

Forced Criminality

Understanding Human Trafficking through the Lens of Utah's Victor Rax Case¹

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The biggest human trafficking case in Utah history did not look like what anyone would have expected. As human trafficking awareness has risen across the United States and the globe, there are still blind spots that prevent law enforcement from recognizing the exploitation of the most vulnerable people in their communities. Research shows that most people in the United States understand that human trafficking exists in the country, but only 20 percent believe it happens in their own communities.² To bridge this disconnect, law enforcement must learn to see abusive and exploitive circumstances through a human trafficking lens, even if those circumstances do not match how movies, television shows, or even well-meaning awareness campaigns portray human trafficking within the United States. The reality of human trafficking is that it most commonly involves an offender who positions themselves as being trustworthy and then identifies, recruits, and exploits vulnerable individuals to turn a profit. The same tactics used to identify, recruit, and coerce victims are also designed to allow the trafficker to escape accountability. However, as Utah's case against the prolific trafficker Victor Rax illustrates, when law enforcement, prosecutors, and victim service professionals collaborate, human trafficking in all its forms can be identified, offenders can be arrested and charged, and victims can be supported to start rebuilding their lives.

A Trafficker's Toolbox Explained

Identifying Vulnerable Victims

Human traffickers exploit vulnerabilities. The more vulnerable the victims, the more attractive they are as prey to a trafficker. Traffickers are experts at identifying the emotional and physical needs of their potential victims, stepping in to fill those needs, and then ratcheting up their coercive tactics after the relationship has been established. Victims with more desperate needs are often targeted. These include individuals who are economically disadvantaged, undocumented immigrants, individuals with substance use disorders, individuals experiencing homelessness, and individuals without familial or emotional support. Children in each of these categories are especially vulnerable, given their cognitive limitations and willingness to trust.

Victim selection in human trafficking cases typically involves three parts: (1) a vulnerable victim, (2) an accessible victim, and (3) a victim who the trafficker believes will not report the exploitation or one who is unlikely to be believed.

Victor Rax found his perfect prey by targeting teenage boys in his poor, mostly immigrant neighborhood, in West Salt Lake City, Utah. The children were often surrounded by the world of street crime, which made them an ideal population for Rax to target. They were desperate, vulnerable, and unlikely to be believed by law enforcement. They or their families were often undocumented immigrants.

Grooming

The tools human traffickers use to ensnare their victims are insidious and subtle. Much like child sex abusers, traffickers know they will be much more successful in getting what they want if they first develop a trusting relationship with the victims and the communities the traffickers live in. Once that trust is built, the abuse and exploitation begin. Traffickers are often friends, family members, and trusted members of the communities they victimize. It is less likely for traffickers to kidnap or physically restrain their victims—grooming typically involves a trafficker identifying what their targeted victim wants or needs and then providing those things, whether they are basic necessities to live like food or shelter, or emotional needs like love, safety, and family.³

Maslow's Hierarchy of Needs



Maslow's hierarchy of needs depicts all of the elements humans need to survive and thrive. This same diagram is often seen in web forums used by human traffickers. They refer to it as "the pyramid" or "the triangle." Traffickers are experts at identifying where a victim falls on this hierarchy and stepping in to provide a need, a tactic they use to exploit their victims.

These grooming tactics should sound familiar to law enforcement with experience investigating criminal street gangs. Gangs do not show new recruits the most horrible aspects of gang life up front. Instead, they throw money around, display a lavish lifestyle, promise a better life, and use words like "love" and "family" to attract kids seeking that kind of support.

Victor Rax was an expert groomer. He was a suspected member of the MS-13 street gang, but in his community, he was respected as much as feared. He gave money to families in need, provided work for kids in the neighborhood, and was a constant visible presence in a community without many male role models. Parents of Rax's victims told investigators they were comfortable sending their kids off with Rax for the day because he always seemed to find work for them to do and seemed to be instilling good values in them.

