

Trust Women Conference Keynote Address
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I want to thank the Thompson Reuters Foundation for inviting me to speak at Trust Women, and giving me the opportunity to meet with survivors, advocates, community, legal and business leaders. This morning I feel enormous gratitude; grateful to the survivors, whose strength gives us strength and purpose as we advocate for them in court, arguing our cases to a too-often uniformed public, and even judiciary.

I am grateful to the advocates, our partners in protecting trafficked survivors. And I am grateful to members of the media, who bring greater public awareness of sex and human trafficking.

I believe strongly that partnership is the key to our success in attacking trafficking. This gathering of so many involved people from so many points of view and life experiences shows how this partnership has grown.

Since I became the District Attorney in New York, I have learned much about human trafficking, and about many of the misconceptions the public holds, and even those in law enforcement. Nowhere is this truer than in the treatment in our justice system of prostituted women and men, women, boys and girls. By the time I created the Human Trafficking program in our office in 2012, I understood that our office, and law enforcement generally, has been late in acknowledging the link between prostitution arrests and sex trafficking.

Historically, law enforcement has paid little attention to prostitution. It was viewed as a “victimless” crime. Police would conduct sweeps of hundreds of individuals engaged in prostitution, and they would grind through the wheels of the court system quickly, with fines or perhaps a short jail sentence for repeat offenders. Inevitably, these same individuals would be back on the streets, engaging in prostitution as soon as they were released.

Today, our emphasis has changed. All prostitution cases are now diverted to a specialized court named the “Human Trafficking Intervention Court.” A prosecutor who specializes in identifying the signs of human and sex trafficking handles each case. Our approach focuses on connecting the prostituted individuals to service providers, who have representatives in court for immediate referrals, regardless of whether a case of trafficking is confirmed. The supervisor of these cases in our office is no longer the most junior assistant district attorney – as was the case when I was a young prosecutor in Manhattan. Instead, it is a prosecutor who specializes in trafficking and handles many of our long-term investigations. With greater experience and awareness, this assistant district attorney is able to identify cases which may involve sex trafficking, as well as to fashion dispositions on a case-by-case basis,

and provide chances for individuals charged with prostitution to avoid criminal convictions and seek and get the help desperately need.

Today, we take what we call a “victim centered approach” to cases of prostituted individuals, where we seek to place the victims’ needs ahead of the needs of the prosecution.

After arrest, trafficked individuals are reluctant to self-identify to law enforcement. But is at this point where our office needs to be sensitive to the needs of the victims. They need basic necessities like food, clothing and shelter. Language appropriate and culturally sensitive services must be put in place immediately to address safety, health and legal concerns. To meet these needs, we have created positions for in-house social workers to work with the victims and connect them to our NGO partners, and work to make sure there are no gaps in services provided to the victim.

Most human trafficking victims will not admit initially to being trafficked, so we train our staff to look for signs that may clue us in to whether the individuals is a trafficking victim. Inexplicable scars and bruises, tattoos, substance abuse, and other prostitution arrests are some of the signals. So is a history of sexual abuse. It is estimated that more than 90% of the women trafficking victims have been sexually abused as children.

We recently handled a case, for example, involving a 23-year old Jamaican woman. Her upbringing was so sad, but also so familiar. She came to the United States at 6 years old, and was shuttled from one uncaring relative to another. Sexually abused when she was 12, she ran away from home, and met her first pimp when she was 13. She was prostituted over and over again by a series of men, until she ended up with a pimp named Lamont Brunson. He took advantage of the abuse and conditioning the victim had suffered for years, accustomed as she was to turning over to her pimp every dime she made.

Even with the abuse she suffered, she loved him, or thought she did. She bore his child, and continued to prostitute herself even during her pregnancy. She was finally able to leave Brunson after he filed a petition in family court to take custody of their child away from her, because – ironically – he cited the fact that she was a prostitute.

Because of the relationship and unusual partnership we have developed with defense counsel in our treatment of prostitution cases with a “victim centered” approach, her court appointed attorney, assigned to her after her prostitution arrest, felt comfortable referring her to our office.

As her level of confidence and comfort with our office increased, we were able to build a case against and ultimately convict Brunson of sex trafficking, and to sentence him to state prison.

At the same time, our office was able to connect her to the social services she needed. Our social worker helped to certify her under state law as a victim of trafficking, making her eligible for essential state services. She also found housing with our assistance, and the counseling she desperately needed to build her confidence.

We also helped the victim to vacate her prior, prostitution-related convictions that were connected to her victimization from sex trafficking. In the future, as she seeks employment and re-enters the community, she will have a clean, criminal record. We also certified her as a victim of sex trafficking and supported her application for a T-visa – a federal program that allows a trafficking victim to obtain legal status and working permissions in the United States.

This is an example of what we call a “victim-centered” approach; in this case, it meant rather than prosecuting, we were patient, spending the time needed to learn the full scope of her history, helping her immediate and long term needs, and at the same time, when she became comfortable and trusted us, her testimony helped to build a successful trafficking prosecution.

Sex trafficking, at its core, is nothing more than a business. To the trafficker, a prostituted woman is nothing more than a commodity, to be bought and sold like merchandise. To prove the point, consider the many trafficking cases where prostituted women allow themselves to be tattooed with a bar code and the name of their pimp, showing his ownership, and her status as his property, to be bought and sold as he wishes.

To get a product to market in a business, you need a delivery system. Domestic traffickers in our region often use livery drivers as the delivery mechanism, paid by traffickers to move the product to market.

And of course, there is the market itself, which in trafficking cases are the “johns” who pay for sex. Without demand for prostituted individuals – the “johns” -- there would be no sex trafficking.

