Human Trafficking and State Legislation

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My research question seeks to analyze three different approaches used in state trafficking law to evaluate how effective these laws are at combatting human trafficking.

Introduction:

A trafficker is defined by the United States Trafficking Victims Protection Act as someone who "knowingly...recruits, entices, harbors, transports, provides, or by any means a person" or a person who "benefits, financially, or by receiving anything of value from participation in a venture which has engaged in" one of the previously listed actions (Kendall and Funk 2012: 37). Sex trafficking is defined as exploiting a person for "prostitution, pornography, sex tourism, and other commercial sexual services" (Hua 2011: xviii), while a labor trafficking victim is exploited for labor that is not sex related.

Human trafficking in the United States is often assumed to be unlikely or uncommon, when, in fact, it is a widely occurring criminal activity. A 1999 estimate from the CIA indicates that there were around 50,000 people being trafficked into the United States annually, though a 2005 study suggested that the number was likely around 17,000 people (Destefano 2007: xvii). This makes the United States the third largest destination country, or country where trafficking victims are transported to, in the world (Nam 2007:1659).

Trafficking victims tend to be women and children, but men are also trafficked, especially for

labor. The United Nations estimates that about 1.2 million children are trafficked each year, and about 43% of those children are trafficked into sexually exploitative situations, with girls under the age of twelve being especially vulnerable (Kendall and Funk 2012:29, 31). The United States' State Department statistics show that eighty percent of trafficking victims are female (Nam 2007:1685).

Beginning in the late 1990s, both women's rights advocates and religious groups began pressuring the government to create laws that specifically prohibit trafficking (Kendall and Funk 2012: 108). While trafficking is not just limited to forced sexual acts, the unlikely team of anti-trafficking advocates came together under the common banner of their hatred for prostitution, understandably outraged at the idea of a person, especially a socio-economically disadvantaged person, being forced into it (Destefano 25).

In 2000, the Trafficking Victims Protection Act (TVPA) was passed, in large part due to Representative Chris Smith of New Jersey, who proposed a bill in 1999 which dealt almost exclusively with sex trafficking. Smith's bill was especially meaningful to the religious groups that supported the anti-trafficking movement because of their strong moral opposition to prostitution, and the bill generated a lot of public support among evangelicals. However, the attraction of anti-prostitution groups to the issue led to a focus on sex trafficking that downplayed the importance of labor trafficking. The fact that sex trafficking drew much more media attention, and still does, steered the political discussion leading up to the passage of the TVPA almost exclusively towards sex trafficking (Destefano 2007: 35,37).

There are two theoretical approaches to the issue of prostitution as it relates to a person's agency to choose that profession, that engaged in a heated debate during the development of this legislation. This discussion overtook the opposition to exploitation in general, and had a great effect on

the legislation itself. Thus, while the federal legislation does address exploitation of both sex and labor, there is a heavier focus on sex trafficking.

The TVPA contains several provisions for prosecuting criminals and protecting victims. 18 U.S.C. 1581, 1583, and 1584 are the original statutes put in place against slavery. 1581 condemns anyone who "knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude,"and was put in place against the sale of slaves directly from Africa in 1818. 18 U.S.C. 1590 suppresses "obtaining by any means any person in violation of the more anti-slavery and anti-trafficking statutes" with a sentence of twenty years to life for violators. 18 U.S.C. 1589 prohibits labor via force, serious harm, or abuse of the legal process, including threatening to use one of these methods with a sentence of twenty years to life. 18 U.S.C. 1591 holds everyone involved in trafficking a victim responsible for the act with a sentence of fifteen years to life if the trafficked person is younger than fourteen years old, and ten years to life if the trafficked person is between the ages of fourteen and eighteen. The sentence for removing or attempting to remove someone's legal documentation in order to prevent his or her movement in order to escape trafficking is a separate five-year penalty. 18 U.S.C. 1594 enables the victim to seek financial compensation for the loss of income and the income they would have earned during the time they were trafficked at the U.S. minimum wage. The victims are also eligible for federal protection, as they are technically victims of organized criminal activity (Kendall and Funk 2012: 109-112).

22 U.S.C. 7105 gives child victims and victims of "severe" trafficking the right to receive medical benefits and prevents them from being detained as criminals. Severe trafficking is defined by the TVPA to be trafficking by coercion, but this definition is ambiguous and causes some contention

because of its lack of specificity. The argument arises between those that feel that coercion means only physical harm, or threat of physical harm, and those that feel that coercion can also be social or psychological (Sangalis 2011:408). Making the distinction between physical and psychological coercion is important because it decides who receives certain types of benefits under the TVPA.

In 2003, the TVPA was set to expire, so Congress began evaluating the Paul and Sheila Wellstone Trafficking Victims Protection Reauthorization Act of 2003, or TVPRA. The primary focus of the TVPRA was to expand the protection offered to victims. The main change from the TVPA was to expand the opportunity for trafficking victims to apply for the T-visa by enabling victims to comply with local and state law enforcement agencies instead of federal law enforcement, and by eliminating the requirement that victims younger than eighteen cooperate with law enforcement (Destefano 2007:105). The new regulation that allowed for cooperation with local and state law enforcement simultaneously charged those law enforcement agencies with the responsibility to lead the search for trafficking victims and direct those victims to service providers. The TVPRA also expanded the T-visa to consider derivative visas for the family members of trafficking victims, which allow immediate family, such as a spouse or children of a victim to stay in the United States under the T-visa (Clawson et al 2006:1,105).

Since the passage of the first anti-trafficking laws in the United States, there have been prosecutions in almost every one of the fifty states, as well in some United States territories, such as American Samoa (Batstone 2010:3). However, there are large discrepancies between the number of people in the United States thought to be victims, discovered to be victims, the number of cases brought to trial, and the number of offenders convicted of trafficking. For instance, the first year after anti-trafficking laws were implemented in the United States, only sixty-three cases were investigated, ten

of which were filed. Only thirty-eight people were charged, and twenty-three were convicted (Destefano 2007:49). Law enforcement faces difficulty identifying victims, getting the victims to be willing to go to trial, ensuring that victims do not go to jail as crimes committed as part of the trafficking, and protecting victims from further violence after a criminal is convicted (Batstone 2010:249).

Human trafficking is obviously an egregious violation of human rights and dignity. In the United States, autonomy and agency are crucial basic rights, central to a person's very existence as a human being, and the government is supposed to ensure and protect the rights of people within its borders. Human trafficking is such an alarming crime because it violates the basic right of a person to be in control of themselves, and it is the duty of law enforcement to prevent this human rights violation, assist victims, and punish perpetrators of this crime.

Federal legislation is an important framework for establishing an anti-human trafficking initiative. However, state and local legislation must also be passed and enforced in order to create an effective method of fighting trafficking, because human trafficking happens at the local level. Having this legislation reinforces the idea that the states are taking a strong stance against human trafficking. Moreover, evaluating how effective state legislation is in fighting trafficking is key, as state and local law enforcement agencies and courts are usually the first to come into contact with victims and perpetrators. Federal legislation is in place, but federal law enforcement and federal courts are not likely to be the first responders in trafficking situations. If properly equipped to deal with these cases, the state government can provide better responses. The need to determine which legislative approach works the most effectively is critical, so that other states might make changes in their own legislation in order to combat human trafficking most efficiently.

