Strengthening Efforts within the Financial System to Combat Human Trafficking

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Challenges and opportunities in the identification of trafficking

My name is Crysta Price. I am the Founder & CEO of HTI Labs, a research center in the heartland, which has its roots in the Human Trafficking Initiative at Creighton University. I have been studying and working on the issue of trafficking for seven years, and I have learned that sex trafficking is complex.

The nature of the crime makes it difficult to identify and prosecute. Traffickers, of course, have an incentive to hide their criminal activities. Additionally, many trafficking victims have difficulty coming forward – because they fear prosecution for prostitution (a fear traffickers encourage), because their traffickers often are intimate partners, leading to the complex victim-offender relationships that many domestic violence victims experience, or because of the trauma they have experienced. The hidden nature of the crime is the reason why trafficking estimates are often inconsistent or inaccurate. As an academic community, we do not know the scope of the problem. Furthermore, most conclusions about trafficking are based on a small portion of survivors who have been able to come forward.

We recently hosted the first-ever international conference specifically for human trafficking research. This gathering brought together the best scholars working on this issue from over 19 countries and technology companies working to leverage online commercial sex content for law enforcement. The running theme was that there is a dearth of intellectual rigor and scientific approaches in anti-trafficking efforts. You cannot combat something that you do not understand, and you cannot understand something without analyzing it or seeing it. In short, it all comes down to a lack of reliable data, which is caused by the difficulty of identifying trafficking. Well-developed data infrastructure is required to overcome this challenge.

In partnership with front-line agencies across the community, this is exactly what we work toward: developing the infrastructure for ongoing data collection that brings together data from across contexts to identify victims and hold perpetrators accountable. We work to:

- Integrate agency systems to link existing data on known cases to reliably track incidents through the criminal justice system. Currently this data includes domestic violence incidents, but as enforcement actions against trafficking become more common, we will work to include those as well. This data is critical for understanding overlaps between domestic violence and human trafficking and for assessing risk so that we can intervene appropriately to prevent revictimization.
- Create data that does not yet exist to help identify the hidden victim population. This involves leveraging new sources, such as scraping online content to create leads for law enforcement.
- Develop better community-wide processes for more effective victim identification, response, investigation, and support in order to increase the likelihood that survivors come forward and that we recognize a situation as trafficking when we have the chance to do so. For example, we have developed legislation that allows survivors to clear their record for crimes they were forced by their trafficker to commit. We have also built software with screening tools, automatic reporting, and service resources for survivors.

These efforts are united by the understanding that it is nearly impossible to identify trafficking from one source alone. It necessarily requires community partnerships, where financial institutions (FIs) play a key role.

Existing efforts to identify human trafficking in the financial sector

Financial institutions have undertaken praiseworthy efforts to develop indicators and red flags to identify trafficking and to share these indicators throughout the industry. Here I provide a brief overview of some of these actions.

- In 2010, JP Morgan's Financial Intelligence Unit began partnering with the Department of Homeland Security to "create typologies that could identify financial transactions and certain account attributes that were worth investigating."[1] Essentially, they classified certain geographic locations and types of businesses as higher risk for trafficking based on publicly sourced information. When coupled with certain types of transactions – credit card charges at certain hours of the night, for example – this would trigger a suspicious activity report (SAR) being sent to the U.S. Financial Crimes Enforcement Network (FinCen).

