

## Loretta Lynch's false claim on sex trafficking arrests

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*“The FBI conducted its ninth annual ‘Operation: Cross Country’ initiative against those who traffic in children for sexual exploitation, resulting in the arrest of hundreds of sex traffickers.”*

**—Attorney General Loretta Lynch, remarks at the 84th Interpol General Assembly in Kigali, Rwanda, Nov. 3, 2015**

U.S. Attorney General Loretta Lynch (Photo by Andrew Harnik for The Washington Post)

This is a story about how the language regarding the crime of sex trafficking has become so fuzzy that even the nation's top law enforcement officer can speak before an international audience and utter wildly inflated statistics.

Throughout 2015, The Fact Checker has dug into dubious statistics concerning sex trafficking, so this recent speech by Attorney General Lynch caught our eye. Lynch has taken a keen interest in sex trafficking, recently announcing more than \$44 million in grant funding to combat human trafficking in the United States, including supporting law-enforcement task forces and victims services organizations. She devoted a significant part of her speech to Interpol to discussing sex trafficking.

But laudable efforts to help victimized children can be undermined when advocates resort to hyperbole to tout their success. Let's explore how that happened here.

### The Facts

“Operation Cross Country” is an annual event that in which sting operations are conducted in more than 100 cities — in hotels, casinos, truck stops and the like — in an effort to find children ensnared in the sex trade. The three-day effort, first begun in 2008, generates a lot of media publicity, but the sweeps result in far more adult prostitutes being arrested than children being located.

Calvin Shivers, chief of the FBI's section on violent crimes against children, said that Operation Cross Country is “an opportunity to focus in” on the problem and “creates a lot of media attention.”

The FBI's news release in October noted that the nationwide sting operation resulted in "the recovery of 149 sexually exploited children and the arrests of more than 150 pimps and other individuals." The news release said the "enforcement action" took place in 135 cities; so slightly more than one child per city was found.

First, note that Lynch spoke of "hundreds of sex traffickers" and the FBI release only mentioned "more than 150 pimps." How does that math work?

Peter Carr, a DOJ spokesman, blamed an editing error when Lynch's speech was written. The speech initially referred to the collective Cross Country operations, he said, but it was then changed to only focus on this year's effort — and officials failed to correct the figures. He said the sentence was originally supposed to say: "Collectively, thousands of law enforcement officers from hundreds of agencies have participated in the Cross Country operations, resulting in the arrest of hundreds of sex traffickers."

But this revised sentence is also problematic. Neither DOJ nor the FBI can provide evidence that "hundreds of sex traffickers" have been arrested through Operation Cross Country — unless one plays fast and loose with legal language.

The FBI, for several years, used to reveal exactly how many people were rounded up through Cross Country, essentially exposing the fact that the effort to find exploited children also led to the arrests of hundreds of adult prostitutes and their customers. (By recovered, the FBI says it is referring to "the removal of the child from the victimization and work with social service entities to place the child victim in a safe environment." The FBI insists no one under the age of 18 is arrested for prostitution.)

Here are the numbers:

**June 2008:** 389 people arrested (21 children recovered)

**October 2008:** 642 people, including 518 prostitutes, arrested (49 children recovered)

**February 2009:** 571 people arrested (49 children recovered)

**October 2009:** "nearly 700" (52 children recovered)

**Nov. 2010:** "Nearly 885 others" arrested (69 children recovered)

Then, after 2010, the "others" arrested was dropped from the news releases. Instead, officials only listed the number of juveniles recovered and "pimps" arrested, though there is little indication that many of the pimps were related to the children recovered.

The next FBI news release, issued in June of 2012, said 79 children were recovered and 104 pimps were arrested, a suspiciously high pimp-to-child ratio.

In all, nearly 3,200 people, almost all adult sex workers, were arrested between 2008 and 2010 by local authorities as part of the effort to find 240 children involved in the commercial sex trade.

FBI officials say they no longer report these numbers because this is a matter for local jurisdiction.

“We conduct these operations with a large number of state and local law enforcement counterparts,” said FBI spokesman Christopher Allen. “Many of those other law enforcement agencies make arrests pursuant to non-federal charges. The FBI no longer attempts to collect such numbers for non-federal arrests. We did once; we do not now.”

Sex worker activist Emi Koyama checked local news releases and found that 944 adult sex workers were arrested in 23 of the 76 cities that released data in the 2013 operation (105 children recovered) and 985 sex workers were arrested in 28 of the 106 participating cities in 2014 (168 children recovered).

Elizabeth Nolan Brown of Reason magazine found at least 300 sex workers were arrested as part of the 2015 operation, by doing a spot check of various news releases by local municipalities, but it's an incomplete list. We also have no data for the 2012 operation. But overall, the numbers suggest that at least 6,000 adult sex workers—and probably far more—have been rounded up as part of an effort that found 738 children engaged in the sex trade. That's an 8:1 ratio.