My research question will contribute to the available research on human trafficking, as few researchers seem to be asking how effective state laws are at fighting trafficking. Most of the debate surrounding the states' differing approaches is normative and theoretical, rather than an assessment of the functionality of the legislative models. The theoretical debate is of course important, especially as to how legislation addresses sex trafficking. However, a problem arises when these debates begin to negatively affect labor trafficking legislation and draw focus away from concrete instances of clear exploitation, whether they are labor or sex trafficking cases. The ideological influence of the different approaches taken by the states have an important influence over prosecutions and victim services within those states. A quantitative assessment of the effectiveness of the models of state legislation would be a useful addition to determine what the state of state-level legislation is, and how legislators and law enforcement can improve their efforts to fight human trafficking.

Literature Review

Federal Versus State Level Efforts

Anti-human trafficking efforts in the United States have mainly been studied at the federal level, because most cases are prosecuted by federal courts, victims' assistance is awarded by federal agencies, and questions of migration and deportation are usually left to the federal government to decide. Because of this focus on federal-level anti-trafficking efforts, state level data is often incomplete, and very little research has been done to determine what exactly is happening in individual states.

Some scholars insist that the federal court system, rather than state court systems, should be responsible for each trafficking case within the United States because it has a larger, already established

infrastructure and funding system in place to deal with these cases. The federal government is also in control of foreign immigration, and can therefore deal with the migrational aspects of the crime, which states are not authorized to do (Rickert 2010: 32). An Associated Press article pointed out that prosecutors often have difficulty extending their resources and "rely on the states to crack down on the crime" ("Different State Laws" 2012). Cases that are handled at the state level also create an extra step, where victims must be certified at the federal level as victims of severe trafficking before they can receive benefits, whereas cases handled at the federal level are automatically assessed to determine which benefits a victim is eligible for (Rickert 2010: 33). Aside from encouragement from the federal government to do so, Barnhart remarks that there is also "no method or incentive for state law enforcement to directly enforce the constitutional prohibition against slavery" (87).

While these are important points that support the federal government's duty to handle these cases, scholars have also identified several reasons why state governments should be active in anti-trafficking efforts. First, the number of cases within the United States may not be able to be adequately investigated and prosecuted by the federal court system. Michelle Rickert explains that "...the federal government cannot handle the volume of prosecutions on its own. It is imperative that states be involved in investigating and prosecuting human trafficking cases, especially when these crimes occur solely within the border of one state" (30). She adds that the federal prosecutors are not always willing to include human trafficking charges because they are not high profile cases and not always definitely winnable (33).

Rickert argues that the victim is likely to be more comfortable and willing to testify against their traffickers at the state level, and if there were a push to have more state level prosecutions, there might

be an increase in the number of cases that come to trial (30) . This is largely due to the fact that state and local law enforcement have previously established ties to the community (Kara 2007: 669). Clawson's study contends that because tip-offs from citizens are how most investigations into trafficking cases begin, it is important for local law enforcement to be aware of trafficking, and have the resources and knowledge to deal with the case (Clawson et al 2006 28). In addition to having some level of community bond, this will help relieve "overburdened" federal victim service allocation offices and allow federal law enforcement to direct their attention to international human trafficking crimes (Kara 2007: 669).

It is important to note the lack of systematized information about trafficking available at the state level. Finckenauer and Liu comment on the "...need to create a mechanism for collecting and disseminating data on trafficking" (10). They point to the anti-trafficking statute enacted by Minnesota, which included legislation that would establish a system specifically designed to "include not only statistics on criminal case processing, but also on more difficult topics such as trafficking routes and patterns, transportation methods, and the social and economic factors that act to push and pull trafficking victims" (10).

"Pull factors" are the reasons that a person would be attracted to whatever country is his or her destination of "choice." The victim may be especially attracted to what he or she perceives as a wealthy nation filled with opportunities. One of the reasons that the United States is such an important destination country is the well known idea of the "American Dream" and the wealth and freedom that Americans have. Economic deprivation, and the subsequent notion that seeking opportunities abroad will alleviate poverty, is the main pull factor for people in impoverished nations, and makes them the

most susceptible to trafficking (Batstone2010:11).

Jamie Chuang analyzed how traffickers are influenced by pull factors, in her study "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy" (2006). For the United States, demand is incredibly influential as a pull factor, as there is a demand for both agricultural workers and sex workers, both of whom work in largely unregulated markets. This encourages traffickers to recruit and transport people who are willing to work in these lucrative sectors. The dynamic between foreigners and employers in the United States is also considered a pull factor, as the racial difference can be used to explain away unusual employer-employee relationships to outsiders if the behavior appears to be a protective or patronizing treatment by the trafficker. In addition, the strict and complicated process that prefaces legal immigration to the United States can incline migrants toward smuggling or illegal migratory methods that can lead to trafficking (Chuang 2006: 145-146).

While females are not trafficked exclusively, scholars note that they are more likely to be influenced by these push factors, due to the denial of education, social agency, and traditional financial dependence on male authority figures that occurs in many developing nations. Strict social codes that prevent women from acting independently and having economic and political agency lead to having less ability to earn money for themselves in formal labor settings. If there is social upheaval in a country, women are often unable to provide for themselves or their families because of the previous marginalization, in which case, they often fall prey to traffickers (Kendall and Funk 20012: 48). One study shows how many women are subject to recruiters who seek out victims looking for love or marriage, or are trafficked by a person who makes the victim believe that they are in love with the trafficker, and are motivated to follow direction to comply with the trafficker's wishes or out of fear that

the trafficker will leave them (Aronowitz 2009: 55, 59).

Aside from the failure of legislation to address "push and pull factors", scholars have voiced concerns about the response of law enforcement to the issue. A lack of training and resources at the state and local levels was identified in a survey of law enforcement officials by Clawson, Dutch, and Cummings in 2006, which identified major problems in how these agencies approach the issue. This study was particularly revealing as to how far American law enforcement has to go before it deals efficiently with trafficking. The survey specifically questioned officers who dealt with trafficking, but most of the officers did not have a working knowledge of the TVPRA, and not all of them could distinguish between trafficking and smuggling. About half of the officers did not know where to refer victims for assistance, and about half of the officers reported that victims often did not wish to cooperate with them, even if it meant obtaining a visa and beneficial services. The officers generally identified promotion of awareness among the law enforcement community about trafficking to prevent detainment of victims as one of the most important steps to correcting the situation. The officers also did not always understand their role in federal anti-trafficking efforts, as well as the role of service providers in assisting victims. About forty-five percent of the interviewees said they were not confident about referring a victim to a service provider. Greater collaboration between law enforcement and service providers has also been identified as a step that needs to be taken in order to promote effectiveness in anti-trafficking efforts, especially at the state level, where services are not always readily available (Clawson et al 2006: 24, 30, 36, 37,43, 52).

Since the passage of the TVPA in 2000, states have gradually begun to create their own anti-trafficking legislation and establish victim resources. However, there is still discussion among

scholars about the role of states and the potential effectiveness of states in fighting trafficking, and it remains to be seen which approaches are the most efficacious. The quantitative research available on human trafficking in the United States is meager, especially so at the state level.