- The Thomson Reuters Foundation established a Banks Alliance in 2013 in partnership with the Manhattan District Attorney, Cyrus R. Vance Jr. The following year, they published a set of red-flag indicators that provided the basis for a subsequent FinCEN advisory to financial institutions.[2] This advisory includes examples of red flags worth investigating, such as a business account without normal payroll expenditures (e.g., wages or payroll tax).[3]

- In 2017, FinCEN announced the addition of human trafficking as a suspicious activity type in the SAR system.[4] Previously, human trafficking had to be reported by using the "other" box, making it difficult to track trends in reporting. According to publicly available SAR statistics, the earliest trafficking-related SAR was filed in July 2018.[5] Between July and December, there were 177 human trafficking-related SARs nationwide and two here in Nebraska. This year, 2,119 human trafficking-related SARs have already been filed nationwide as of August 22. Fourteen of these originated in Nebraska.[6]

- Building on the original Banks Alliance, in 2017 Thomson Reuters Foundation created a series of regional multi-stakeholder working groups that support financial institutions to fight human trafficking using their data. Each regional Banks Alliance working group is dedicated to mapping the financial footprint of human trafficking in the banking system and developing red flag indicators of suspicious activity, tailored to the region.[7]

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[1] Bain, C. Metallidis, E. Shelley, L. (2014, December). *Hedging risk by combating human trafficking: Insights from the private sector*. Cologny-Geneva, Switzerland: World Economic Forum. Retrieved from http://www3.weforum.org/docs/WEF_Human_Trafficking_Report_2015.pdf

[2] Thomson Reuters Foundation. (2018, July 19). *Thomson Reuters Foundation launches resource to help financial institutions tackle human trafficking* [Press release]. Retrieved from https://www.trust.org/i/?id=928ac731-8e74-40db-985a-5e5a4464a86b

[3] Financial Crimes Enforcement Network (2014, September 11). *Guidance on recognizing activity that may be associated with human smuggling and human trafficking– Financial red flags*(Report No. FIN-2014-A008). Washington, DC: U.S. Department of the Treasury. Retrieved from http://www.fincen.gov/statutes_regs/guidance/pdf/FIN2014-A008.pdf.

[4] Bethencourt, D. (2017, March 20). *FinCEN proposal draws attention to human traffickers*. Retrieved from http://files.acams.org/pdfs/2017/FinCEN_Proposal_Draws_Attention_to_Human_Traffickers.pdf?_ga=2.20548472.1123867303.1567092469-735568195.1567001600

[5] Financial Crimes Enforcement Network. (n.d.). Suspicious activity report statistics (SAR stats). Retrieved from https://www.fincen.gov/reports/sar-stats

[6] Ibid.

[7] Thomson Reuters Foundation. (2018, July 19). *Thomson Reuters Foundation launches resource to help financial institutions tackle human trafficking* [Press release]. Retrieved from https://www.trust.org/i/?id=928ac731-8e74-40db-985a-5e5a4464a86b

There is some evidence that the red flag approaches which have dominated the financial industry's response to trafficking are matching some on-the-ground experiences. For example, Polaris surveyed 99 trafficking survivors who had interacted with the financial system during their victimization and asked them whether they believed FinCEN's indicators of human trafficking occurred during their victimization.[8] A substantial number of victims felt their traffickers acted in a way that corresponded with a red flag. Fifty-seven percent of respondents felt their traffickers tried to conceal income or its sources. Forty-five percent of respondents felt their traffickers' lifestyles were inconsistent with their stated incomes. And 28% of victims reported being escorted to the bank.[9] In addition, the growth of human trafficking-related SARs reports indicates that financial institutions are observing red flags in their data. However, while the red flag approach may reveal a subset of instances of trafficking, it likely misses many others. Finding these missed instances requires shifting from static red flags to active, ongoing information sharing between financial institutions, data scientists and social scientists who can uncover trafficking, and law enforcement officials who can investigate it.

Limitations to the red flag approach with financial data alone

It is exceptionally difficult to identify trafficking from financial data and general trafficking indicators for at least three reasons. First, traffickers' financial behaviors may be very similar to those laundering other illicit gains. For example, in the previously mentioned Polaris study, 57% of the survivor sample felt their traffickers tried to conceal income. This raises the question of how many people who have tried to conceal income *are not* traffickers.