So now in Manhattan, we have significantly increased the prosecution of people who patronize prostitutes. In the four years I have been District Attorney, our years we have quadrupled that number of prosecutions of “johns”.

Essential to attacking the supply side by prosecution of “johns” is more intelligent enforcement. Our office implemented a mandatory health education class as part of any case involving a defendant arrested for patronizing a prostituted individual. This class,

which is informally referred to as a “johns” school – includes a portion that educates first time offenders about human trafficking and how victims are trafficked.

The same assistant district attorneys that prosecute trafficking cases are the ones who teach “johns” how traffickers exploit their victims’ vulnerabilities and how patronizing a prostitute contributes to this victimization. This program helps to dispel the myth that prostitution is a “victimless” crime, humanizes the individuals who are trafficked, and reduces the chance for recidivism by the “johns”, thereby decreasing the market.

Because we view trafficking as a business, we investigate it as we would any other business crime or criminal organization. In other words, we don’t treat trafficking cases just as a sex crime, but for what it really is: a sex crime and a business crime that has suppliers, delivery mechanisms, and a market. And that is why we have used business investigative techniques to dismantle the business of traffickers.

At the same time, knowing how difficult it is for prostituted individuals to testify against their abusers, we are using investigative strategies that enable us to prove trafficking cases that do not necessarily require the testimony of the victims themselves, but on other, objective evidence. We call this “evidence-based” prosecution.

Last year, for example, my office investigated a father and son that operated a trafficking business from Pennsylvania. From the proceeds of their lucrative business, they bought houses, expensive cars, jewelry, and maintained bank accounts and safety deposit boxes.

Livery drivers – for a fee paid by the traffickers – transported the women from Pennsylvania to New York to prostitute themselves in hotels, apartments, and the backseats of the livery limousines. Several of the women were branded and bar coded by the traffickers to show their control and dominance over the victims.

And their control was powerful. Just as in cases of domestic violence, victims of trafficking often “trauma bond” with their abusers, and refuse to cooperate with law enforcement. So we sometimes need to build cases that do not necessarily rely upon the cooperation of the trafficking victims.

In the father and son case, the women who were beaten and abused, who were tattooed, who gave every penny they earned to their traffickers, believed the same men who beat them actually “cared for” and “loved” them. Their traumatic bonding was so great that despite their abuse they suffered, they testified at trial on behalf of the father and son.

The case received attention among advocates and law enforcement community fighting trafficking because we attacked the business as a business – indicting those who led the business, the father and son, but also the suppliers, the livery drivers, as well as the “johns”

who created the market. We prosecuted every part of the enterprise, from supply to demand.

In building the case, the sex crimes attorneys worked closely with our lawyers in our major economic crimes bureau. Business crime attorneys and investigators identified the tangible financial resources and profits of the criminal enterprise – like bank accounts, safety deposits, cars and homes – so they could be forfeited.

The paper trail discovered by our financial crimes analysts that had been left by the traffickers – their accounting records, bank records, use of postal money orders, and their text messages exchanged about net profits – was as essential in proving the existence of the criminal enterprise as it would be in any case of financial fraud.

Aware that we might not be able to rely upon the testimony of the trafficked women at trial because of their trauma bonding, we built the evidence using the secretly recorded words of the traffickers themselves, using court authorized wiretaps.

Even with the prostituted women testifying on behalf of the defendants and against the prosecution, we were able to convict the father and son traffickers of money laundering and promoting prostitution and send them to state prison for lengthy sentences, the livery drivers for their role in the enterprise, and the johns for patronizing the prostituted women. In so doing, we successfully dismantled the trafficking enterprise, both its supply and demand side, and seized all the money and assets of the enterprise. But the case is a cautionary reminder to all of us how challenging these cases can be, and how deep is the trauma the victims of trafficking suffer.

We identify trafficking cases not just from information from trafficking victims. Today we use an objective and data driven approach. We have created a Financial Intelligence Unit in our office to mine a vast network of government controlled financial data to which we have access, as well as publicly available material, because sometimes the first indication we have of trafficking will come from review of a suspicious activity report, called “SARs”, or a currency transaction report filed by an employee of a financial institution, helping us to identify and trace illegal money movement and asset accumulation by the traffickers.

Among our most important partners in that efforts are the financial institutions themselves. Earlier this year, we partnered with the Thompson Reuters Foundation to host high level roundtables with representatives from some of the world’s leading financial institutions like American Express, Citigroup, JP Morgan Chase Bank, and others. The roundtables were designed in the big picture to discuss cross-border solutions to combat trafficking, and more narrowly for our office to present the methods by which we see traffickers managing their enterprises – moving money, reserving lodging as they move trafficked victims from place to

another; in short, helping to flag data points to assist the financial institutions in identifying the data they hold that may prove essential in a trafficking case.

Trafficking is at its heart a business designed to make money. And with estimates that worldwide trafficking is a \$32 billion industry annually, there is much money to be made. Because financial institutions are in a unique position to spot red flags and report them to law enforcement, they are today, and will be for the future, among our most important prosecution partners.

In Manhattan, where my office handles roughly 100,000 prosecutions each year, we are in a unique position in the fight against sex and human trafficking. We are on the front lines, interacting directly with the victims of trafficking as well as those who cause it. But we are just one battalion in a growing, global army fighting human bondage and slavery.

My goal is to make sure that as long as I am District Attorney, our office acts aggressively and intelligently. Aggressively, in that we will not be shy to take on even the toughest cases of trafficking, using the growing set of tools at our disposal and our widening set of partners, like global financial institutions.

But we must also act intelligently, and fairly. Rethinking our entire approach to prostitution cases – which we have begun in the last several years – is just a first step. I know this week, learning from all of you, we are going to move closer to our goal.

Thank you.