The research question that this paper seeks to answer: the effectiveness of the different types of state legislation; has not been addressed by the literature, aside from a single article by Melynda Barnhart, entitled "Sex and Slavery: An Analysis of Three Models of Human Trafficking Legislation." Barnhart distinguishes between the different types of state legislation, breaking them down into the categories of "federal," "structuralist," and "individualist" models (88), then systematically goes through each state legislation and categorizes it into one of the three groups (these categories will be discussed in greater detail in the "Data and Methods" segment of the paper.)

Aside from this single categorization, the literature does not include any quantitative studies on which method of approaching trafficking at the state level is the most effective. Scholars have studied state approaches to trafficking have done so mainly by critiquing the models used and comparing the theoretical approaches between structuralism and individualism. Finckenauer and Liu (2007), for instance, presume that much of state level human trafficking legislation is "symbolic politics." They go on to describe symbolic politics as "a policymaking situation wherein perceptions trump substance; where the appearance of action, sometimes without actually doing or intending to do anything, becomes paramount in reassuring political constituents... such political acts as the passage of legislation with respect to certain issues are largely symbolic" (5).

Some of these perceptions about trafficking may be incorrect, as argued by Amy Farrell, in her analysis of newspaper and periodical reports about human trafficking from 1990 through 2006. She

argues that reporting on sex trafficking was significantly greater than that of labor trafficking, and that many articles included a portrayal of the victim as a stereotypical "white slave" (20). Kendall and Funk (2012) observe that the problem of trafficking is too complicated for most people to consider the nuances of, and therefore stereotypical depictions of victims are used (4). Farrell contends that media focus on sex trafficking heavily influences the popular perception, and the perception of lawmakers of the prevalence trafficking, which in turn has an effect on legislation. She states that "examining the variation...of these laws helps us understand how legislative bodies have responded to varied public framing of the type of problem human trafficking poses to communities" (18).While these studies were not conducted in relation to state-level legislation, their relevance to the larger question of different theories relating to trafficking and the development of federal legislation make them important to this paper.

In sum, little research has been done at the state level, and there is no comprehensive assessment available as to which states are doing the best job at apprehending and prosecuting traffickers. By determining which state model is the most effective at working to end human trafficking in that state, this paper will help states move forward in their own anti-trafficking efforts.

Theory and Hypothesis

Trafficking only began to be addressed as its own separate legal issue in America in the past decade and a half. Before 2000, there was no legislation in the United States that treated human trafficking as a unique offense. Trafficking was discussed at the G7 Summit in 1998 as a part of a discussion on transnational organized crime, as the widespread belief was that trafficking was carried

out by existing organized crime groups like the Mafia or Yakuza (Destefano 2007: 17, 19). This G7 Summit led to the development of the United Nations' Polermo Protocol, which encourages countries to establish laws that prohibit trafficking and outline victim protection (21).

The United States had a particularly strong hand at the summit in advocating for victim protections, including providing childcare, housing, and educational assistance to trafficking victims. It also advocated for the right of the victim to choose whether to stay in the destination country or return to the home country with or without documentation. There was an additional effort towards granting legal agency for victims to seek compensation from the offender (Destefano 2007: 21-22). There was some disagreement between legislators about the legal responsibility of victims for crimes such as prostitution and illegal entry into other nations as well as the responsibility of developed nations to fund anti-trafficking efforts in underdeveloped nations that often serve as the source of the majority of victims (Kendall and Funk 2012: 30).

During the development of anti-trafficking measures in the United Nations, the United States also began developing its own legislation. Prior to the passage of anti-trafficking laws, cases in the United States were tried under a variety of different laws. One well known case, the case of the Cadena family, who trafficked women from Mexico to become prostitutes in the southern United States, was tried under the Thirteenth Amendment, which bans slavery and involuntary servitude . Seven members of the Cadena family were arrested for "civil rights, alien smuggling, conspiracy, and prostitution charges," and most of them pled guilty before trial (Destefano 2007: 2-5).

A different case involving Latvian women who were kept in debt bondage and forced to be dancers was tried under peonage laws, which prevent forced labor that is essentially slavery (10). Both

of these cases indicate that while there were methods of punishing the offenders, the jail sentences were often short, and victims were often deported and not provided any kind of assistance (11). For example, in the Cadena case, the victims were jailed until the Florida Advocacy Immigrant Center was able to extract them (40). The need for change was apparent in the fact that victims were being punished because of illegal status and for the crime of prostitution and left without any kind of recourse (Kendall and Funk 2012: 108).

The passage of the TVPA created human trafficking as a separate offense. However, many issues still remain with how the legal system handles cases of both sex and labor trafficking. Sex trafficking is defined as exploiting a person for "prostitution, pornography, sex tourism, and other commercial sexual services" (Hua 2011: xviii), while a labor trafficking victim is exploited for labor that is not sex related. The TVPA contains several provisions for prosecuting criminals and protecting victims. 18 U.S.C. 1581, 1583, and 1584 are the original statutes put in place against slavery. 1581 condemns anyone who "knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude,"and was put in place against the sale of slaves directly from Africa in 1818 (Kendall and Funk 2012: 109). 18 U.S.C. 1590 suppresses "obtaining by any means any person in violation of the more anti-slavery and anti-trafficking statutes" with a sentence of twenty years to life for violators (109). 18 U.S.C. 1589 prohibits labor via force, serious harm, or abuse of the legal process, including threatening to use one of these methods with a sentence of twenty years to life (110). 18 U.S.C. 1591 holds everyone involved in trafficking a victim responsible for the act with a sentence of fifteen years to life if the trafficked person is younger than fourteen years old, and ten years to life if the trafficked person is between the ages of fourteen and eighteen (111). The sentence for removing or

attempting to remove someone's legal documentation in order to prevent his or her movement in order to escape trafficking is a separate five year penalty (111). 18 U.S.C. 1594 enables the victim to seek financial compensation for the loss of income and the income they would have earned during the time they were trafficked at the U.S. minimum wage. The victims are also eligible for federal protection, as they are technically victims of organized criminal activity (112). 22 U.S.C. 7105 gives child victims and victims of "severe" trafficking the right to receive medical benefits and prevents them from being detained as criminals. "Severe trafficking" is defined by the TVPA to be trafficking by coercion, but this definition is ambiguous and causes some contention about its lack of specificity . The argument arises between those that feel that coercion means only physical harm, or threat of physical harm, and those that feel that coercion can also be social or psychological. Making the distinction between physical and psychological coercion is important because it decides who receives certain types of benefits under the TVPA (Sangalis 2011: 408).

The Trafficking Victims Protection Act of 2000 also established the practice of providing T-visas to child victims and victims of "severe trafficking," which allows recipients to stay in the United States for up to four years, after which the T-visa can turn into a green card (Kendall and Funk 2012: 113). T-visas can become a green card after three years of "good behavior" and this enables victims to receive the same rights and benefits as refugees. The T-visa however, is only available to victims who are younger than the age of fourteen at the time that they were trafficked, and "severe" trafficking is limited to those victims who are sexually trafficked. Victims who wish to attain a T-visa must comply with the demands of law enforcement by assisting in the prosecution of their offenders, and they must fear "hardship from deportation". There is a limit of 5,000 T-visas granted per year, which was

proposed by the House Judiciary Committee to prevent the anticipated risk of people claiming victimhood in order to obtain permission to stay in the United States (Destefano 2007: 41-44).

