

United States Senate
Permanent Subcommittee on Investigations

The Online Facilitation of Sex Trafficking

Testimony of

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Thank you Chairman and Members of the Subcommittee for the opportunity to provide testimony on the critical issue of the online facilitation of sex trafficking. I currently serve as the Director of Ohio Attorney General Mike DeWine's Crimes Against Children Initiative, an effort launched in 2011 that is aimed at better protecting Ohio's children. I am assigned to the Bureau of Criminal Investigation (BCI), which is the investigative division of the Ohio Attorney General's Office. There I work alongside sworn law enforcement who are tasked with combatting crimes against children. As part of my duties in this position, I serve as the Co-Chair of the Law Enforcement Subcommittee to the Ohio Human Trafficking Commission, and I also assist in the prosecution of cases relating to the sex trafficking and exploitation of minors. Prior to my service with the Ohio Attorney General's Office, I served as a prosecutor for approximately 10 years, including more than five years of experience as an Assistant United States Attorney (AUSA). During my time as an AUSA, I primarily focused on supporting investigations and prosecuting matters concerning online crimes against children. I offer my testimony based on my experience reviewing multiple investigations involving sex trafficking and other online-facilitated crimes, as well as numerous discussions with law enforcement officers with federal, state, and local agencies around the State of Ohio who investigate sex trafficking matters. In referring to sex trafficking in this testimony, I do so by reference to how that crime is defined within federal law.¹

Like many states in the country, Ohio is faced with the heartbreaking problem of sex trafficking. The National Human Trafficking Resource Center reports that through the first six months of 2015, they processed 108 cases through their hotline involving sex trafficking in Ohio, the fifth highest amount in the nation.² Law enforcement in Ohio is aware of the problem, and substantial efforts continue to be directed at combatting sex trafficking in our state. These efforts have borne out with an increase in trafficking investigations and, more critically, more victims of trafficking being identified and offered services. Ohio law requires that data on human trafficking investigations must be forwarded to BCI.³ According to the data collected for 2014, Ohio local law enforcement agencies reported 85 human trafficking investigations leading to 98 arrests.⁴ These reports also establish that 181 potential victims of human trafficking were

¹ 18 United States Code Section 1591.

² <http://traffickingresourcecenter.org/type-trafficking/sex-trafficking> (November 16, 2015).

³ Ohio Revised Code Section 109.66.

⁴ Ohio Attorney General's Office 2014 Annual Report on Human Trafficking, available at <http://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Human-Trafficking/HTC-2014-Annual-Report.aspx>.

identified in 2014.⁵ The vast majority of these investigations and potential victims were involved with sex trafficking.⁶ These numbers represent a more than doubling of reported trafficking investigations and victims identified from 2013.⁷

Though every sex trafficking case is different, there are some features that are commonly encountered with these cases around Ohio. One feature encountered in the vast majority of sex trafficking investigations is the traffickers' abuse of online marketplace websites to facilitate the crime. In order for sex traffickers to operate, they require an inexpensive and readily available way to publically offer their victims for commercial sex acts, without subjecting themselves to being easily or immediately identified. The use of internet-based advertisements allows traffickers to reach a wide audience, while maintaining the relative (though not absolute) anonymity of the internet. These online advertisements used by sex traffickers are also intermingled with other, similar advertisements for "erotic services," making it difficult to ascertain which advertisements relate to trafficking victims, versus individuals involved in prostitution or other erotic services. For this reason, as well as the increasing presence of the internet in every commercial endeavor, sex trafficking has a strong online presence, and that presence seems to be growing.

Investigators have encountered the use of many different online marketplace websites to facilitate the crime of sex trafficking. Though it is certainly not alone in traffickers' abuse of its services, the most frequently encountered online marketplace in sex trafficking investigations is Backpage.com, a website that allows for the advertisement of the sale of a wide range of items, personal services, and other announcements that were traditionally published in the "classified" section of newspapers. On numerous occasions, minor victims of sex trafficking have been identified and recovered following their traffickers' posting advertisements through Backpage and/or other online marketplace websites that used language and images familiar to law enforcement and those involved in prostitution and trafficking as suggestive of the victim's availability for commercial sex acts.

⁵ Id.

⁶ Id.

⁷ Compare Ohio Attorney General's Office 2013 Annual Report on Human Trafficking, available at <http://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Law-Enforcement/Human-Trafficking-Reports/2013-Human-Trafficking-Annual-Report.aspx>.

Online marketplace websites, including Backpage, have made efforts to identify and stop the abuse of their services by traffickers. There is some amount of screening for illegal content, and law enforcement receives tips concerning potential illegal activity with some regularity. It remains unclear, however, precisely how that screening is done, and whether information detected through the screening process may be valuable to an investigation. It is also unclear the extent to which online marketplace websites may engage in the editing of portions of postings users submit for publishing (such as deleting obscene or other content that violates the websites' terms of service), and whether the full amount of any content edited out is retained by the online marketplace website.

The investigation by this Subcommittee concerning traffickers' use of online marketplace websites is critical in identifying any information that may assist law enforcement in more effectively combatting sex trafficking. The currency of any investigation is information, and a clear understanding of what information could be available through fuller and more uniform retention of information by online service providers – which may then be able to be acquired through appropriate legal process by law enforcement – would make a large difference in investigations of sex trafficking and other crimes. The Subcommittee and Senator Portman's questions deserve answers.

I thank you again for the opportunity to assist in addressing this critical issue.