased activity to prepare for Super Bowl. This section will describe the work of IPATH during the lead up to Super Bowl XLVI. I will first IPATH’s role in combating human trafficking and its specific goals. Then I will discuss IPATH’s work towards meeting these goals.

#### A. IPATH’s goals

Along with the other 42 United States Department of Justice initiated anti-human trafficking task forces, IPATH is collaborative: law enforcement, nonprofits, and faith based and community organizations work together in a coordinated effort.<sup>51</sup> The goals of IPATH and all of the task forces are: Prevention, Protection, and Prosecution, through enhancing law enforcement’s ability to identify and rescue victims, provide resources and training to identify and rescue victims, and ensure comprehensive services are available for victims of trafficking.<sup>52</sup> order to maximize efficiency, IPATH divided into six committees so that each committee could focus on its primary area of interest and also speak confidentially with respect to shared cases.<sup>53</sup> Those committees are: Victim Services, Law Enforcement, Awareness/Outreach, Training,

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<sup>49</sup> 129 F. 3d 327, 328 (4<sup>th</sup> Cir. 1997)

<sup>50</sup> Letter from Samuel Fifer to Mrs. Hedda Letwin, National Association of Attorneys General, Re: Response of Backpage.com to NAAG letter of August 31, 2011, at 8. Further, Backpage.com further promotes its immunity from liability by citing the Act itself: “see also 47 U.S.C. § 230(e) (3) ([n]o cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section’).” *Id.*

<sup>51</sup> Press release, AG Zoeller: Spotlight on Super Bowl, National Efforts to Fight Human trafficking (Feb. 04, 2012).

<sup>52</sup> INDIANA PROTECTION FOR ABUSED AND TRAFFICKED HUMANS (IPATH), <http://www.indianaagainsttrafficking.org/about/> (last visited April 6, 2012).

<sup>53</sup> *Id.*

Protocol, and IPATH Core Committee (made up of the co-chairs of IPATH and the chairs of each committee).<sup>54</sup>

An important asset to IPATH's effort was support from the "Pillars of Hope," (hereinafter Pillars) the National Association of Attorneys General Presidential Initiative for 2011-2012, led by Attorney General Rob McKenna from Washington state.<sup>55</sup> Greg Zoeller, Attorney General of Indiana and Co-Chair of the IPATH Task Force, was elected to be a member of the Leadership Council of the Pillars, and the Leadership Council worked with the Indiana OAG/ IPATH and all of the State Attorneys General, as well as a number of prominent national anti-human trafficking organizations, to develop a national strategy to fight human trafficking. The four Pillars of the Initiative are:

**Pillar 1) Making the Case:**

Gather stat-specific data on human trafficking and create a database that assists local authorities with identifying human trafficking cases.

**Pillar 2) Holding Traffickers Accountable:**

Establish and implement comprehensive anti-human trafficking laws in all 50 states

**Pillar 3) Mobilizing Communities to Care for Victims:**

Coordination among service providers, law enforcement, and state agencies to assist in identifying and protecting victims.

**Pillar 4) Raising Public Awareness & Reducing the Demand:**

Increase public awareness campaigns regarding human trafficking that will assist the victims and work to reduce the demand for trafficking.<sup>56</sup>

Each of the Attorneys General on the Leadership Council chose one of the four Pillars as an area of focus, with the goal that all strategies and materials developed would be shared with

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<sup>54</sup> *Id.*

<sup>55</sup> PILLARS OF HOPE, <http://www.pillarsofhope.us/>; *see also* Washington State Office of the Attorney General, Pillars of Hope, <http://atg.wa.gov/NAAG/pillars.aspx>.

<sup>56</sup> *Id.*

the 50 states and territories to facilitate the fight against human trafficking on a national scale.<sup>57</sup> Greg Zoeller, Indiana Attorney General, chose Pillar 4: Raising Public Awareness & Reducing Demand, although the Indiana OAG's work with IPATH to coordinate preparation for Super Bowl, involved all four of the Pillars of Hope..

### B. Anti-Demand Campaign: "Don't Buy the Lie."

It could be argued that Reducing Demand is the most important of all of the Pillars. This is because of the obvious fact that, like any other business, the vast international and local human trafficking market simply would not exist were it not for the increasing demand for this horrific product: human beings for sale for sex and labor. Thus, the goal of the Indiana OAG and the IPATH was to create an anti-demand campaign that would continue beyond Super Bowl and could be shared with other anti-trafficking efforts including other state OAGs, task forces, national and local nonprofits, and faith based and community groups.

The "Don't Buy the Lie" campaign consists of a short video, a PowerPoint presentation, a Pledge that may be signed and published, and a "credit card" that reads "Not a john" for the name and contains a quick list of human trafficking facts that may be easily carried in a purse or wallet.<sup>58</sup> These materials are available for download and general use on the Indiana OAG website, and small or large groups are encouraged to watch the video, go through the PowerPoint slides, and sign the pledge.<sup>59</sup> When the Indiana OAG launched the "Don't Buy the Lie" campaign, it held a press conference to educate the public regarding the need to speak out against

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<sup>57</sup> *Id.*

<sup>58</sup> Office of the Indiana Attorney General, *Human Trafficking*, <http://www.in.gov/attorneygeneral/2963.htm>.

<sup>59</sup> *Id.*

human trafficking.<sup>60</sup> Jeff Saturday, center for the Indianapolis Colts, Tarik Glenn, retired offensive tackle and current president of D.R.E.A.M. Alive Inc., a not-for-profit organization that mentors middle- and high-school youth, Tom Zupancic, former Colts Senior Vice President, and Attorney General Zoeller attended the press conference and discussed the need to speak out against the commercial sex industry that fuels human trafficking.<sup>61</sup>

The campaign focuses on sex trafficking and addresses the core of the demand issue: United States society tolerates, and even encourages the commercial sex industry that fuels human trafficking. Similar to the way society viewed domestic violence some 20 years ago, people take a “see no evil/hear no evil” approach to human trafficking and its relationship to missing children and commercial sex. Rather than confront the issue directly and learn about the facts, we choose to remain ignorant, using excuses like: “I know it is illegal, and I would not use a prostitute, but it is none of my business what other people do,” or “she is choosing this life freely, so it is not a problem,” or worse, actively promoting commercial sex and the activities that are used to pull children into commercial sex, such as lap dancing and stripping.<sup>62</sup>

Teens are sold and wear t-shirts that read “Stripper in Training,” fraternities and sororities hold “pimp/ho [whore]” parties, and common language promotes positive perceptions of the sale of human beings for sex.<sup>63</sup> For example, the phrase “pimp my car” is an expression that means to

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<sup>60</sup> The press conference was held Thursday, January 26, 2012 at 9:30 am. See *Colts, AG Push Sex Trade Crackdown*, WISHTV8.COM, Jan. 26, 2012, <http://www.wishtv.com/dpp/news/indiana/colts-ag-push-sex-trade-crackdown>.

<sup>61</sup> *Id.*

<sup>62</sup> Donna M. Hughes, *THE DEMAND FOR VICTIMS OF SEX TRAFFICKING AT 22* (2005).