The teenage boys that Rax identified and groomed told investigators that they loved hanging out with Rax at first. Rax would give them gifts, take them to sporting events, and pay them for work they did around the neighborhood. When meeting a new potential victim, Rax would pull out a large wad of cash and say, "You ever seen this much money?"

I'm Tio; I'm the Uncle in this neighborhood. I take care of people. Come with me.”⁴ Rax stepped in to play the role of provider for the boys and, in doing so, earned their trust.

Initiation

At some point, the trafficker shows their true self and motivation, transforming from being the “nice guy,” the one providing the things the victim needs and wants, into the person taking and exploiting. This moment is sometimes referred to as the initiation, and it can be a quick and violent action, like a rape, or the culmination of the trafficker systematically moving the victim toward, and then over, a line. To return to the gang analogy, there is often a violent initiation that comes with joining a gang. In the case of child sexual abuse, abusers may slowly, but surely “convince” (coerce or force) the victim to engage in more sexually explicit behaviors.

Victor Rax used both approaches simultaneously. After Rax built a strong enough bond with one of his victims, he would take them to a vacant house that he owned down an alley in the neighborhood. There, he would rape and sexually abuse the boys. In interviews with investigators, victims said they were horrified by Rax's abuse. But at the same time, they felt they “owed” Rax after all he had done for them—and perhaps this was the cost.⁵

Force, Fraud, and Coercion

The most defining aspect of human trafficking is the offender's use of “force, fraud, and coercion” to exact commercial sex or forced labor or services from victims. Coercion is defined by U.S. federal law, in part, as,

*any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.*⁶

Serious harm is further defined as,

*any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.*⁷

The definition of coercion is perhaps the most important legal concept for investigating and charging human trafficking. While state statutes differ, the key to human trafficking cases is typically being able to articulate the victim's background and vulnerabilities, the offender's overt and subtle tactics of coercion and control, and all of the surrounding circumstances that would affect the victim's beliefs of what would happen if he or she did not comply with the trafficker's demands.

Rax was a sexual predator, first and foremost. Investigators believe the overriding goal of all of his criminal behavior was to find and abuse more young boys. Nonetheless, Rax used human trafficking tactics to achieve this. To find more victims, he needed young boys to help recruit their friends. In order to keep paying for the residence he used to rape his victims, he needed to make money—which he would get by compelling his victims to deal drugs for him. Rax, like most human traffickers, found that sexual abuse not only was an end in itself, but could also be used as a tool to control victims.⁸

Rax's victims explained to investigators that once Rax had raped them, they felt more controlled by him than ever before. First, they were obviously more afraid of Rax than they ever had been. If he could do that to them, he was capable of extreme acts of depravity and violence. Second, they felt ashamed and embarrassed by the abuse. They did not want to tell anyone for fear of how it might reflect on them.⁹

Rax fed and compounded his victims' fears in several ways. Rax said if they ever told anyone what he was doing, he would tell all their friends they were "gay." Rax also kept trophies from his sexual abuse victims, including pubic hair, underwear, and other personal items. Rax claimed to practice voodoo and told victims he could use these items to hurt their families if they ever snitched on him. Given Rax's power in the community and almost mystical ability to avoid any serious consequences thus far, victims believed him.

With all those fears weighing on them, it was almost a small thing when Rax asked his victims to recruit their friends or to deal drugs for him.

Forced Criminality

Forced criminality was both the purpose of Victor Rax's labor trafficking scheme and an effective tool that he used to coerce his victims and escape accountability. Once Rax compelled his victims across that line into overt criminality by forcing them to deal drugs, he could use their status as criminals to threaten and discredit them.

Some of Rax's victims did not come forward until years after the abuse, and investigators suspect he had many victims who never came forward at all. But those who did said that one of the major reasons they delayed reporting Rax to law enforcement is that they feared being arrested. They thought police would see them first as drug dealers, not abuse victims. More often than not, they were probably right.