Second, the crime of trafficking is defined by elements of force, fraud or coercion which can be difficult to determine from financial data alone. Even if a financial institution identifies transactions associated with commercial sex, that does not necessarily indicate the person selling sex meets the legal definition of a sex trafficking victim. The information necessary to establish trafficking comes from thorough investigations that involve non-financial sources.

Third, the commercial sex market in general and specific trafficking organizations in particular have shown themselves to be extremely adaptable in the face of attempts to limit their activity by the financial sector. A few examples illustrate this point.

The first example comes from an investigation we assisted in involving a nationwide trafficking network. I discuss this investigation in more detail later, but one element of it speaks to the adaptability of traffickers. This particular organization had bank accounts flagged as suspicious and shut down by financial institutions. The traffickers continued their operations and simply shifted to using Western Union transfers rather than traditional bank accounts.

The second example comes from the history of the broader commercial sex industry. The now-shuttered website Backpage.com, which was similar in appearance to Craigslist, once accounted for 80% of all online commercial sex advertising.[10] While the website was meant to only advertise adult

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[8] Anthony, B. (2018, July). *On-Ramps, intersections, and exit routes: A roadmap for systems and industries to prevent and disrupt human trafficking*. Washington, D.C.: Polaris Project. Retrieved from https://polarisproject.org/sites/default/files/A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking - Financial Industry.pdf
[9] Ibid, 23.
[10] AIMGroup. (2013, July 10). *Online prostitution-ad revenue crosses Craigslist benchmark* [Press release]. Retrieved from https://aimgroup.com/2013/07/10/online-prostitution-ad-revenue-crosses-craigslist-benchmark/

escorts, Backpage itself turned in over 400 potential minors every month, and 71% of the child sex trafficking reports received by National Center for Missing and Exploited Children (NCMEC) involved ads posted on the site.[11,12] Some financial institutions, such as PayPal and First National Bank, therefore attempted to flag transactions to Backpage as a highly relevant risk indicator. In 2015, Mastercard and Visa ceased processing credit card transactions for the website. Backpage responded in two ways. First, it opened up a period of free advertising, which caused online advertising for commercial sex to skyrocket.[13] More importantly, Backpage assisted customers in transitioning to alternative forms of payment. As a result, the industry started using Bitcoin and cash, making the transactions far more difficult to trace. These examples demonstrate that anti-trafficking efforts must be as adaptable as criminal trafficking networks.

Data-sharing partnerships to combat trafficking

Efforts to detect human trafficking within the financial sector are laudable. They demonstrate the commitment of many within the industry to helping victims and limiting the ability of traffickers to profit off their victimizations. However, the most effective response to trafficking requires networked data across multiple sources coming together to predict whether trafficking is taking place, and then receiving an actual answer so that algorithms can be updated. Algorithms require feedback to improve, and the unfortunate reality is that while financial institutions may attempt to detect and report trafficking via a SAR, it is exceedingly unlikely that they will ever know if the situation actually constituted trafficking. To build even more effective efforts, we must encourage ongoing and sustainable data sharing between anti-trafficking actors from many sectors (including the financial sector, law enforcement and research centers). This will allow for thorough investigations that stop trafficking as opposed to merely displacing it, identify victims and connect them with needed resources, and effectively respond to adaptations by traffickers.

Financial data must be linked directly to ongoing and actionable data reflecting the risky industries that trafficking takes place within. However, generating data on these broader industries is quite complex – it involves web scraping and artificial intelligence, neither of which is a small investment. Partnerships between financial institutions and entities already doing this work such as Memex, Thorn or HTI Labs are therefore the most feasible way to connect financial and commercial sex industry data.

At HTI Labs we have engaged in serious conversations with local financial institutions about accessing our data to use as an additional red flag. Issues for consideration have included:

- *Volume:* How many accounts would our data link to? Would the financial institution have the internal capacity to investigate such a rapid increase in accounts being flagged? Would law enforcement have the capacity to investigate such a rapid increase in SARs?