<sup>63</sup> See generally Donna Hughes, *BEST PRACTICES TO ADDRESS THE DEMAND SIDE OF SEX TRAFFICKING* (2004). Cultural attitudes and gender based stereotypes reinforce misogynistic attitudes and validity commercial sex.

improve the physical appearance of the car.<sup>64</sup> Further, mass media and entertainment promotes commercial sex. Popular rap stars appear publically on television and admit to the world that they have acted as pimps to young girls. Movies like “Pretty Woman” glamorize prostitution, entirely leaving out the physical and mental abuse, depression, disease and early death that plague the lives of sex workers.<sup>65</sup> In fact, it is difficult to find a modern comedy or “chick flick” involving a wedding that does not contain a reference to strippers and/or prostitution at a bachelor party.<sup>66</sup>

The “Don’t Buy the Lie” PowerPoint presentation directly challenges these myths and presents facts to correct the ignorance and misperceptions that fuel them. One commonly believed myth is that human trafficking is a trendy issue and not a real problem. As noted above, human trafficking is actually the second largest and fastest growing criminal industry in the world,<sup>67</sup> and it generates \$32 billion annually.<sup>68</sup> Another myth is that human trafficking occurs in other countries, but not in the United States. On the contrary, statistics show that 100,000 to 293,000 U.S. children are in danger of sexual exploitation,<sup>69</sup> and 83% of minor sex trafficking

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<sup>64</sup> See Tina Frundt, *Enslaved in America: Sex Trafficking in the United States*, WOMEN’S FUNDING NETWORK, <http://www.womensfundingnetwork.org/resource/past-articles/enslaved-in-america-sex-trafficking-in-the-united-states>, stating, “The pimps who are trafficking young women and girls on the street have a great marketing tool: the media. You can turn on the TV now and see pimps glamorized in TV shows, music videos, and movies. Young people use “pimp” in everyday conversation: ‘my ride is pimped out,’ ‘your clothes are pimping.’ They do not understand the reality behind the term.”

<sup>65</sup> Melissa Farley, Prostitution, *Violence Against Women, and Posttraumatic Stress Disorder*, 27 WOMEN & HEALTH 37-49 (1998).

<sup>66</sup> See, e.g., *Pretty Woman*; *Hangover 1 and 2*; *the Wedding Date*, etc.

<sup>67</sup> Administration for Children & Families, U.S. Dept. of Health & Human Services, <http://www.acf.hhs.gov/trafficking/about/index.html> (last visited Jan. 13, 2012).

<sup>68</sup> International Labor Organization (ILO), *A global alliance against forced labor* (2005) at p.55, available at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf).

<sup>69</sup> *Testimony of Ernie Allen* (July, 2010), National Center for Missing & Exploited Children, available at [www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PageId=4312](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4312).

victims are United States citizens.<sup>70</sup> Commercial sexual exploitation is linked to escort and massage services, private dancing, drinking and photographic clubs, major sporting and recreational events, major cultural events, conventions, and tourist destinations.<sup>71</sup>

The term “pimp” has become a part of popular American culture, leading to the misperception that pimps are cool and protect the girls they manage.<sup>72</sup> In fact, many pimps take all the money that girls earn, force them to meet monetary quotas each night (which could mean they must have sex with as many as 5-15 persons each night), and punish them by beatings if those quotas are not met.<sup>73</sup> Some pimps even brand girls under their control, using tattoos to demonstrate ownership.<sup>74</sup> One pimp was quoted as saying, “It’s impossible to protect all girls from guys [like us] . . . . We eat, drink and sleep thinking of ways to trick young girls into doing what we want.”<sup>75</sup>

Yet another common myth that rationalizes the acceptability of commercial sex is that prostitution is a victimless crime between two consenting adults. It has already been noted that the average age of girls pulled into commercial sex is 12-14;<sup>76</sup> clearly this is not an act between two legally consenting adults. In addition, it is important to consider the lifestyle endured by those in the commercial sex industry. In a study on prostitution, it was noted that during their

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<sup>70</sup> *Human Trafficking/Trafficking In Persons*, Dept. of Justice, Bureau of Justice Statistics, <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=40> (last visited 1/14/2012).

<sup>71</sup> *Child Prostitution*, U.S. Dept. of Justice, CEOS, <http://www.justice.gov/criminal/ceos/prostitution.html> (last visited Jan. 13, 2012).

<sup>72</sup> See supra notes 56-56 and accompanying text.

<sup>73</sup> DOMESTIC SEX TRAFFICKING: THE CRIMINAL OPERATIONS OF THE AMERICAN PIMP at 2, POLARIS PROJECT.

<sup>74</sup> *Human Trafficking FAQs, How is Pimping a Form of Sex Trafficking?*, Polaris Project, <http://www.polarisproject.org/human-trafficking/human-trafficking-faqs#How is pimping a form of sex trafficking?> (last visited Jan. 14, 2012).

<sup>75</sup> Jody Raphael & Brenda Myers-Powell, *From Victims to Victimizer: Interviews With 25 Ex-Pimps in Chicago* (2010) at 5, Schiller DuCanto & Fleck Family Law Center of DePaul University College of Law, *available at* [http://newsroom.depaul.edu/PDF/FAMILY\\_LAW\\_CENTER\\_REPORT-final.pdf](http://newsroom.depaul.edu/PDF/FAMILY_LAW_CENTER_REPORT-final.pdf).

<sup>76</sup> *Child Prostitution*, U.S. Dept. of Justice, Child Exploitation and Obscenity Section (CEOS), <http://www.justice.gov/criminal/ceos/prostitution.html> (last visited Jan. 13, 2012).

time in prostitution, 82% of participants had been physically assaulted, 83% had been threatened with a weapon, 68% had been raped, and 84% reported current or past homelessness.<sup>77</sup>

Commercial sex is risky for those involved. In fact, **the average age of death for prostitutes is 34**, a “‘workplace homicide rate’ 51 times higher than that of the next most dangerous occupation, working in a liquor store.”<sup>78</sup>

It is also important to recognize that many boys and girls who are recruited into the commercial sex industry come from extremely vulnerable backgrounds, increasing their risk of exploitation. Some statistics on boys and girls who were recruited show that 57% had been victims of child sexual abuse and 49% had been physically assaulted as children.<sup>79</sup> Additionally, 85% of prostitution survivors were victims of incest, and 90% had been physically abused.<sup>80</sup> Another study revealed that 61.5% had been frequently hit, slapped, pushed, grabbed, or had objects thrown at them by a member of their household, and 40% of the above had been kicked, hit, beaten, raped, or threatened, and/or attacked with a weapon by a member of their household.<sup>81</sup>

Yet another common myth is that girls and boys who prostitute do it because they like it. It’s easy money for them, and no one is forcing them to do it. It’s just business. Actually, many victims are lured by false promises of love and support, and some are even abducted or

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<sup>77</sup> Melissa Farley & Howard Barkan, *Prostitution, Violence Against Women, and Posttraumatic Stress Disorder*, 27 *Women & Health* 37-49 (1998), available at <http://www.prostitutionresearch.com/ProsViolPosttrauStress.html>.

<sup>78</sup> Leslie Bennetts, *The John Next Door*, July 18, 2011, *The Daily Beast/Newsweek*, available at <http://www.thedailybeast.com/newsweek/2011/07/17/the-growing-demand-for-prostitution.html>.