In some cities, the ratio is startling. During the 2015 operation, for instance, the Sacramento FBI field office announced that it had located five underage children, seven pimps and also arrested 90 adults “for various offenses including probation violations and prostitution-related charges.” In Iowa, 10 adults were arrested (five for prostitution and five for soliciting sex), but no minors or pimps were found. In Mississippi, two minors were found, 24 adults were arrested on prostitution and other charges — and no pimps were arrested.

Moreover, the FBI numbers are based on initial reports but apparently are not updated for actual charges. After Operation Cross Country in 2014, the FBI announced three pimps had been arrested in Anchorage, but Tara Burns, a sex worker activist, filed a public records request and found no charges were ever filed. In Virginia Beach this year, the FBI initially announced 10 pimps had been arrested, but the Virginian-Pilot later reported that two people had been released after determining they were not involved in prostitution — and two more of the alleged pimps were juveniles themselves. (Juveniles are not charged under federal sex trafficking laws.)

The Justice Department cannot provide evidence that hundreds of sex traffickers were arrested through Operation Cross Country, but argues it is justified to make the claim. “We believe it's well within reason to state that among the thousands of adults arrested in conjunction with these 738 children rescued, ‘hundreds’ of these adults were engaged in the prostitution of children,” Carr said.

Officially, the data show that at least 920 pimps have been arrested. Allen of the FBI said that the FBI considers every pimp to be a sex trafficker.

The Trafficking Victims Protection Act of 2000 (TVPA) includes language that allows politicians and law enforcement officials to offer such slippery reasoning. In the law, there is a broad definition of sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” But the operational part of the act for federal crimes — what is used for prosecutions — says that sex trafficking occurs when 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.”

Janie Chuang, an American University law professor who has closely studied the law, said that when it was drafted there was a “huge fight” over whether to include the force/fraud/coercion requirement. “The compromise was to include ‘sex trafficking’ (not requiring FFC) as a defined term in the legislation, but to reserve most of the operational provisions of the TVPA (e.g., criminalization, victim protection) to ‘severe forms of trafficking in persons’ (requiring FFC),” she said. “So we could use the rhetoric of sex trafficking more broadly, but government interventions would focus on the severe forms.”

In other words, law enforcement officials rhetorically claim they have caught sex traffickers, even though under the law they could not bring such charges unless they could prove the pimp was arranging for the sale of children or using force, fraud or coercion to promote prostitution.

“Those arrested in conjunction with this operation who are engaged in the prostitution of children fall within the definitions provided by the TVPA, regardless of whether or not the individual arrested is ultimately charged under federal sex trafficking laws,” Carr said.

As we have shown from examining numerous local news accounts of the arrests, there is little evidence that many of the pimps arrested were trafficking in underage women. Moreover, two major studies of children in the sex trade in New York City and Atlantic City, funded by the Justice Department, found that 90 percent reported that they had no pimp. That would suggest that even with 738 children recovered, the number of associated pimps (“sex traffickers”) was under 100.

Operation Cross Country — the cost which the FBI declined to reveal — is just one part of the government’s effort to recover children in the sex trade. A yearlong effort known as Innocence Lost, begun in 2003, has recovered 5,132 children over 12 years, including 968 alone in the 2015 fiscal year, the FBI said.

While Operation Cross Country is supposed to focus on juveniles, in recent years it ended up yielding at least five times as many adult sex workers as children. Perhaps that is a factor that encourages local law enforcement agencies to participate, as it helps boost their vice arrests. Since 2008, more adult sex workers have been arrested through Operation Cross Country than all of the juveniles who have been recovered through Innocent Lost.

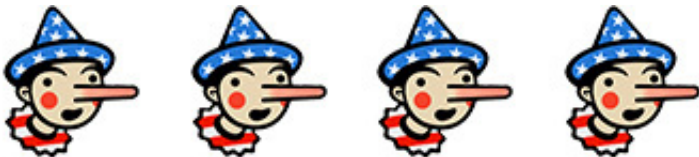
## The Pinocchio Test

As always, the burden of proof rests with the speaker. Lynch's speech, as delivered, was clearly false, and a prominent correction\* should appear on DOJ's Web site. But even the revised language is misleading and unproven, given there have been no records kept of the number of pimps who were arrested specifically for trafficking in underage children.

Instead, government officials appear to believe they can boost their success rate by slapping the word "sex trafficker" on adults who have been arrested even though such charges have not — and could not— be brought in a court of law. The goal of rescuing children from the sex trade is laudable, but the effort is undermined when the statistics are cooked.

(\*After this column appeared, the Justice Department changed the text of the speech, still listed as "remarks prepared for delivery," without noting it had been corrected—and still making the false assertion about sex traffickers that earned Lynch Four Pinocchios.)

## Four Pinocchios



*U.S. Attorney General Loretta Lynch (Photo by Andrew Harnik for The Washington Post)*