- *Effect:* Would the increase in investigations actually lead to an increase in prosecutable cases? Put another way, would this data sharing create *good* leads for human trafficking? Would it help distinguish voluntary commercial sex activity from trafficking?

[11] McPherson, J. (2011, September 16). Backpage.com's ongoing failure to effectively limit prostitution and sexual trafficking activity on its website [Open letter]. Retrieved from https://atg.sd.gov/docs/Joint AG Letter to Backpage.com.pdf

[12] Shesgreen, D. (2015, November 19). Senators threaten sex ad website CEO with contempt. *USA Today*. Retrieved from https://www.usatoday.com/story/news/politics/2015/11/19/senators-threaten-sex-ad-website-ceo-contempt/76066726/

[13] HTI Labs' automated daily collection of Backpage ads showed a dramatic spike in the number of ads posted during this period. Evidence indicates that some in the industry took advantage of the free ads to test new markets by posting ads in new locations.

- *FI Response:* Would the financial institution respond by closing the accounts, and if so on what timeline? If law enforcement quickly determines that a certain account is connected with a prosecutable trafficking case, then they will often ask the financial institution to keep the account open throughout the course of the investigation. However, if law enforcement needs more time to determine whether trafficking is occurring, from an investigatory standpoint it could be ideal for accounts to remain open. If the volume of such accounts is high, this would constitute a major shift in the way that FIs usually handle SARs.

Given the uncertainty, we recently decided to do a controlled experiment with Homeland Security Investigations (HSI) and PayPal. We provided high-risk leads to our HSI partners, who then passed the information to PayPal to determine the degree to which our data could be linked to their financial data to identify individuals in the network. While this pilot project is still ongoing, many of the leads were able to be linked to PayPal accounts. This pilot test illustrates the promise of greater cooperation and information sharing between law enforcement, financial institutions, and research centers.

Collaborative strategies to identify human trafficking

Information sharing across government and other sectors is not a new challenge. Overcoming this challenge requires partnerships, sustained focus, and the resources to build the infrastructure that makes it possible. Over the past few years, our community has been piloting a vision here in the heartland showcasing exactly how it can work. As a community, we have leveraged research and technology in partnership with law enforcement, non-profits, and financial institutions to identify and respond to trafficking in a smarter, more sustainable way.

We take a two-pronged approach to understanding trafficking. On one hand, we conduct basic research to map as much as possible of the larger commercial sex market. On the other hand, we work with law enforcement and service providers to identify specific instances of trafficking within that industry. This allows us to estimate and study the portion of commercial sex that involves trafficking. The more feedback we get from our community partners, the better the estimates and the research become.

We identify traffickers by first identifying sex providers who might be trafficked and then investigating their potential traffickers. We do it this way because traffickers are far less visible than sex providers — sex providers need to advertise or communicate with buyers in some way and therefore cannot be completely underground. We use web crawling to automatically detect and scrape this communication at scale and then we use data science to generate accurate reflections of individual sex providers and their networks in the industry.

To assess the likelihood that a given sex provider might be trafficked, we engineer information that helps us predict their market segment, because trafficking works differently in different segments of the market. For example, in the escort service segment, recruitment tends to involve fraudulent job offers or feigned romantic interest, and most victims are U.S. citizen women and girls. On the other hand, in illicit massage parlor networks, most victims are women in their thirties to fifties from East Asian countries who are either recruited by larger operators in their home country or who are

immigrants with limited English looking for work in the U.S.[14] We also look for signs of exploitation, whether through age, nationality, or having a facilitator or manager. This is another reason we need more than red flags; indicators of risk differ depending on traffickers' business models. Put another way, there are almost no shared risk factors across all of these sex trafficking cases that could serve as a useful filter. Based on this incomplete online information, we predict trafficking risk and push the high-risk leads to our law enforcement partners via an online platform that we developed.