<sup>79</sup> Melissa Farley & Howard Barkan, *Prostitution, Violence Against Women, and Posttraumatic Stress Disorder*, 27 *Women & Health* 37-49 (1998), available at <http://www.prostitutionresearch.com/ProsViolPosttrauStress.html>.

<sup>80</sup> Hunter, S.K., *Prostitution is Cruelty and Abuse to Women and Children*, 1 *Mich. J. Gender & L.* 91, 99 (1993).

<sup>81</sup> Jody Raphael & Deborah L. Shapiro, *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*, Center for Impact Research (2002) at p.15, available at <http://www.impactresearch.org/documents/sisterspeakout.pdf>.

kidnapped.<sup>82</sup> Once they have been pulled into a life of commercial sex, they may be required to perform sex acts with up to 15 different “johns” (customers) per night.<sup>83</sup> Utilizing a conservative estimate, a victim would be raped by 6,000 johns during the course of her victimization.<sup>84</sup> This is based on a formula of 5 johns per night, 5 nights per week, for 5 years.<sup>85</sup> Most of the research available focuses on prostitution, rather than strictly on human trafficking. However, we must remember that under federal law, anyone who is under 18 or is forced into prostitution is a victim of sex trafficking.<sup>86</sup>

When considering the horrific life that trafficking victims endure, the question is raised, “Why don’t they escape?” Unfortunately, this is not an option or, at the very least, poses a significant risk for many victims. Like in cases of domestic violence, typically the most dangerous time for the trafficked victim is when they attempt to escape.<sup>87</sup> Traffickers have a strong psychological and physiological hold on girls they control.<sup>88</sup> It is not uncommon for traffickers to threaten to harm a victim’s family members as a means of controlling the victim.<sup>89</sup> Thus, the trafficked persons often fear for their own safety and the safety of their families, should they try to escape. Also, victims may fear the legal system or worry that they will be deported, if

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<sup>82</sup> Comparison Chart of Primary Sex Trafficking Networks in the U.S., Polaris Project (2011), *available at* <https://na4.salesforce.com/sfc/play/index.jsp?d=6FuMhnn2HQpD2dARadzU1Ow7p6l%3D&viewId=05H6000000JrOi&v=0686000000HdKZ&oid=00D300000006E4S>.

<sup>83</sup> Linda A. Smith, Samantha Healy Vardaman, Melissa A. Snow, *The National Report on Domestic Minor Sex Trafficking*, SHARED HOPE INTERNATIONAL 1, 20 (2009), [http://www.sharedhope.org/Portals/0/Documents/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://www.sharedhope.org/Portals/0/Documents/SHI_National_Report_on_DMST_2009.pdf).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *See* Sex Trafficking, 22 USC § 7102; 8 CFR § 214.11(a).

<sup>87</sup> THE CRIME OF HUMAN TRAFFICKING, A LAW ENFORCEMENT GUIDE TO IDENTIFICATION AND INVESTIGATION at 8, INT’L ASSOC. CHIEFS OF POLICE, *available at* [vaw.umn.edu/documents/completehtguide/completehtguide.pdf](http://vaw.umn.edu/documents/completehtguide/completehtguide.pdf).

<sup>88</sup> *Id.* at 7.

<sup>89</sup> THE CRIME OF HUMAN TRAFFICKING, A LAW ENFORCEMENT GUIDE TO IDENTIFICATION AND INVESTIGATION, OFFICE ON VIOLENCE AGAINST WOMEN (OVW) & INT’L ASSOC. OF CHIEFS OF POLICE (IACP).

they are in the United States illegally.<sup>90</sup> Most victims have been forced to commit a crime (e.g. prostitution) and typically do not identify themselves as trafficked victims, nor do they know that the law protects those who are trafficked.

In addition, many victims cannot support themselves on their own and feel they have no place to go. If the victim is a United States citizen, they may have originally run away from an abusive home or an unhappy foster care background.<sup>91</sup> Thus, the concept of being returned to their “home” may not sound attractive or provide relief. In addition, a person who has been trafficked since age 12 or 14<sup>92</sup> will not have been regularly attending school and further, will have endured horrific experiences that other persons cannot relate to or understand. Thus, they may literally be unprepared to enter the workforce.

One alarming myth that is believed by many of the johns is: “I paid money, so the girl has to do whatever I wants,” often including acts of violence. There is a strong correlation between pornography and commercial sex.<sup>93</sup> Further, research indicates that many johns have a wife or are in a committed relationship.<sup>94</sup> In fact, frequent johns are likely to be married and older.<sup>95</sup> Nonetheless, they solicit a sex worker because they are excited about something they

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<sup>90</sup> *Id.*

<sup>91</sup> Smith, *supra*, note 83, at 33-34.

<sup>92</sup> The average starting age of a trafficked victim. Smith, *supra* note 83, at 30.

<sup>93</sup> Rachel Durchslag, *Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex*, CHICAGO ALLIANCE AGAINST SEXUAL EXPLOITATION, 13-14 (May 2008), [http://www.enddemandillinois.org/sites/default/files/Deconstructing\\_the\\_Demand\\_for\\_Sex.pdf](http://www.enddemandillinois.org/sites/default/files/Deconstructing_the_Demand_for_Sex.pdf)

<sup>94</sup> *Buying Sex: A Survey of Men in Chicago*, CHICAGO COAL. FOR THE HOMELESS, 1 (2004)

[http://www.enddemandillinois.org/sites/default/files/Buying\\_Sex.pdf](http://www.enddemandillinois.org/sites/default/files/Buying_Sex.pdf).

<sup>95</sup> *Id.*

have seen through pornography and do not want to ask their wife or girlfriend to commit the act.<sup>96</sup>

Research on prostitution demonstrates that 62-100% of the acts of violence against women engaged in street-level prostitution were perpetrated by the johns.<sup>97</sup> Also, 30-100% of all acts of violence, including almost all acts of sexual violence against women in exotic dancing, were perpetrated by the johns.<sup>98</sup> Despite these facts, it has been shown that many johns fail to admit or recognize that violence is committed against women and girls in commercial sex. In a study on johns, out of 100 sex buyers, 67% indicated there were no or slight negative effects of buying human beings for sex, 19% indicated very negative effects, and 14% indicated extremely negative effects.<sup>99</sup> Out of 100 non-sex buyers, 30% indicated no or slight negative effects, 47% indicated very negative effects, and 23% indicated extremely negative effects.<sup>100</sup>

Consequences of participating in the commercial sex industry include risks for both the johns and the victims. Both are in danger of contracting sexually transmitted diseases, and there are currently an estimated 19 million sexually transmitted infections in the United States, some of which are incurable.<sup>101</sup> These include human papillomavirus, gonorrhea, and chlamydia, among others.<sup>102</sup> Complications of these diseases may include death through cervical or liver

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<sup>96</sup> Durchslag, *supra* note 93, at 14.

<sup>97</sup> Jody Raphael & Deborah L. Shapiro, *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*, CENTER FOR IMPACT RESEARCH 19 (2002) <http://www.impactresearch.org/documents/sisterssspeakout.pdf>.