Sources vary in terms of how many instances of human trafficking are sex trafficking cases and how many are labor trafficking (Kim and Chang 2007, Kara 2007). Almost all of them indicate that there are a significant number of both types of trafficking. However, the attraction of feminist and evangelical anti-prostitution groups to the issue led to a focus on sex trafficking that downplayed the importance of labor trafficking. The fact that sex trafficking attracted much more media attention, and still does, steered the discussion leading up to the passage of the TVPA almost exclusively towards sex trafficking (Destefano 2007: 37). Media coverage of human trafficking cases also tend to focus on international and interstate trafficking, rather than instances of trafficking that occur within one state, which one study thinks may contribute to the lack of local and state agencies being proactive in discovering and prosecuting trafficking cases. They stated that "most of the cases [local prosecutors and agencies] see are interstate and/or multinational cases and therefore are referred to federal law enforcement and prosecutors" (Clawson et. al. 2008: 24).

There is a misconception that human trafficking is a "federal problem," which is attributed to the fact that trafficking has long been associated with organized crime rings, despite the lack of of correlation between the two (Finckenauer and Liu 2007: 7, Kara 2007: 666). Melynda Barnhart also comments on the media portrayal of trafficking as directly and consistently related to organized crime, when in reality many trafficking victims are trafficked individually or with very small groups (86). If the crime is not necessarily associated with organized crime, the individual victims, and victims that are trafficked in small groups, are more likely to be found at the state level. One study even claimed that

"consequences of human trafficking are felt most strongly at the local level" (Clawson et al 2006: 4). A focus on state and local anti-trafficking efforts could be more likely to find and rescue victims, as well as easing the process of taking these cases to trial. Besides the possibility of states being more effective at preventing trafficking, having a focus effort in each state will at least supplement the federal anti-trafficking effort.

Because of the perception that human trafficking is a "federal problem", there is some reluctance on the part of state legislative bodies and state law enforcement agencies to move forward in creating and implementing state anti-trafficking legislation, and bringing cases to trial. A study done by Clawson, Dutch, Lopez, and Tiapula interviewed prosecutors in twenty-seven states, and found that sixty-eight percent of those surveyed believed that human trafficking was not a problem in their area, only half were familiar with the Trafficking Victims Protection Act, and that one-third were not aware that their state even had human trafficking legislation (Clawson, et al 2008: vii).

Three Models of State Legislation

During the development of the first federal anti-trafficking legislation, the most successful ideas proposed were those that were especially meaningful to the religious groups and some feminist groups that supported the anti-trafficking movement because of the strong moral opposition to prostitution, (Destefano 2007: 35). The push against prostitution held the unlikely coalition together, but many other feminists and sex worker's rights groups opposed this focus on sex trafficking (Kendall and Funk 2012: 108).

With the passage of federal anti-trafficking legislation, states began writing their own laws. Melynda Barnhart has determined that most states have laws that fit into one of three categories: the

federal model, the structuralist model, and the individualist model. The differences in the three models of state anti-trafficking legislation, federal, structuralist, and individualist, are based in opposing theories about sex work (Barnhart 2009: 88).

State legislation, like the federal legislation, has been influenced by the debate between "individualists" and "structuralists." The "structuralist" anti-trafficking scholars and advocates are vehemently anti-prostitution in all forms, often equate prostitution and sex trafficking, and tend to focus more on sex trafficking over labor trafficking. "Individualist" scholars and advocates view sex work as a legitimate choice, do not equate prostitution and sex trafficking, and tend to push for more inclusion of labor trafficking in discussions about human trafficking and in the development of legislation. Both groups have a very clear stance on sex work, and the relationship of sex work to trafficking, and have pushed for their view to influence legislation at the state level. Most states, however, have adopted the federal model, which serves as a compromise between the two sides; but, other states have made either the structuralist or individualist arguments a part of the law. It is important to understand the debate between the structuralist and individualist camps in order to recognize how the different ideologies manifest themselves in the different state laws.

Structuralism

The structural feminist movement, also called the "abolitionist" movement, suggests that all forms of sex work, including pornography and "voluntary" prostitution, are inherently violent against women. Even if the person makes the choice to participate in the sex industry, this choice is not a legitimate one, because to a structuralist, the sex industry is by definition exploitative of women. A "choice" to work in

the sex industry is illegitimate because of the economic and educational disparity often faced by women, in addition to the violence that is intrinsic to paid sex because of the power dynamic between men and women. As Barnhart (2009) describes, "prostitution is inherently sex trafficking because prostitution involves the buying and selling of women's sexual services and commoditites" (89). Because of this, labor trafficking and sex trafficking are distinctly divided in the structuralist approach. Sex trafficking is thought to be inherently worse, more degrading, and specifically gendered violence, and therefore should be the object of focus.

The idea behind the structuralist movement that has gained so much influence in trafficking legislation is that sex work itself is "evil by definition," and that everyone in the sex industry is trafficked because of the inherent gender violence and lack of agency (Weitzer 2007: 451-2). Melissa Ditmore explains that for structuralists, sex work is "assumed to be so inherently intolerable that no rational person could freely choose it for themselves; therefore if anyone appears to have chosen it for themselves, it can only indicate that they are either not rational, or they are victims of coercion" (Ditmore 2000: 117). Since the distinction between the "severeness" of sex and labor trafficking was made a part of the federal legislation, there has been what Weitzer calls "domain expansion," the abolition groups who would include other businesses such as strip clubs, pornography, phone sex, and adult theaters into businesses that are violent and exploitative of women (466). This "domain expansion" has also seeped into the discussion of trafficking on the state level, creating a focus on sex trafficking over labor trafficking in many states.

The popularity of the structuralist movement may be in large part due to media attention that favors sex trafficking stories over labor trafficking stories, largely because they are more sensational.

Kim and Chang (2007) comment on the "white slave" stereotype in media portrayals of trafficking, arguing that it shifts the focus of the discussion away from "push" and "pull" factors that contribute to the occurrence of the crime, and onto a moral critique of prostitution (17). Daniel Tichenor (2007) comments that "limited media attention combined with the absence of reliable statistical data on the problem at the state level, let alone the national level, can leave many state policymakers in the dark about the problem" (44) and that the comparative prevalence of sex trafficking cases over labor cases has helped structuralists "carr[y] the day in policy design" (41). It can be argued that the lack of nuance in the depictions of trafficking victims and the lack of diversity in the portrayal of cases has reduced the problem of trafficking to sex trafficking cases with kidnapped, naive, foreign women victims. This does not necessarily reflect the reality of human trafficking in the United States, where victims can be domestic or international, and men or women can be trafficked for sex or labor.

Individualism

The main distinction between the individualist approach and the structuralist is that under individualism, women can legitimately choose to participate in sex work without it being gendered violence. For individualists theorists, sex trafficking clearly exists, but not all sex work is trafficking (Barnhart 2009: 88). This theory places less emphasis on the division between labor and sex trafficking and more on the exploitation that is involved with both crimes, and contends that legally dividing the types of cases "separates trafficking cases on the basis of the type of labor or services forced from the victim. This division ignores the reality that all trafficking victims face the same type of exploitation at the hands of traffickers" (90). Ditmore, for instance, condemns the structuralist position, arguing that

equating sex work and trafficking misses the point of trafficking as its own offense (107). Sentencing in structuralist-influenced legislation tends to be very similar for both types of trafficking.