Next, we facilitate turning those leads into investigations and ultimately prosecutions. Investigations center on the questions of "*who is this sex provider in real life*" and "*who is the common person between the providers in the network*?" Most importantly, we ask, "*is this situation trafficking*?" To answer these questions, our community seeks to avoid the classic tactic of engaging in sting operations, because these operations place a burden on victims to instantly trust law enforcement more than they fear their traffickers. When victims do not immediately disclose their status, sting operations can result in victims being arrested for crimes they were forced to commit. Instead, we conduct long-term data-driven investigations, shifting the focus away from relying so heavily on victims.

Thorough investigations involving offline sources of data are critical to understanding when a situation is more likely to be trafficking than voluntary commercial sex activity. For example, classic "push" factors to trafficking include a history of childhood sexual abuse, domestic violence, or system involvement. The utility of this information has informed our strategy in working with our law enforcement and service providers to make use of this existing information and leverage it at scale to dramatically improve the accuracy of our trafficking algorithm, creating better leads.

This whole process is characterized by information exchange throughout the investigation. Afterward, we debrief with partners in law enforcement and among service providers to make sure we learn as much as possible to improve not only our algorithms, but also our overall response. The examples detailed below demonstrate the importance of integrating our data with data from other sources.

Case Study #1: Dismantling an international Asian network and using financial data

The utility of financial data is highlighted by our largest case to date, which involved the unmasking of an international Asian commercial sex network.

We provided an initial lead to HSI of a large-scale network trafficking young Asian women across the country, which included a heavy presence in Omaha. Many of these women did not speak English and were required to see more than ten sex buyers in a single day.

The lead resulted in the dismantling of the two largest domestic and international sex trafficking organizations identified in the U.S. to date. These investigations resulted in numerous arrests of organizational leaders and the seizure of over three million dollars of illicit funds. Most importantly, many victims have been offered services to rebuild their lives.

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[14] Polaris. (2017, March). *The typology of modern slavery: Defining sex and labor trafficking in the United States.* Washington, D.C.: Polaris. Retrieved from https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf

Working off of the lead we provided, law enforcement was able to find a receipt for a bank transaction, which led to the identification of an email address. Sharing this email address with our research center allowed us to identify additional ads that belonged to the network. These additional ads revealed just how widespread the network was as well as potential suspects. HSI used this information to determine which ads to subpoena, and in turn the subpoenaed Backpage data allowed us to understand the organizational structure of the network.

In this network, women were advertised in nearly every state across the country, but the ads were all posted from only three locations. This fact revealed that the network was operating out of call centers that dispatched the victims. When HSI compared our data with account data from financial institutions, they were able to map movement and further uncover the ring leaders. In so doing, they discovered that one of the dispatch center locations belonged to the potential suspect, who regularly received deposits from 30 different financial accounts.

Further investigative work by HSI revealed that sex buyers generally paid cash directly to sex providers, who then paid the dispatcher a certain percentage. As previously mentioned, this network switched from using wire transfers directly into bank accounts to using Western Union. The sex providers also used WeChat to send money to family in China via a bank account-to-bank account transaction. Beyond proof of concept for the collaborative model, this work greatly advanced our collective understanding of the sex trafficking industry.

Case Study #2: The need for more information to investigate a Russian Organization

While financial data has not always found its way into our efforts, it would have been useful in several cases. In one such case, we brought to law enforcement's attention a lead on a Russian sex provider that we believed to be trafficked. On the same day we provided the lead, law enforcement recovered the sex provider and determined that she had been trafficked by an international organization based in Russia.

The organization sent women to the U.S. on visitor visas. For the 90 days covered by the visas, they dispatched the women from city to city, to include Omaha, on pre-planned "dates." The organization falsely promised the women autonomy and the ability to keep all of their earnings. In reality, the organization took nearly all of their earnings and forced them to do far more than they agreed to. While the traffickers worked hard to ensure that the women did not have contact with one another, the young woman identified in our lead stated that the organization had threatened that the victims' families would be informed about their engagement in commercial sex if they did not show up for a "date."