<sup>98</sup> *Id.*

<sup>99</sup> Melissa Farley et. al., *Comparing Sex Buyers with Men Who Don't Buy Sex: "You can have a good time with the servitude" vs. "You're supporting a system of degradation"*, PROSTITUTION RESEARCH & EDUC. 20 (2011), <http://www.prostitutionresearch.com/pdfs/Farleyetal2011ComparingSexBuyers.pdf>.

<sup>100</sup> *Id.*

<sup>101</sup> 2012 Sexually Transmitted Diseases Surveillance, CDC, *available at* <http://www.cdc.gov/std/stats10/trends.htm>.

<sup>102</sup> *Id.*

cancer, rise in antibiotic resistance, and infertility.<sup>103</sup> There are also legal ramifications. For example, under many state laws, patronizing a prostitute may lead to significant fines and a felony conviction when there are prior convictions, as well as placement on the sex offender registry, particularly if the victim is a minor.<sup>104</sup>

Anti-demand campaigns are critical because studies indicate that many johns would be deterred from soliciting a prostitute (which may include a trafficked victim) if they believed that they would face either societal or criminal consequences.<sup>105</sup> Thus, strengthening and enforcing criminal penalties and civil sanctions to discourage solicitation are essential to deterring and discouraging this behavior. Strong laws may include: significant fines for first-time offenders that increase in amount with additional arrests; forfeiture of the perpetrator's car or other possessions; felony penalties beyond the first offense; and listing on the sex offender registry.<sup>106</sup>

Social deterrence is equally important. Many districts have initiated "john schools" for first-time offenders, which educate perpetrators about the real costs of prostitution, for example: the violence involved in human trafficking, the average age that children are coerced into commercial sex, and the danger of incurable disease to both the john and the sex worker.<sup>107</sup>

Another effective social deterrent is public exposure, such as publishing the faces and names of

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<sup>103</sup> *Id.*

<sup>104</sup> For example, under Indiana law, patronizing a prostitute is a Class A misdemeanor, but it is a Class D felony if the person has two prior convictions. Further, a perpetrator may be placed on the sex offender registry if found to be soliciting a minor. *See*, Patronizing a Prostitute, IC 35-45-4-3, *available at* [www.in.gov/legislative/ic/code/title35/ar45/ch4.html](http://www.in.gov/legislative/ic/code/title35/ar45/ch4.html).

<sup>105</sup> Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, & Michele Decker, COMPARING SEX BUYERS WITH MEN WHO DON'T BUY SEX: 'YOU CAN HAVE A GOOD TIME WITH THE SERVITUDE' VS. 'YOU'RE SUPPORTING A SYSTEM OF DEGRADATION.' JULY 2011, *available at* <http://www.prostitutionresearch.com/pdfs/Farleyetal2011ComparingSexBuyers.pdf>.

<sup>106</sup> Donna Hughes, BEST PRACTICES, *supra* note 63 at 43.

<sup>107</sup> *Id.* at 31.

johns on websites or billboards.<sup>108</sup> Until society makes purchasing human beings for sex an unacceptable behavior, demand for the commercial sex industry that fuels human trafficking will continue to proliferate.

### C. Legislative Changes and Victim Services.

In addition to addressing demand reduction, the Indiana OAG and Task Force consulted with national experts to analyze existing law and resources to serve human trafficking victims and sought recommendations for needed change. One of those experts is Polaris Project, a national anti-trafficking organization that advocates for stronger laws, operates the National Human Trafficking Resource Center hotline, and provides services to victims.<sup>109</sup> Through their policy advocacy program, Polaris staff analyzed Indiana human trafficking law and provided recommendations for amendments. Shared Hope International is another expert organization that provides a legislative framework and an assessment process that identifies current laws and how they may be improved.<sup>110</sup> By partnering with the Indiana OAG and Task Force, they were able to offer suggestions on how state law could be improved.

Based on these expert recommendations, the Indiana Attorney General, local law enforcement, and victim-advocacy groups urged the Indiana Legislature to tighten loopholes in Indiana law prior to Super Bowl XLVI; the act facilitates prosecution of traffickers and recovery

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<sup>108</sup> See *Minneapolis uses electronic billboards to send a message to Johns: People who solicit prostitutes in the city will also face tougher prosecution*, INSIGHTNEWS.COM, <http://insightnews.com/community/4173-minneapolis-uses-electronic-billboards-to-send-a-message-to-johns-people-who-solicit-prostitutes-in-the-city-will-also-face-tougher-prosecution>.

<sup>109</sup> POLARIS PROJECT, *Introduction*, <http://www.polarisproject.org/about-us/introduction>.

<sup>110</sup> SHARED HOPE, *What We Do*, <http://www.sharedhope.org/WhatWeDo/BringJustice/PolicyRecommendations.aspx>.

of victims.<sup>111</sup> Senate Bill 4 made several needed changes to existing law prohibiting human trafficking. First, the amended Indiana law makes it easier to prosecute persons who engage in trafficking of children by removing the requirement of proving force or threat of force.<sup>112</sup> Second, since trafficking is often committed by criminals who are unrelated to their victims, the law regarding selling or transferring a child for trafficking was amended by expanding the class of individuals who may commit the crime from "a parent, guardian, or custodian" of a child to "an individual."<sup>113</sup> Third, since sex trafficking may involve activity other than prostitution, the bill expanded the law to include "participating in sexual conduct."<sup>114</sup> It also enhanced "the penalty for certain types of human trafficking so the potential sentence is increased from a Class B felony (punishable by six to 20 years) up to a Class A felony (punishable by 20 to 50 years in

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<sup>111</sup> While SEA 4 is an improvement over previous law, there is still need for additional change to strengthen Indiana law. For example, under the federal law, prosecutors need not prove force, fraud or coercion for a finding of human trafficking if the victim is under the age of 18; under SEA 4, the age is under 16.

<sup>112</sup> Senate Enrolled Act 4, 117<sup>th</sup> G.A., 2<sup>nd</sup> Reg. Sess. (2012), *available at* <http://www.in.gov/legislative/bills/2012/SE/SE0004.1.html>. IC 35-42-3.5-1 (b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of: (1)

(1) engaging the child in:  
 (A) forced labor; or  
 (B) involuntary servitude; or  
 (2) inducing or causing the child to:  
 (A) engage in prostitution; or  
 (B) participate in sexual conduct (as defined by 11 IC 35-42-4-4);  
 Commits promotion of human trafficking of a minor, a Class B felony. It is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct. (1)

<sup>113</sup> *Id.* "A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct commits sexual trafficking of a minor, a Class A felony."

<sup>114</sup> *Id.* **Section 1. (a):** A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors or transports another person: (1)

(1) to engage the other person in:  
 (A) forced labor; or  
 (B) involuntary servitude; or  
 (2) to force the other person into:  
 (A) marriage;  
 (B) prostitution; or

**(C) Participating in sexual conduct** (emphasis added)  
 commits promotion of human trafficking, a Class B felony.

prison).”<sup>115</sup> The new law was passed unanimously by both houses on an unprecedented fast track through the legislature.<sup>116</sup> Upon Governor Mitch Daniels’ signature on January 30<sup>th</sup>, 2012, Senate Enrolled Act 4 went into effect “immediately,”<sup>117</sup> so that it was effective prior to Super Bowl week.