Individualists like Melynda Barnhart take a critical view of structuralism, arguing that the media sensationalizes the issue of trafficking in the United States by focusing almost exclusively on sex trafficking, portraying victims as helpless women who are subject to male aggression. This can be damaging in efforts to apprehend traffickers, as many traffickers are women themselves. Perceptions that only males are offenders prevents justice from being served to "madams" who are often heavily involved in the recruitment phase of trafficking (Aronowitz 2009: 55).

The idea that women should have the agency to do any type of work they see fit, including sex work, without being limited because of their gender or subject to exploitation, is central to the individualist stance. Ann McGinley (2006) summarizes the push for gender equality in all work forces by stating that "abandoning prostitutes and exotic dancers reinforces the concept of deserving and non-deserving women and undermines the moral authority of all women who argue for equal treatment" (96). Melissa Ditmore (2000) also argues that the structuralist stance is frightened of " 'unsupervised' women" and is "primarily focused on the questions of morality and chastity" (107), that it seeks to continue to limit the mobility of women (108), and that it reinforces stereotypes of weak women in need of a male rescuer while simultaneously de-emphasizing the existence and exploitation of male trafficking victims (109).

Individualist groups also heavily critiqued the idea that prostitution increases the demand side for sex trafficking, claiming that this assertion is unfounded. Kim and Chang (2007), for example, investigate how United States anti-trafficking policy marginalizes the occurrence of labor trafficking in

their article “Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field.” They criticize the State Department for claiming a link between prostitution and sex trafficking as being untenable, citing a study by the Government Accountability Office (GAO) that completed a study in 2006 of that claimed that “U.S. government estimates of global human trafficking are ‘questionable’ and ‘in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies’”(3). The State Department had released the projection that there are 800,000 victims per year (Nam 207: 1685). Kim and Chang further criticize the approach taken by the Bush Administration because of its focus on prostitution rather than on “structural factors that facilitate trafficking such as poverty, discrimination, and civil and political unrest of certain developing regions”(3). The State Department also released a study called “Link Between Prostitution and Sex Trafficking” that stated that "The United States opposes prostitution and any related activities... as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States government's position is that these activities should not be regulated as a legitimate form of work for any human being." Kim and Chang found that there was no evidence was given to support this claim (3).

This critique of the Bush Administration is a common target for individualist scholars. The policy that seems to merit the most vitriol is the 2003 requirement added to the Trafficking Victims Protection Reauthorization Act that programs that wanted to receive funding for anti-trafficking programs or funding for AIDS programs had to declare an official stance against prostitution. The reasoning behind this addition was the speculation that demand for prostitution increases the amount of sex trafficking in an area, and by forcing aid groups to take a public stance against prostitution, this would somehow

decrease the amount of sex trafficking. This move, while it appeased many structuralist groups who so opposed sex trafficking, was viewed as "compelled speech" and faced opposition from individualist groups who wanted to stay neutral on the issue of prostitution in order to avoid stigmatizing those whom they were trying to help (Destefano 2007: 111-112). Despite opposition, the bill passed intact, though the stipulation is largely ignored and some activists claim that it serves more as a symbolic stance against prostitution than as an actual limitation on anti-trafficking programs (117). However, Ditmore (2000) argues that the stipulation actually does harm aid groups that are most involved with sex workers and trafficking victims at the ground level (120). There is a lack of research on the impact of the TVPRA anti-prostitution stipulation for federal funding to relief groups. As with much of the debate surrounding various aspects of human trafficking legislation, assessments are largely speculative and theoretical, with hard data being relatively unavailable.

Though individualist groups push to have the criminalization of human trafficking focus on exploitation of workers, whether the exploitation centers around sex or labor, these groups do not simply ignore prostitution altogether. Individualist advocates such as Kim and Chang assert that "'trafficking' connoting only 'sex,' has polluted the efforts of many advocates in accessing protection for their clients trafficked into non-sex related industries" (17). This group of anti-trafficking proponents instead focuses on changing what sex work means in American society, what legal recourse sex workers have if they are assaulted, and improving access to healthcare and STD testing. Barnhart (2007) states that all people should have "autonomy," and that sex work is a legitimate form of work that "should be legally recognized and regulated" (88).

Individualist scholars have a variety of propositions as to how to improve the quality of life and

working conditions of sex workers. One suggestion made by individualists to improve conditions is to unionize sex workers. Oliver McKinstry outlines benefits and challenges to unionization in his article "We'd Better Treat them Right: A Proposal for Occupational Cooperative Bargaining Associations of Sex Workers," in which he compares issues faced by sex workers to the attempts of domestic service workers and strip-club dancers to unionize. The benefit to sex workers would be progress in terms of physical safety, STD-prevention, and fair pay. However, the unique challenges to creating bargaining associations for this line of work are that firstly, the practice of selling sex is itself illegal, and secondly, that it is an informal sector with no large employers or any kind of regulation.

The Federal Model

When the Trafficking Victims Protection Act and the Trafficking Victims Protection Reauthorization Act of 2003 were being passed, both structuralists and individualists tried to influence the content of the legislation, and both to some degree succeeded. What is now considered the federal model of state legislation is a combination of the two camps. The federal legislation does draw some distinction between sex and labor trafficking, but not nearly as much as the structuralists proposed. Sex trafficking is considered more "severe," and there is a stipulation that NGO's that want to receive federal funding for anti-trafficking programs must take a public stance against prostitution (Barnhart 102.) Evidence of structuralism can be found in the stipulation that victims must have undergone "severe" trafficking (sex trafficking) to qualify for T-visa benefits (Sadruddin et al 2005: 388). The influence of individualism is harder to identify, but can be attributed to the fact that labor trafficking is still addressed prominently in the legislation and still merits a harsh sentence.

The federal model, adopted by most states with anti-trafficking legislation, includes aspects of

both the structuralist and individualist positions. Sex and labor trafficking are considered two separate offenses, but explicitly anti-prostitution laws are not a part of the federal model. The federal model includes similar sentencing for both types of trafficking, but has "enhancements" for cases that involve rape or forced prostitution (Barnhart 2009: 102). Michelle Rickert critiques the federal model, arguing that it is too narrow in that it specifies the type of force and coercion necessary to define a case as trafficking, whereas perpetrators constantly think of newer and more creative ways to coerce victims, so it is impossible to explicitly outline what it entails (41).

The Approaches as Manifested in State Laws

American attitudes towards prostitution lead to two major problems on opposite ends of the spectrum of responses by policy makers. The first is excessive focus on sex trafficking, while neglecting labor trafficking. This is somewhat easy to do, considering that sex trafficking is a more "clear cut" issue because of the illegality of prostitution in the United States (Chuang 2006: 154). The Congressional Research Service reported in 2012 that most detected cases are sex trafficking related, largely because prostitution itself is illegal (6). The second concern is that the victim can be subject to detainment because of involvement with prostitution itself. Lack of awareness about the existence or prevalence of sex trafficking among law enforcement officials leads to automatic assumptions about and detainment of prostitutes who may or may not be trafficking victims (Nam 2007: 1681). The prevailing attitude that trafficking victims are all female also leads to a lack of recognition of the existence of male victims, though the understanding that the issue is not as gendered as originally anticipated is slowly becoming more widely understood (Aronowitz 2009: 45). The gendering of trafficking leads to lack of understanding that males can also be victims, and that labor trafficking is also a legitimate form of

trafficking.