This is a case that likely would have benefitted from further investigation that incorporated financial data. Without financial data or a cooperative witness, local law enforcement was unable to identify the individual perpetrators and move forward with the case.

Case Study #3: Connecting the dots to identify a legally low-functioning victim

Apart from financial data, the integration of data from serval sources has almost always proven important. The identification and recovery of a legally low-functioning victim of trafficking highlight the value of bringing together government data from several different sources with open-source data.

In this case, we noticed one woman who was frequently identified in "two-girl" ads with a second woman. Pursuing the possibility that either of them might be trafficking victims, we found that sex buyers had reviewed the primary victim as "slow," "sleepy," or "shy."

In response to our lead, law enforcement set up an operation to provide outreach, where they responded to the first woman's online advertisement and set up a "date" with her. While waiting for her to show up, we worked with law enforcement to investigate the lead more deeply. We discovered that six months earlier, an Adult Protective Services investigation determined that she was very low functioning and that she lived with a man, her trafficker, who sold her for sex and from whom she stated she was unable to escape.

Other law enforcement records indicated the man was a repeat perpetrator of domestic violence against both of the women advertised in the two-girl ads in our database. A report on the second woman in the two-girl special revealed that she had been in the process of disclosing that she was being trafficked during a visit to the ER when the trafficker appeared. The victim instantly shut down and the two of them left.

Because of this contextual information, when the first woman showed up to the law enforcement operation with a script from her trafficker telling her what to say and do for her "date," she was immediately connected to services.

Case Study #4: The role of community partnerships in combatting a large-scale trafficking network operating out of Omaha

The most long-term investigation we have been involved with to date is one that could not have occurred without trusting relationships with local service providers.

We uncovered a large-scale trafficking network in the heart of Omaha. After developing an initial lead for law enforcement, a local service provider reached out to ask if I would be willing to sit down with a trafficking victim who wanted to see if there was anything I could do to leverage her information and turn it into a lead for law enforcement to investigate. It turned out that the survivor was one of the key victims in this large-scale network we had already uncovered. She was sold from trafficker to trafficker and was only able to run from the situation when her trafficker was arrested for domestic violence after nearly beating her to death. Even then, he sent sex buyers to the shelter she was staying at, causing her to move out of the state. Her disclosure helped propel our lead to the forefront of law enforcement's attention.

After more than two years of providing investigative support on this case, it is still ongoing and involves over 40 victims and four traffickers. Many of the victims have been connected to services but are too afraid of their traffickers to cooperate with law enforcement. Unfortunately, the shutdown of Backpage.com around this time made the case more difficult by making it impossible to prove the veracity of digital evidence. Nonetheless, in August 2019 the first of the traffickers pled guilty. Subsequently, the survivor with whom we originally spoke felt safe enough to return to Omaha.

Incorporating financial data for stronger identification of trafficking

Our goal is to continue this work at scale in a way that mimics the back-and-forth investigative process. Integrating government and financial data with our open-source data would result in more effective algorithms. In fact, even modest information sharing would result in improved trafficking predictions, because it could help incorporate precisely the types of contextual information that are critical to distinguishing trafficking from other related situations.

For example, imagine that four women are regularly sending Jane Doe large chunks of money. There are countless explanations for this pattern in isolation. But criminal justice data could reveal that Jane has a long history of prostitution charges and has been a victim of several domestic violence attacks by her boyfriend. Open-source data could further show that Jane's boyfriend's phone number is being used to advertise five women in commercial sex ads online. With insights from these different data sources, it becomes clear that we have probably just identified a trafficker and five potential victims. We also know that Jane is likely the trafficker's "bottom," an industry term referring to a victim forced into being a trafficker's deputy, tasked with keeping the other four women "in line."