The IPATH Task Force also evaluated existing services for victims to determine gaps in service. While the task force grant for victim services covers housing, counseling, health care, job training, and other services for victims who are foreign born, it did not cover services for U.S. citizens.<sup>118</sup> Thus, within the Task Force, the Indiana Department of Child Services is working closely with other Task Force members to ensure that its employees are properly trained to identify and serve victims. Not surprisingly, across the country, many underage sex trafficking victims are already in a “Child in Need of Services” program when they are first trafficked. This is because factors that make children particularly vulnerable to trafficking include: abuse or neglect in their family of origin, frequent instances of truancy or running away, and/or an unsuccessful or abusive foster care environment.<sup>119</sup>

One of the challenges of serving under-age sex trafficking victims is that they do not do well in many shelter environments. It is common for the traffickers to attempt to find the victim and re-traffic her and the victim can be placed in a domestic violence shelter where security is provided. Trafficking victims, however, are not typically content to be in a domestic violence shelter because it is an environment with many of rules and a number of mothers with small

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<sup>115</sup> Press Release, Human trafficking bill passed legislature, sent to Governor, Jan. 27, 2012.

<sup>116</sup> *Id.*

<sup>117</sup> Press Release, Attorney General’s statement on signing of new Human Trafficking law, Office of the Indiana Attorney General, Jan. 30, 2012.

<sup>118</sup> *But see*, the new grant application includes payment for services provided to U.S. citizens.

<sup>119</sup> *See* Hunter, *supra* note 80 at 97-99.

children.<sup>120</sup> Further, in many states, once the minor or forced sex worker is identified as a human trafficking victim, she cannot be held beyond an initial investigatory period. Thus, if she does not like living in a domestic violence shelter, she leaves, rendering her extremely vulnerable to being re-trafficked.

To combat these challenges, Indiana and a few other states have are developing an alternative shelter environment for under-age sex trafficking victims. These shelters include a farm type of environment in a remote area, so that the minors receive needed services, including education, counseling, and health care, as well as animal therapy, but are also protected from being re-trafficked.<sup>121</sup>

#### D. Training, Outreach and Awareness.

Another major goal of IPATH and the Pillars, before and after the Super Bowl, is raising public awareness: ensuring that as many persons as possible in Indiana are educated to understand the crime of human trafficking, identify a potential victim, and know how to respond if a potential victim is identified or a situation arises that raises a suspicion for human trafficking. While the Task Force has been performing training and outreach since its inception in 2005, in preparation for Super Bowl, IPATH targeted those groups and persons who are most likely to come in contact with a victim. The Training and Outreach/Awareness committees joined forces

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<sup>120</sup> See , [http://www.worldwideopen.org/uploads/resources/files/811/REIN017\\_Rehab\\_and\\_Community\\_Integration\\_of\\_Trafficking\\_Survivors\\_in\\_the\\_US.pdf](http://www.worldwideopen.org/uploads/resources/files/811/REIN017_Rehab_and_Community_Integration_of_Trafficking_Survivors_in_the_US.pdf)

<sup>121</sup> See Amenda Kloer, Nowhere to Go: the Shelter Crisis for Trafficking Victims, <http://news.change.org/stories/nowhere-to-go-the-shelter-crisis-for-trafficking-victims>.

to train some 3,400 persons through more than 60 different presentations to: hospital staffs, cab drivers, hotel/hospitality staff and volunteers, EMS workers and other first responders, etc.<sup>122</sup>

IPATH worked closely with the Indianapolis Super Bowl XLVI Host Committee and received tremendous support for anti-human trafficking training. The Host Committee invited us to present our anti-human trafficking message at their required trainings for 750 taxi drivers, who were to be driving during Super Bowl week, as well as some 1,600 hospitality volunteers, who were being trained to assist Super Bowl visitors through stations set up in 240 hotels. Each of these trainees were instructed on the basics about human trafficking and how to identify a victim and were given the national hotline number, as well as materials identifying red flags<sup>123</sup> for human trafficking and a human trafficking fact sheet.<sup>124</sup>

#### IV Outreach During Super Bowl Week.

##### A. Outreach/Awareness Committee.

Another critical function of the Outreach/Awareness committee was identifying all of the nonprofit, faith based, and community groups that planned to be active during the Super Bowl and invite them to become members of the Outreach/Awareness committee. Our goals

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<sup>122</sup> Memoranda, *supra* note 6. The bulk of this training was presented by volunteers and staff of OAG, Exodus Refugee Immigration, FREE International and the Super Bowl Host Committee.

<sup>123</sup> IPATH, HUMAN TRAFFICKING "RED FLAGS" FOR EMS, FIRE DEPARTMENT & OTHER EMERGENCY CARE PROFESSIONALS; *see also* IPATH, HUMAN TRAFFICKING "RED FLAGS" FOR THE GENERAL PUBLIC. Available to download:

<http://www.in.gov/attorneygeneral/2963.htm>

<sup>124</sup> IPATH, FACT SHEET - HUMAN TRAFFICKING: IT HAPPENS HERE. AVAILABLE TO DOWNLOAD:

<HTTP://WWW.IN.GOV/ATTORNEYGENERAL/2963.HTM>

organizing these partnerships were to coordinate all of our activities, provide proper training of volunteers, and ensure that anyone who spoke to the press was someone who was trained, knowledgeable, and able to provide accurate information. The Indiana OAG was designated as the primary public information contact, and only experienced Task Force members were cleared to speak directly to the press. This focus on ensuring coordination and accurate public information stemmed from difficulties at previous Super Bowls, where well-meaning volunteers inadvertently subverted law enforcement efforts and also provided inaccurate information to the press, which diminished the effectiveness and credibility of the anti-human trafficking efforts.<sup>125</sup> The over 60 groups that worked together in the Task Force were exceptionally effective at coordinating their efforts, and with one exception,<sup>126</sup> allowed only trained individuals to speak to the press. In addition, Task Force members joined together as one unified whole in each of the public hearings and press conferences, which added greatly to their overall effectiveness.

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<sup>125</sup> “From their [Backpage.com] perspective, the claims of their opponents are wildly exaggerated and all the money being spent trying to wipe out advertising would be better spent on the root causes of the problem, including drug addiction, poverty and family abuse. [http://www.nytimes.com/2011/10/31/business/media/backpagecom-confronts-new-fight-over-online-sex-ads.html?\\_r=2&pagewanted=1&sq=backpage&st=cse&scp=1](http://www.nytimes.com/2011/10/31/business/media/backpagecom-confronts-new-fight-over-online-sex-ads.html?_r=2&pagewanted=1&sq=backpage&st=cse&scp=1)

“There is a lot of mythmaking around the issue and I think it’s a way of avoiding the real problem,” Mr. Lacey said.  
*Id.*

<sup>126</sup> Unfortunately, a volunteer from a church that volunteered to assist in preparing and distributing victim recovery materials during Super Bowl week, identified a human trafficking victims by name, current location, and picture, as girl who had been recovered. While expressing the success of a victim recovery effort is understandable, a properly trained individual would have known that revealing these details about a particular victim enhances the likelihood that she may be re-trafficked and exposes this girl and her family to public humiliation, and as such, additional exploitation.