The structuralist versus individualist debate has continued in the development of various state legislation, with states like California, Oregon, and Virginia developing individualist legislation. New York, Alaska, Kansas, and Ohio have structuralist legislation. The rest of the states that have anti-trafficking legislation have adopted the federal model, or something very close to it, including Florida, South Carolina, Illinois, Texas, and Tennessee. As of February 2013, all states have passed some form of anti-trafficking legislation.

There are several criticisms made about the differences between the state laws. Robert McKenna, the Washington State Attorney General argues for having a consistent set of laws for each state, saying that "...we don't want traffickers to be moving their victims even more trying to evade stronger state law, by moving to states with weaker laws" ("Different State Laws" 2012). However, some researchers, such as Michelle Rickert (2010) indicate that different states deal with human trafficking in different ways, for example what borders the state, urban versus rural populations, ports, resort areas, and military bases will create different needs, and that each state should be able to deal with their specific needs with custom-tailored legislation (57).

Melissa Ditmore summarizes all three approaches succinctly by saying:

> "One position recognizes trafficking of all kinds as a grievous violation of human rights, but holds that sex work is real work and needs to be addressed as such. The other position views sex work itself as a human rights violation and that policy on trafficking is a vehicle to use to address this violation...the third view on this issue...recognizes that forums such as conferences or negotiations of legal protocols are not arenas in which it is possible to conclude one way or another, and that they are therefore not the right places for such discussions (122)."

The individualist approach to human trafficking would, in theory, be the most effective at dealing with human trafficking at the state level. This is because it includes all types of trafficking, does not limit

the visibility of labor trafficking victims or males, and focuses on ending exploitation rather than making claims about gender or morality, making it easier to prosecute offenders and easier for victims of all types of trafficking to obtain victim services. By not concentrating its efforts on ending prostitution in general, the individualist approach is able to see human trafficking as a separate crime in itself, not exclusively as sex trafficking as the structuralist approach seems to do. By taking a hard line against prostitution and nothing else, ending prostitution becomes the end goal for structuralists, rather than ending exploitation as a practice. Human trafficking is a diverse crime, and labor victims and male victims cannot be left out of the discussion if an effective stance is to be taken. By focusing on the exploitative and coercive nature of the crime, which is the common thread between all trafficking instances, victims are less likely to be excluded from receiving benefits, and offenders are more likely to be punished in a civil or criminal court.

Therefore, this paper hypothesizes that individualist approaches are the most effective at fighting human trafficking.

Data and Methods

To assess my hypothesis, I consulted several available sources of data. The federal government created a state-level information gathering system through the US Department of Justice Bureau of Labor Statistics, which established the Human Trafficking Reporting System (HTRS) in order to assess the effectiveness of the state-level task forces that receive federal funding. While it is still technically a federally funded study, the system is relevant to this paper because it tracks information by state and makes an assessment of the quality of state level task forces. The HTRS also created a database of

trafficking incidents, then reported on the type of trafficking, and how many of each were handled by state and local law enforcement, the amount of victim's advocacy, and regulatory agency involvement. Because the study did not name individual states or make an assessment regarding the different approaches taken by each state, the study serves as an indicator of the general state of state level anti-trafficking efforts for this paper. Reporting done by the HTRS serves an important function as the basis to assessing the efforts of federal funding in trafficking prevention, and the 2008-2010 report reveals some unsettling information about the consistency of reporting within the state-level task forces. Twenty-four of the forty-two task forces studied were eliminated from the statistics-gathering efforts because of their "low quality" reporting (5). Because of the inconsistency of state-level data, the HTRS only reported on less than half of the task forces.

The HTRS found that eighty-two percent of the cases dealt with sex trafficking (3). Of those cases, ninety-nine percent were handled by law enforcement agencies, and sixteen percent had victim's advocacy group involvement. In labor trafficking cases, only ninety-one percent were handled by law enforcement, forty percent involved victims' advocacy groups, and ten percent involved a regulatory agency (4). The study reported that sex trafficking victims were most likely to be young, African-American, and American citizens, while labor trafficking victims were most likely to be over twenty-five years old, foreign-born, and Asian or Hispanic. Out of the ninety foreign-born victims, twenty-one were able to obtain a T-visa, twenty were denied, and the status of the other forty-nine were pending or unknown (9).

Case Selection

The selection of which states to analyze for this case study was a difficult process, largely due to

the lack of information available about human trafficking at the state level. First, Melynda Barnhart's article "Sex and Slavery: an Analysis of Three Models of State Human Trafficking Legislation" was used to determine which states had laws that could be categorized as structuralist, individualist, or federal. Her article includes a list of all states that have anti-trafficking law, which she then examined and categorized into three lists. She also included a list of which states have a task force dedicated to human trafficking. Most states have legislation that is closely based on the federal model. Four states; Alaska, Kansas, New York, and Ohio; have legislation that Barnhart determine was decidedly structuralist because of a heavy focus on sex trafficking and prostitution, often simply legally equating the two (94). The individualist states were California, Oregon, and Virginia, which had laws that were more focused on restitution for the victims, and did not the include "sentence enhancements" for sex trafficking cases that is a part of the federal model (102).

Though not ideal, the process of determining which states from each category would be studied involved investigation into which state had the most information readily available. Each of the structuralist and individualist states were researched to determine what data the state or agencies within the state had collected. Out of the structuralist states, New York was the state that had the most information available and appeared to be the most active in its anti-trafficking efforts.

Data on New York

New York takes a structuralist approach by focusing mainly on sex trafficking. Those convicted of sex trafficking can be given up to twenty-five years of jail time, while a labor trafficker faces a maximum sentence of seven years. The labor trafficking victim must also prove that they were held in debt bondage, whereas the sex trafficking victim does not have to prove coercion or bondage (Barnhart

2009: 125). Sex trafficking victims are also allowed to be vacated for prostitution offenses (CWPS 2011: 12). New York is also one of only five states to criminalize the practice of sex tourism by Americans overseas (O'Donnell and Hansell 2008:9). The state operates under the assumption that "stemming the demand for prostitution, as well as goods produced with forced labor, will reduce human trafficking (30).

The New York legislation also establishes a mandate for law enforcement agencies and NGO's to enter into a contract to provide services to victims (CWPS 2011:12). State-level victim services include temporary housing, health care, drug treatment, and services for job placement of up to $289 per month per victim for up to six months, with the anticipation that the victim will receive additional federal funding (O'Donnell and Hansell 2008:7).

Data on Individualist States

All three individualist states, California, Virginia, and Oregon were contacted after investigation into the availability of data proved unfruitful. In response to an information request sent to Oregon, a task force member responded that they did not have a human trafficking law in place, despite there being one. Email correspondence with a representative of the Department of Criminal Justice Services in Virginia did not produce any information about prosecutions in the state, only some information that identified a need for more adequate victim services. California was chosen out of the three individualist states because of its comparable prevalence of information.

Data on California

California, as one of three states that takes an individualist approach, views both sex and labor trafficking as equally reprehensible and attempts to not gender the issue by focusing only on sexually

trafficked women. It tends to sentence offenders to short jail time, up to five years in prison or eight years if the victim is a minor (CWPS 2011:4), but these sentences are comparable to sentencing for other offenses within the state. Under state law, labor and sex trafficking offenders both receive at least five years in prison. Unforced sex work done by a minor does not earn penalties (California Attorney General). California also provides state level benefits to victims in addition to the benefits that victims receive from the federal government (Barnhart 2009:114).