This full scenario would be nearly impossible for a bank or law enforcement to identify on their own. While open-source data and algorithms could identify the network as a lead, they would struggle to identify the trafficker. Unfortunately, without identifying the trafficker, the victim acting as the bottom appears to be the perpetrator in the situation. In this example, data integration allows the identification of the trafficker and makes the difference between an actionable investigation and a dead-end lead. Actionable investigations in turn help hold offenders accountable and allow us to build stronger future trafficking predictions.

Many stakeholders have identified the need for better data sharing to facilitate the identification of trafficking but have also pointed out the significant hurdles to its full implementation.[15] In our experience, long-term, trusting relationships among different institutional actors help overcome these hurdles. The goodwill that exists across the political spectrum to do something about trafficking makes such relationships possible.

Recommendations

I am pleased that the Subcommittee has called this hearing and drawn attention to the crucial issues related to human trafficking and its intersection with the financial sector. Government actions could play a critical role in strengthening the work that is already happening.

Support for public-private investigative partnerships: There are several ways the government can support the public-private partnerships that can meaningfully combat trafficking.

Government efforts can assist entities to overcome hurdles to data sharing. A challenge that our partners at HSI face is that there is no information-sharing mechanism for investigating trafficking, in contrast to drugs and other crimes. This could be addressed by creating a national center similar to the

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[15] Anthony, B. (2018, July). *On-Ramps, intersections, and exit routes: A roadmap for systems and industries to prevent and disrupt human trafficking.* Washington, D.C.: Polaris Project. Retrieved from https://polarisproject.org/sites/default/files/A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking - Financial Industry.pdf

National Center for Missing and Exploited Children (NCMEC) that can integrate open-source, law enforcement and financial data. More modestly, the government could provide guidelines for how to structure public-private partnerships and disseminate examples of the data-sharing agreements and memoranda of understanding that underlie them.[16]

Even if entities understand how they could establish long-term partnerships, actually doing so requires significant effort. Providing funds for law enforcement to pursue long-term partnerships with researchers and financial institutions can help incentivize and sustain the necessary shift.

Facilitating access to electronic records: Outside of the particular realm of the financial system, the government can help facilitate the detection and prosecution of trafficking by 1) easing access to past Backpage records and 2) working with other governments to make it easier to access the data of foreign companies that host advertisements for commercial sex.

- *Accessing Backpage Data in a Post-Backpage Environment*: One particular challenge arises from the shutdown of Backpage.com. Two examples from HTI Labs' work highlight the resulting obstacles. First, a multi-year investigation into a large trafficking network resulted in the main perpetrator being charged with Mann Act violations rather than human trafficking because a key piece of evidence proving that he advertised an underage individual was contained in a Backpage ad. Backpage's servers, and all of the data on them, are in the custody of the FBI, which is not responding to many subpoena requests from law enforcement. A streamlined process for accessing the Backpage data could facilitate prosecutions. Outside of the obvious need for prosecuting cases, this database holds the potential for a wealth of actionable information. For example, by analyzing the subpoenaed Backpage data in our collaboration with HSI on the Asian network, we uncovered the organizational structure of the network. The full Backpage database should be available in raw form to law enforcement and their Memorandum of Understanding (MOU) partners.
- *Accessing Current Commercial Sex Data in a Post-Backpage Environment*: In response to FOSTA/SESTA legislation and the closing of Backpage, many websites currently hosting ads for commercial sex now operate in foreign jurisdictions, increasing the hurdles for law enforcement in obtaining their data. For example, two websites that gained popularity after Backpage's shutdown – List Crawler and Skip the Games – both operate from the Netherlands. The Federal Government could help ameliorate this problem by establishing agreements with relevant governments for processes to access these data more expeditiously.

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[16] For an analogous example in the domain of education research, see Shaw, S. H., Lin, V., & Maxwell, K. L. (2018, June). *Guidelines for developing data sharing agreements to use state administrative data for early care and education research* (Report No. 2018-67). Washington D.C.: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services. Retrieved from https://www.acf.hhs.gov/sites/default/files/opre/guidelines_for_developing_data_sharing_agreements_508_7_16_18_508.pdf

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