Further, as a working partnership, the Task Force was able to achieve the Task Force goals outlined in July, 2011.<sup>127</sup> For example, in addition to training some 3,400 individuals, one Task Force member was able to apply for grants to purchase and distribute both anti-demand and victim-recovery materials, while other Task Force members and their volunteers coordinated to distribute those materials.<sup>128</sup> The Task Force received grants from two United Methodist Women programs.<sup>129</sup> These grants were used to purchase and distribute “shoe cards”<sup>130</sup> and chap sticks with the national hotline number on them, to be placed in truck stops, motels, rest rooms, etc. throughout the Indianapolis area and at locations on highways leading into Indianapolis.

These materials were also distributed directly by volunteers of FREE International<sup>131</sup> to homeless youth and other persons who might be at risk of being trafficked. Eleven thousand shoe cards and 2,100 chap sticks were distributed during the week of Super Bowl by staff and volunteers of Exodus Refugee Immigration,<sup>132</sup> Methodist Church volunteers, FREE International, and other partnering organizations.<sup>133</sup> In addition, 300 posters and 500 brochures, as well as electronic messages devoted to victim recovery, were posted and distributed during Super Bowl week.<sup>134</sup>

Further, 40,000 bars of soap with the national hotline number on each bar were distributed to 200 hotels during Super Bowl week by Save Our Adolescents from Prostitution

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<sup>127</sup> In spring of 2011, two goals outlines regarding Super Bowl and Reducing Demand were created and used as mechanism of measuring progress in meeting established objectives. These outlines were shared with other OAG offices throughout the country as a template for creating and enhancing anti-human trafficking activities under the Pillars of Hope.

<sup>128</sup> Memoranda, *supra* note 6.

<sup>129</sup> St. Lukes United Methodist Church and United Methodist Women of Indiana.

<sup>130</sup> Cards small enough to be hidden in a victim’s shoe.

<sup>131</sup> Memoranda, *supra* note 6.

<sup>132</sup> <http://www.exodusrefugee.org/>

<sup>133</sup> Memorandum, *supra* note 6.

<sup>134</sup> Memoranda, *supra* note 6.

(S.O.A.P.),<sup>135</sup> in partnership with IPATH and FREE International and using more than 100 Hoosier volunteers.<sup>136</sup> This project was facilitated by the Super Bowl Host committee, which wrote to each hotel and motel participating in the Super Bowl initiative, encouraging them to allow these bars of soap to be placed in rooms throughout their facilities.

The concept of these victim recovery efforts is that human trafficking victims are so controlled by their traffickers that they may only be allowed to be alone while using the rest room. Thus, like the shoe cards and chap sticks, the hotline number on each bar of soap may work to provide victims with a resource they can take with them, so that when the right opportunity arises, they can call for help.<sup>137</sup>

Finally, the Coalition for Corporate Responsibility for Indiana and Michigan (CCRIM), a group of Catholic nuns from a variety of different orders, provided a different focus for hotels. This group has financially invested in specific hotel chains so that they have the opportunity, as investors, to seek anti-human trafficking activity from each of the hotels represented.<sup>138</sup> CCRIM was successful in persuading 99 hotels to sign the End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) Code of Conduct, which calls for hotels and other tourism related industries:

1. To establish a corporate ethical policy against commercial sexual exploitation of children.

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<sup>135</sup> FREE INTERNATIONAL, *SOAP: Save Our Adolescents from Prostitution*, <http://freeinternational.org/soap/> (last visited March 3, 2012).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> Curtis Black, *Nuns Target Sex Trafficking at Super Bowl*, NEWSTIPS, Feb. 2, 2012, <http://www.newstips.org/tag/coalition-for-corporate-responsibility-for-indiana-and-michigan/>; Nancy Conway, *Nuns set to blitz sex traffickers who exploit the Super Bowl*, CLEVELAND.COM, Jan. 14, 2012, [http://www.cleveland.com/opinion/index.ssf/2012/01/nuns\\_set\\_to\\_blitz\\_sex\\_traffick.html](http://www.cleveland.com/opinion/index.ssf/2012/01/nuns_set_to_blitz_sex_traffick.html).

2. To train the personnel in the country of origin and travel destinations.
3. To introduce clauses in contracts with suppliers, stating a common repudiation of sexual exploitation of children.
4. To provide information to travelers through catalogues, brochures, in-flight films, ticket-slips, websites, etc.
5. To provide information to local "key persons" at destinations.
6. To report annually.<sup>139</sup>

In addition, CCRIM provided anti-human trafficking brochures with contact information, as well as offers for additional training, for each of these hotels.

In addition to victim recovery materials, anti-demand materials were also distributed. The Indiana Coalition Against Sexual Assault (INCASA) distributed some 2,000 "Don't Buy the Lie" cards and 7,000 stickers to persons attending Super Bowl parties and bars during Super Bowl week.<sup>140</sup> Wearing the sticker and/or carrying the card provided a way for individuals to demonstrate public opposition to trafficking, as well as raising awareness. The "Don't Buy the Lie" card lists basic facts about human trafficking, such as:

- 50% of victims are minors<sup>141</sup>
- 80% of victims are women and girls<sup>142</sup>
- Human trafficking is valued at over \$32 billion US dollars<sup>143</sup>

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<sup>139</sup> <http://ecpatusa.org/>

<sup>140</sup> Memoranda, *supra* note 3.

<sup>141</sup> U.S. DEPT. OF STATE TRAFFICKING IN PERSONS REPORT (2007) at 8, *available at* <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm>; *see also* Tresa Baldas, *Human Trafficking a Growing Crime in the U.S.*, *USA TODAY*, *available at* <http://www.indystar.com/usatoday/article/52733300?odyssey=mod|newswell|text|News|p>.

<sup>142</sup> U.S. DEPT. OF STATE TRAFFICKING IN PERSONS REPORT (2007) at p.8, *available at* <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm>.

"Approximately 80 percent of transnational victims are women and girls and up to 50 percent are minors." *Id.*

- The phone number for suspected activity is available 24 hours a day. That number is: 1-888-3737-888<sup>144</sup>

### B. Church Participation and College Student Contributions.

In addition to the hard work of nonprofit organizations, faith based groups also made an important contribution. First, faith based groups provided the bulk of volunteers assisting in the human trafficking efforts Super Bowl week.<sup>145</sup> There were a total of 396 volunteers assisting IPATH in anti-human trafficking efforts.<sup>146</sup> Of those, 270 were Hoosiers, and many were members of faith based groups.<sup>147</sup> In addition, more than 12 churches (represented by congregants who are members of IPATH) and 100 people participated in the January 11, 2012 National Human Trafficking Awareness Day by holding events at their churches.<sup>148</sup> Many of these churches also sponsored other human trafficking awareness events. For example, St. Luke's United Methodist Church, Faith Missionary Church, Common Ground, and Murphy's Landing held human trafficking awareness events where hundreds of persons were educated about human trafficking.<sup>149</sup> Further, 150-200 people and approximately 15 churches participated

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<sup>143</sup> Administration for Children & Families, U.S. DEPT. OF HEALTH & HUMAN SERVICES, <http://www.acf.hhs.gov/trafficking/about/index.html> (last visited Jan. 13, 2012).