Data on Federal Model States

Determining which federal model state to use for the federal model was the most difficult. Most states that adopted this approach did not have any data about trafficking at their state level, despite passing an anti-trafficking law. After continual contact and requests for information, the fact that next to no state-level information had been collected, at least for public use, became apparent. Highlights of the research process into federal model states include Illinois and South Carolina, both of which had a government worker call back to state that surprisingly, they had experienced no trafficking cases to date. The state that had the most information available was Florida.

Data on Florida

Florida follows the federal model for state anti-trafficking law. Placing a minor in a sex trafficking situation is a first degree felony, and any human trafficking offense is a second degree felony. Florida legislation provides state level benefits to victims equal to that of a refugee for the time that they are obtaining their visa, on the condition that they provide a sworn statement and documentation that they were trafficked (CWPS 2001:6).

California, Florida, and New York, are comparable states on a variety of levels other than that

they represent each approach to trafficking legislation. They comprise three of the top four states with the most estimated human trafficking occurrences, which is often attributed to the prevalence of immigrant communities within the states ("Hidden Slaves" 2004:1).

Measuring Effectiveness

This project seeks to evaluate the state legislation and determine whether the structuralist, individualist, or federal model of legislation is the most effective at accomplishing two of the three P's outlined in the federal Trafficking Victims Protection Act: protecting victims and prosecuting offenders. Protecting victims and prosecuting offenders were chosen as indicators of effectiveness because they are two of the "three P's" which the federal government counts as key to ending trafficking. The three P's are prevention, prosecution, and protection. Protection is considered providing benefits and services to victims of human trafficking, and prosecution is the prosecution of offenders. Prevention, while important, was not included in the study because it difficult to quantify, especially at the state level.

Ideally, both the number of prosecutions and length of sentencing for offenders in state court would be used in order to determine the effectiveness of the state legislation in the prosecution of offenders. The availability and actual distribution of state-level services to victims should be analyzed to determine the effectiveness of state legislation in regards to the protection of victims. However, this data is simply not available in a comparable format at the state level.

In order to compare the three states in terms of prosecutions, this study uses the University of Michigan Law School's Human Trafficking Law Project, which has compiled a database of human trafficking cases that have been prosecuted at the federal or state level. The creators of the database could not be reached for comment on the exact limitations of the database, but the research

methodology section of the site explained some of the difficulties experienced in the creation and ongoing process of adding information to the site. It explained:

> Too often, trafficking goes unrecognized and underreported, and as a result there are far fewer trafficking prosecutions in the United States than there are actual incidents of trafficking. And even when criminal charges or civil actions are brought against traffickers, these cases rarely produce the type of record which would appear in commercial research databases. The availability of state cases is particularly limited. Another obstacle to collecting details about cases is that many criminal defendants involved in trafficking accept plea bargains to avoid trial.

To evaluate the effectiveness of prosecution efforts within each state, this study will primarily analyze the cases found for New York, California, and Florida found in the database. The database reveals that New York has a total of two cases, California has four, and none were found from Florida.

Because the data available was so limited, several sources that were used as supplementary research. Mr. Charles Boykin of the Department of Criminal Justice Services in New York State provided a detailed table of the arrests and arraignments for both sex and labor trafficking from the years 2008-2012, which includes dispositions, convictions, and sentencing by county. The New York anti-trafficking law has also been analyzed by Melissa Broudo and Sienna Baskin (2012) specifically on its vacating convictions law, passed in 2010 (1). Their research identifies the uniqueness of this law, why other states should enact something similar, as well as the limitations of the vacating conviction law. There were several conflicting reports from researchers in New York as to how many cases there were within the state. O'Donnell and Hansell (2008), Joseph Berger (2009), and Ackerman and Stewart (2010) both report on the arrests and convictions under state law. Ackerman and Stewart reported one hundred and ten cases in 2010 (56), Berger reported eighteen arrests and one conviction in 2009, and O'Donnell and Hansell reported seventeen labor cases and nineteen sex trafficking cases in 2008,

though it is unclear whether those cases went to trial (2).

In California, less supplementary information is available on prosecutions, but there is detailed information available about the services provided to victims of trafficking. The California Immigrant Policy Center (2013) provides a detailed list of the state-level services available for food stamps, medical assistance, and cash assistance, and what each applicant must do to receive the benefits.

In Florida, the "Florida Strategic Plan on Human Trafficking," available from Florida State University's Center for the Advancement of Human Rights (2010) gives a detailed list of human trafficking cases in Florida from 2004-2010. Most of the cases were prosecuted at the federal level, but some state prosecutions are listed.

Results/Discussion

State Law

A preliminary analysis of what the laws are for New York, California, and Florida is an appropriate foundation for the analysis of the effectiveness of those laws as it addresses both of the "P's" discussed above. New York, the structuralist state used for this case study, passed a statute criminalizing human trafficking in 2007. This statute, SB 5902:

> "establishes a Class A felony for sex trafficking and a Class D felony for labor trafficking. In a prosecution of a sex trafficking or labor trafficking case, the victim 'shall not be deemed an accomplice.' The statute allows the Office of Temporary and Disability Assistance to 'coordinate and assist law enforcement agencies and district attorney's offices to access appropriate services for human trafficking victims,' and to enter into contracts with non-governmental organizations for the purpose of providing 'pre-certified' trafficking victims with benefits and services. SB 5902 mandates that upon a request by either the victim or his or her representative, law enforcement officials must provide the trafficking victims with the United States Citizenship and Immigration Service Form I-914 Supplement B Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. The statute also creates a statewide interagency task force and includes travel service providers who sell travel services for the

purpose of prostitution under the Class D felony offense of promotion of prostitution."

New York law HB 7670, effective in 2010, "allows motions to vacate judgement against victims of sex trafficking for certain prostitution offenses" (Center for Women Policy Studies 12).This vacating criminal convictions law was the first of its kind in the United States (Broudo and Baskin 1).

New York law clearly falls under the definition of a structuralist model because sex trafficking is considered a Class A felony, while labor trafficking is a Class D. The statute that makes pimping a Class D human trafficking felony, and the vacation of victim offenses exclusively for cases of prostitution demonstrates how the state of New York has a clear focus on ending sex trafficking, while labor trafficking seems to be an afterthought.

Melissa Broudo and Sienna Baskin advocate some improvements to the law in their report "Vacating Criminal Convictions for Trafficked Persons: A Legal Memorandum for Advocates and Legislators." They suggest expanding the New York law from only vacating NY Penal Law 230.00 Prostitution and NY Penal Law 240.37 Loitering for the Purpose of Engaging in a Prostitution Offense (3). Broudo and Baskin also recommend removing the burden on the victim to prove that they have ceased participating in sex work, begun rehabilitation, or are participating in a social services program, arguing that this is essentially victim blaming and unhelpful in the pursuit of justice for trafficking victims (4). They encourage using initials rather than the names of the victims in order to protect privacy, and commend New York state for vacating convictions rather than using expungement, which several states use instead, because it will eliminate immigration problems that can be created by expungement (6). They also advise creating some kind of legal funding provision to assist victims that are likely too poor to be able to afford court fees (8).