Rax's actions reveal a human trafficking victimization feedback loop. Traffickers recruit vulnerable victims through positive reinforcement like grooming, showing love, and fulfilling needs. Through these methods, they disarm their victims and neutralize support systems. Traffickers then coerce or force a victim to cross a line, like physical abuse, sexual abuse, or forced criminality. The fact that victims crossed that line is then used to further control them, enforce their silence, or discredit them if they ever come forward. The more times those lines are crossed, the more tools the trafficker gains against the victim. As the horror of the victim's situation escalates, turning against the trafficker gets harder and harder.

The Importance of Safe Harbor in Effective Investigation and Prosecution

Human traffickers know the first step in building a relationship with a victim is establishing trust. In order to effectively investigate human trafficking crimes, law enforcement should apply this same lesson. Treating potential human trafficking victims as criminals often destroys any chance at trust. Instead, law enforcement must provide a "safe harbor" for victims.

"Safe harbor" is the idea that human trafficking victims should be treated as victims and not criminals. Many U.S. states, including Utah, have passed safe harbor laws for children involved in commercial sex, which mandate that children involved in commercial sex are sex trafficking victims, they cannot be arrested or prosecuted, they must be

referred to victim services, and an investigation into potential human trafficking should be initiated.¹⁰ Labor trafficking in criminal arenas like the drug trade can be more difficult to ascertain. Even a well-trained officer, with a solid understanding of sex trafficking, may not consider that a suspected drug dealer could be beholden to a trafficker.

Nonetheless, the principles of safe harbor apply even in these situations. Human trafficking victims are under immense psychological pressure to continue working for their traffickers and under even greater pressure to never report them. The only way to break this cycle is for law enforcement to provide a safe and trustworthy escape. If officers have any reason to suspect trafficking, safe harbor laws or policies demand that they treat potential victims as victims first. Rather than arresting a potential human trafficking victim, law enforcement should strive to become a trusted resource for safety and victim services.

Safe Harbor for Victor Rax's Victims

The Utah Attorney General's Office pioneered many of its safe harbor practices during the Victor Rax case. The first tip investigators received about Rax was simply that he was a drug dealer. But the tipster also mentioned, "Something is off with [Rax]. He always has a juvenile with him. It's during school hours. They won't look you in the eye. Something is off."¹¹ Supervisory Special Agent Joshua Caless unearthed a police report from years earlier where a child had turned himself in on a drug warrant and told the Salt Lake City police that he was "trying to get away" from Rax.¹² To Agent Caless, an investigator with training, experience, and a keen interest in human trafficking cases, this was enough to turn this from a drug investigation into a potential human trafficking investigation.

As the investigation and eventual prosecution moved forward, the Utah Attorney General's Office strived to maintain trust with the victims through safe harbor practices. Agent Caless canvassed Rax's neighborhood with a victim coordinator from the Attorney General's Office, asking to talk to anyone who knew Rax or had worked for him. Agent Caless made potential victims and witnesses comfortable by speaking Spanish (the native language of most neighborhood residents) and offering to connect them with comprehensive services through a nongovernmental partner agency. Agent Caless also assured witnesses that he would not arrest them, even if they disclosed criminal behavior, and he promised them he was determined to put Rax away for a long time.

Slowly but surely, victims came forward. Prosecutors filed charges based on information from the first few cooperative victims, charging Rax with a smattering of first-degree felonies including Rape of a Child and Trafficking of Children for Forced Labor. The latter charge was a new one for the Attorney General's Office, but given the coercive tactics Rax used to compel his victims to work for him, prosecutors were confident they could support it. Upon arresting Rax, prosecutors refused to consider a "plead and deport" agreement that Rax had been offered in prior cases. They communicated to the court and the public that they intended to keep Rax behind bars for a long time. This helped convince many more victims to come forward—more than 20 in total—and the case grew.