<sup>144</sup> The credit card-sized card also contains the following information: **"An estimated 27 million people are enslaved worldwide,"** *Slavery Today*, FREE THE SLAVES, <https://www.freetheslaves.net/SSLPage.aspx?pid=301> (last visited Jan. 20, 2012); *see also* Kevin Bales, *Disposable People* (1999); **"Every 10 minutes a new victim is trafficked into the U.S.,"** Kelly E. Hyland, *Protecting Human Victims of Trafficking: An American Framework*, 16 BERKELEY WOMEN'S L.J. 29, 30 (2001); **"The Average age of a victim is 12[-14] years old,"** U.S. Children are Victims of Sex Trafficking (April 2008), HUMANTRAFFICKING.ORG, <http://www.humantrafficking.org/updates/801>; *see also*, *Child Prostitution*, U.S. DEPT. OF JUSTICE, CEOS, <http://www.justice.gov/criminal/ceos/prostitution.html> (last visited Jan. 13, 2012) (noting the average age a child is first exploited through prostitution is between 12-14 years old).

<sup>145</sup> Memorandum, *supra* note 6

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

in a 24-hour prayer vigil on February 3-4, 2012, that was organized by the nonprofit organizations Steps of Justice and Hope<sup>150</sup>.

Area colleges also assisted in the Super Bowl effort. At least 10 colleges held human trafficking awareness events and many students volunteered to distribute materials or prepare and distribute soap for the S.O.A.P project.<sup>151</sup> For example, a student-run social justice organization at Indiana Wesleyan University, called Doulos, posted media about human trafficking on their Facebook page, hosted numerous prayer meetings targeted at human trafficking, participated in the National Human Trafficking Awareness Day Prayer Meeting, hosted a benefit concert to raise money for anti-sex trafficking efforts. Further, they held a movie night where they watched "Taken" to raise awareness.<sup>152</sup>

### C. Law Enforcement and Efforts to "Tackle the Trafficker."

More than a year before Super Bowl XLVI, local, state, and federal law enforcement began meeting regularly to discuss and coordinate in preparation for hosting the Super Bowl, including local police, Homeland Security Investigations/Immigration and Customs Enforcement, Federal Bureau of Investigation, local prosecutors, state police. While general security and crime prevention was the main focus of these meetings, these committees were made aware of the Task Force human trafficking prevention efforts, and Task Force law enforcement members were in attendance due to their respective "day job" roles.<sup>153</sup> The Task

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<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> See, <http://iwublog.indwes.edu/bid/117285/IWU-Students-Confront-Super-Bowl-Sex-Trafficking>, <http://www.facebook.com/pages/Doulos-IWU/291626194185353>

<sup>153</sup> See generally, <http://www.indystar.com/article/20111028/NEWS11/110280367/100-Days-Super-Bowl-XLVI-Indianapolis-prepares> "Indianapolis Metropolitan Police Department Deputy Chief Michael Bates, who leads the city's Homeland Security Bureau, is now overseeing 18 public safety subcommittees -- each of which plans for specific Super Bowl-related scenarios on issues that include traffic snarls, prostitution and theft."

Force was careful to coordinate activities, in order to complement and not interfere with other law enforcement efforts and goals.<sup>154</sup>

Because of IPATH's status as being connected with the Pillars, as well as being located in the city hosting Super Bowl, LexisNexis approached IPATH to join with other targeted cities in an effort to pilot a new database that will track anti-human trafficking efforts across the United States. This database is expected to provide great assistance to law enforcement, as it will record critical information about human trafficking persons of interest that will be accessible by designated investigators in other parts of the country. Since traffickers often move from city to city with their victims, much data is currently lost in closed hard files located in individual law enforcement offices throughout the country.<sup>155</sup> This database will allow this information to be shared and used in multiple locations simultaneously.

Four national nonprofits: FREE International, Klaas KIDS Foundation, Oregonians Against Trafficking Humans, and Florida Coalition against Human Trafficking sent staff and some 15 volunteers to Indianapolis to recover missing children and underage sex trafficking victims, as well as assist law enforcement to apprehend pimps and traffickers during Super Bowl.<sup>156</sup> This campaign, entitled "Tackle the Trafficker," was the fourth Super Bowl where the groups assembled to assist in recovering victims and assisting law enforcement.<sup>157</sup> These groups contacted the Task Force some four months before Super Bowl and sought to be put in contact

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<sup>154</sup> *Id.*

<sup>155</sup> Cornelious Frolik, *State Plans to Stop Human Trafficking*, DAYTON DAILY NEWS, (Feb. 26, 2012) (noting "sex traffickers often move their victims from city to city..."); *see also* HUMAN TRAFFICKING AWARENESS PARTNERSHIP (HTAP), *Frequently Asked Questions*, <http://humantraffickingawareness.com/faqs-mainmenu-34.html> (last visited April 6, 2012).

<sup>156</sup> This collaboration was explained at panel at the National Association of Attorneys General Pillars of Hope Summit meeting held Thursday, March 29, 2012. This panel was audio taped and available at: <http://www.atg.wa.gov/NAAG/Pillars.aspx>.

<sup>157</sup> *Id.*

with local law enforcement to begin to coordinate and build relationships.<sup>158</sup> The Task Force facilitated this request and also sought to recruit local volunteers for their efforts and assist in finding them free space to set up their “command center.”<sup>159</sup>

These nonprofits provided critical information and assistance during Super Bowl. One of their most important contributions was the tracking of the Backpage internet site, which advertises commercial sex with pictures of young women and men to purchase.<sup>160</sup> The research of Klass KIDS Foundation documented the expected increase in commercial sex ads as Super Bowl neared.<sup>161</sup> In December, 2011, the number of sex ads seeking to sell young men and women was 3 ads; two days before Super Bowl, the number of ads had increased to 129.<sup>162</sup> This increase in demand for commercial sex has been documented with respect to other sporting events and conferences,<sup>163</sup> so the Task Force was expecting this increase, and law enforcement was prepared to respond. As noted above, this increase is taken very seriously, as it portends a significant increase in risk for human trafficking. This demand for commercial sex fuels human trafficking; since the average age that persons are pulled into commercial sex is 12-14, there is significant risk for human trafficking when there is an increase in demand for commercial sex.<sup>164</sup> During Super Bowl week, the Indianapolis Metropolitan Police Department made 68 commercial

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<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> *See supra* note 22

<sup>161</sup> Memorandum, *supra* note 6.

<sup>162</sup> Backpage ad increases, according to *Klaas Kids Foundation*:

- 1) Thursday, January 12<sup>th</sup>: **17** ads
- 2) Thursday, January 19<sup>th</sup>: **18** ads
- 3) Thursday, January 26<sup>th</sup>: **28** ads
- 4) Thursday, February 2<sup>nd</sup>: **118** ads
- 5) Friday, February 3<sup>rd</sup>: **129** ads

*Id.*

<sup>163</sup> *See, supra* note 5.