Victor Rax killed himself while in custody before his case could be tried. Although this effectively closed the criminal case, prosecutors heard from the victims that they felt no catharsis from Rax's suicide. Although the victims had feared testifying against Rax in court, they felt somewhat robbed of the opportunity to tell their stories.

Assistant Attorney General Greg Febrache petitioned the court for a final hearing on the case, where victims might be heard. The defense objected and, in fact, withdrew entirely from the case, citing Rax's death. Judge James Blanche in the

Third District Court from Salt Lake County granted the unique request. At a final hearing—technically on the defense’s motion to dismiss the case—the court heard statements from several victims about what Rax had put them through.

Victim 1: The actions of this horrible human being, Victor Rax, has turned my life upside down and inside out. I didn’t even know who I was. I didn’t... I have never feared anyone [like I feared him] in my life. I was unable to sleep, eat, or even breathe. He broke my family apart and forcibly abused me and the other children in other ways. This has put my life and me through so many emotional and fearful impacts. People like him should burn in hell. I pray and hope there aren’t other people like him in this world.

Victim 2: Victor Rax took my dignity. He took my confidence. He took my... my... myself. I don’t know who I was, and it has impacted me very much in my life, negatively, and I’m trying to get my life together right now. I just want to say that, thank you guys for being there, for law enforcement that stopped him, and right now this is making me feel better, to let this out.

Victim 3: First of all, I want to thank you for giving me the opportunity to speak. Um, first of all I want to say that Victor Rax was, um, torture in my life. He completely destroyed my childhood. Because of him I wasn’t able to do things I was supposed to be. Because of him I wasn’t able to complete my school. But, like you heard, um, it’s something that, even though he’s dead, it’s something that we always have in us.

Victim 4: I am a person that for 13 years have had a very hard life. Okay, actually I am one-half [of a] person now because of this situation. I can’t take care of my kids... Because of this person, I was oppressed for a long, long time. So, thanks to the state and judge and all the people that tried; I’m moving forward, and I really appreciate all the help I’m getting from them... Thank you all for your support, for trusting us.

Finding and Stopping the Next Victor Rax

The Victor Rax case is compelling not because of how unique it is, but because it is so typical. There may well be a Victor Rax–level predator operating in every city. The tools traffickers use to control, silence, and discredit their victims have been all too effective at masking cases like these. It is incumbent upon law enforcement officers everywhere to learn to recognize human trafficking cases; effectively investigate them; strive to better understand human trafficking victimization; work to build trust with victims; and advocate for safe harbor practices in their departments, agencies, and corresponding prosecutors’ offices. Human trafficking is a real problem and it is everywhere, but it usually does not look like what most people expect. The true nature of this crime must be recognized if it is ever to be stopped.

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Endnotes:

- 1 This article is reprinted with permission from the International Association of Chiefs of Police (IACP) and was originally developed for the November 2020 issue of IACP's *Police Chief Magazine*.
- 2 VANESSA BOUCHE, AMY FARRELL & DANA WITTMER, IDENTIFYING EFFECTIVE COUNTER-TRAFFICKING PROGRAMS AND PRACTICES IN THE UNITED STATES, 2003, 2012 (Inter-university Consortium for Political and Social Research, 2017).
- 3 For those with substance use disorders, the provision and withholding of drugs can be a powerful tactic used by traffickers to recruit and coerce victims. For more information, see Webinar recording by Jane Anderson, AEquitas, Drugs as Coercion: Toxicology and Human Trafficking (Recorded Jul. 13, 2018).
- 4 Interview with Joshua Caless, Supervisory Special Agent, Utah Att'y Gen.'s Off. (May 13, 2020).
- 5 *Id.*
- 6 22 U.S.C. § 7102(3)(B).
- 7 18 U.S.C. § 1589(c)(2) (2020).
- 8 Interview with Caless, *supra* note 4.
- 9 *Id.*
- 10 Utah Code Ann. § 76-10-1315 (2020).
- 11 Interview with Caless, *supra* note 4.
- 12 *Id.*