<sup>164</sup> *See Smith, supra* note 83, at 30.

sex arrests, and 2 confirmed human trafficking victims were recovered and returned to their families.<sup>165</sup> Further, two additional suspected victims are subjects in an ongoing human trafficking investigation, and the identification of additional victims is likely.<sup>166</sup>

#### D. Human Trafficking Prevention.

One of the most important and welcome conclusions of these four nonprofits was that the significant publicity surrounding the various anti-trafficking activities of the Task Force and the legislature had a strong deterrent effect. In the experience of the Tackle the Trafficker team at four different Super Bowls and other large events, they had never seen so little street prostitution, and despite the significant number of commercial sex arrests, law enforcement sting operations included an inordinate number (as compared with the experience of local law enforcement at other Indianapolis events) of instances where the john who had arranged for a commercial sex encounter did not appear for the appointment.<sup>167</sup> Thus, it would appear that the press conferences outlining our Task Force training events, the legislative changes, and anti-demand “Don’t Buy the Lie” campaign and public pledge achieved its intended result: many traffickers stayed away, noting the hostile environment for human trafficking. As Attorney General Greg Zoeller stated, “Hoosier Hospitality does not apply to human traffickers.”<sup>168</sup>

#### V. Conclusion and Best Practices.

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<sup>165</sup> Memorandum, *supra* note 6.

<sup>166</sup> *Id.*

<sup>167</sup> *See, supra* note 161.

<sup>168</sup> Zoeller provides post-game wrap-up of anti-human trafficking campaign, Mar. 9, 2012, available at [http://www.in.gov/activecalendar/EventList.aspx?view=EventDetails&eventidn=54348&information\\_id=109028&type=&syndicate=syndicate](http://www.in.gov/activecalendar/EventList.aspx?view=EventDetails&eventidn=54348&information_id=109028&type=&syndicate=syndicate).

The IPATH Task Force and the OAG achieved the bulk of the goals that they sought to accomplish for the Super Bowl. All efforts made during this time period will be most effective if they include strategies for sustainable, ongoing efforts beyond Super Bowl week. The following are the Best Practices that made the nearly year- long effort successful:<sup>169</sup>

**Conduct Early Planning.** IPATH met with the persons who organized the previous year Super Bowl human trafficking efforts and learned from their successes and failures. In addition, the OAG and task force created outlines with clear goals early on in the process, which were used to direct and evaluate efforts throughout the year.

**Establish National Partnerships.** IPATH worked with Polaris Project and Shared Hope to determine needed changes to state law, analyze gaps in existing victim services, and receive advice regarding existing and available victim recovery materials and anti-demand campaigns. The OAG joined the Leadership Council of the Pillars of Hope, which gave the Task Force access to national resources and the ability to obtain and share information easily with other state programs. During Super Bowl week, IPATH partnered with FREE International, Klaas KIDS Foundation, Oregonians Against Trafficking Humans, and Florida Coalition against Human Trafficking, which provided Task Force law enforcement with valuable information to track perpetrators. This partnership also gave IPATH access to persons with years of Super Bowl experience and expertise in identifying and recovering human tracking victims, training and utilizing volunteers successfully, and effectively distributing victim recovery materials.

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<sup>169</sup> These Best Practices were discussed at the National Association of Attorneys General Pillars of Hope Summit meeting held Thursday, March 29, 2012. See, *supra* note 161. They were also presented by IPATH leaders at a training for the Indiana Coalition Against Sexual Abuse Annual Conference meeting held March 23, 2012.

**Develop Local Partnerships.** IPATH invited all local nonprofits and faith based and community groups who were interested in providing outreach or services to human trafficking victims during Super Bowl to join together in a collaborative effort. The groups met regularly, shared resources, and divided responsibilities, in order to maximize successful efforts with respect to: recruiting and training volunteers; providing outreach/awareness throughout the area; purchasing and distributing victim recovery materials; supporting needed legislative change; and creating and publicizing the “Don’t Buy the Lie” anti-demand campaign. These local partnerships also assisted IPATH to ensure that volunteers were properly trained and coordinated to establish a protocol with respect to the media and training materials that ensured dissemination of a consistent and accurate message. Finally, IPATH efforts to recruit local volunteers to assist in outreach strategies by both local and national nonprofits ensured a ready supply of trained volunteers to be used in future outreach efforts.

**Promote Needed Legislative Change.** As noted above, IPATH and OAG worked with national nonprofits to identify gaps in current law. Then, a legislative strategy was implemented wherein needed amendments were adopted on an expedited track so that they were implemented prior to Super Bowl week. The local IPATH partnerships identified above were also key in this process, establishing a unified front of support for the needed legislative amendments.

**Establish a Strategy for Prevention of Human Trafficking.** The most effective means of preventing human trafficking employed by IPATH to deter and discourage traffickers from coming to the Super Bowl in Indianapolis was the intentional publicity surrounding all of the Task Force anti-human trafficking efforts. IPATH designated the Indiana OAG as the primary media contact, and the Indiana OAG sought to engage the press and media frequently to spread

public awareness through a variety of press conferences, press releases, and general availability to press for interviews regarding human trafficking and anti-human trafficking and anti-demand efforts. Earlier in the year, Shared Hope had sought to purchase anti-demand billboard space at critical locations surrounding the city. However, sufficient funding was not available for this effort. Future Super Bowl anti-human trafficking efforts may want to begin fundraising efforts earlier in the year to support such a billboard campaign.

**Develop a Demand Reduction Campaign.** As noted above, demand reduction is a critical element of any successful anti-human trafficking endeavor. Until demand for the commercial sex market that fuels human trafficking is eradicated, a ready supply of human beings to supply that demand will be sought by traffickers. IPATH and the Indiana OAG encourage any anti-demand effort to use their “Don’t Buy the Lie” campaign materials.

**Develop and Seek Means to Support Local Law Enforcement Strategies.** During Super Bowl festivities, law enforcement capacity will necessarily be stretched, due to the resource demands required to manage crime control when a city accepts thousands of football fans and resulting crowds. Therefore, IPATH sought to work closely with national nonprofit experts (FREE International, Klaas KIDS Foundation, Oregonians Against Trafficking Humans, and Florida Coalition against Human Trafficking), who assisted local law enforcement to track perpetrators and recover missing children and trafficked victims. IPATH also accepted an offer from LexisNexis to pilot a new human trafficking database that will assist law enforcement to use data from many other districts to track and prosecute potential traffickers. IPATH also encourages future Super Bowl human trafficking efforts to work closely with the Super Bowl

Host Committee to collaborate and partner with respect to training and law enforcement strategies.

In conclusion, this game plan to fight human trafficking and the Best Practices above are meant to provide a practical guide to initiating any local campaign to fight human trafficking. It is critical to initiate a well planned campaign in order to successfully fight human trafficking at any large event such as the Super Bowl; this long term planning and implementation of specific strategies made the fight against human trafficking at the Super Bowl XLVI in Indianapolis a success. Further, such efforts have an ongoing benefit to the community as the partnerships formed, including collaborations between local law enforcement and nonprofits as well as with national nonprofits have a lasting impact. The knowledge and expertise gained and the volunteers recruited may be used for future events as well as for the day to day battle against human trafficking.,