California, the individualist state used for this case study, passed its first statute criminalizing human trafficking in 2005. It has several very specific anti-trafficking laws. California state law AB 22

> "establishes human trafficking for forced labor or services as a felony crime punishable by a sentence of 3,4, or 5 years in state prison and a sentence of 4,6, or 8 years for trafficking of a minor. The bill provides for mandatory restitution and allows trafficking victims to bring a civil action against his or her trafficker... The bill also establishes an interagency statewide task force."

> SB 1569 "amended California's Welfare and Institutions Code allowing non-citizen victims of trafficking, domestic violence, and other serious crimes to gain access to state funded social services, including cash assistance, employment, social services, and health care services under the *Cuban-Haitian Entrant Program* and the *Refugee Resettlement Program*. Trafficking victims are eligible for state funded social services for up to one year, at which point benefits may continue if a continued presence request or T Visa application has been filed."

ACR 28 affirms the Congressional Resolution that establishes January eleventh as a "National Day of Human Trafficking Awareness."

AB 1278, effective 2008,

> "amends California's Civil Code to make void any provision of a contract that seeks to withhold any wages as compensation for transporting or assisting in emigration of a person into the United States. The bill also amends California's Penal Code to require a hearing in human trafficking cases spanning multiple jurisdictions to determine where the case should be tried."

AB 2810 "requires law enforcement agencies to assess whether a victim of domestic violence or rape, or a person 'suspected of violating' California's solicitation and prostitution laws, is also a victim of human trafficking."

AB 17, effective 2009, "classifies any cases 'involving human trafficking of minors for purposes of prostitute or lewd conduct' or 'abduction or procurement as by fraudulent inducement for prostitution' as criminal profiteering activity and requires any proceeds made from forfeiture...be deposited into the Victim-Witness Assistance Fund."

SB 657, effective 2012, "creates the *California Transparency in Supply Chains Act of 2010* that mandates all retailers and manufacturers doing business in the state'... to publicly 'disclose its efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for

sale. SB 657 provides a list of actions retailers and manufacturers must take to adhere to the law and requires that these efforts be posted on businesses' website homepage..."

SB 677, effective 2011, "allows for the seizure of any 'real property' that is used to facilitate the offense of human trafficking (Center for Women Policy Studies 4,5).

California's state law can be identified as individualist because of its lack of distinction between labor and sex trafficking. Sentencing is only enhanced if the victim is a minor, there is a greater focus on restitution for the victim with the statute that enables civil action by the victim, and very thoroughly outlined victim services that are made available. AB 17 focuses specifically on funding for victims of sex trafficking who are minors, but this does not indicate a focus on sex trafficking because SB 657 specifically targets human trafficking in the manufacturing and retail sectors, which would imply labor trafficking.

The law specifically "prohibits evidence that [the] victim engaged in sexual conduct from being used against [the] victim in court proceedings." The current law also adds a sentence enhancement of six years of sentence enhancement for "great bodily harm," and a $100,000 compensation to minor victims of sex trafficking (California Attorney General). These stipulations demonstrate how California's state legislation embodies the individualist view by maintaining that coercion is the main offense in a human trafficking case.

Florida, the state using the federal model used for this case study, passed a statute criminalizing human trafficking in 2004. SB 1962

> "establishes the first degree felony of sex trafficking for parents, legal guardians, or other persons having custody of a minor who sell, transfer custody, or offer to self or transfer custody of the minor for the purpose of sex trafficking or prostitution. The bill further establishes two second degree felonies: obtaining forced labor; and, sex trafficking and human trafficking for anyone who knowingly participates in trafficking for purposes of forced labor or prostitution. Any sex trafficking activity that results in death or is committed against a person who is under

the age of 14 is considered a first degree felony."

SB 250, effective 2006, "expands the definition of forced labor or services" and

"establishes a civil cause of action that allows for recovery of threefold the amount of profit gained from the trafficking, redefines racketeering activity to include human trafficking for purposes of the Florida RICO Act, and authorizes the Office of Statewide Prosecution to prosecute human trafficking offenses."

HB 7181, effective 2007 outlines victim services by

"requir[ing] the Department of Children and Family Services to provide services to immigrant trafficked persons, victims of domestic violence, and victims of other serious crimes during the interim period when their visa application is under review. The trafficked person shall receive existing state and local benefits and services at the same level as those provided to refugees as well as acceess to state-funded services taht are equivalent to the federal cash, medical and social service programs for refugees...To be eligible to receeive such benefits and services, the trafficked person must provide a sworn statement as evidence as well as one additional item of evidence that supports her/his status as a trafficking victim..." (6).

SB 1442, effective 2008, "amends the state statute that makes selling or transferring of a minor into sex trafficking a first degree felony, by removing 'force, fraud, or coercion' as a means of compelling the minor to engage in commercial sexual activity" (Center for Women Policy Studies 6,7).

Florida state law can be categorized as following the federal model of legislation because it does make sex trafficking a more serious crime than labor trafficking, but only focuses on that distinction in sentencing. Restitution and victim services are equally available to both victims of sex and labor trafficking.

State-Level Trafficking Cases

Based on the data available from the University of Michigan Law School's database, there have been two human trafficking cases prosecuted at the state level in New York, four in California, and

none in Florida.

The two cases in New York are both sex trafficking cases. The first, *People v. Silvia Gonzalez* was a criminal case from 2011 regarding a Brazilian woman named Silvia Gonzalez, who had been charged with eighty-six prostitution charges between 1993 and 1995. Her charges were vacated after she presented evidence that she had been trafficked and forced into prostitution, the primary evidence being that she had turned herself in for prostitution claiming that "being in jail was preferable to working on the street."

The second case, *People v. G.M.*, also from 2011, is another example of the vacating convictions law available for sex trafficking victims. In this case, the woman was from the Dominican Republic, and had been married to someone she met while on a tourist visa to the United States. He abused her and forced her into prostitution, and she was arrested on counts of commercial sexual exploitation/prostitution, trespassing, and criminal possession of a controlled substance. The judge approved her request to vacate the convictions. The case also uses the initials of the victim in order to protect her privacy, part of the New York law that was complimented in the legal memorandum by Melissa Broudo and Sienna Baskin (2012: 5).

The cases from California are a mixture of both sex and labor trafficking. The first case, *State of California v. Esperanza Vargas* took place in 1991, before any trafficking laws were signed into law on the federal or state level. Esperanza Vargas was charged with involuntary servitude after bringing a seventeen year old Mexican girl to the United States to be a domestic servant, threatening and beating her, and denying her wages and medical care. Vargas pled guilty and received a sentence of thirty-six months. Esperanza's son Raul Vargas was charged with assault and received a 240 day

sentence, four years of probation, and a five hundred dollar fine. This case was later tried in a federal court, where Esperanza Vargas was charged with involuntary servitude, harboring an illegal alien, and conspiracy to hold a person in involuntary servitude and received a jail sentence of forty-six months with thirty-six months probation and a one hundred dollar fine.

The second case, *People v. Rodney Lydell Tillis* was tried in 2008 by a jury. The victim was a twenty-one year old American woman who was working as a prostitute. Rodney Lydell Tillis asked her into his car, then raped and beat her, and drove her to a separate location where he told her that she was required to earn one thousand dollars for him by prostituting herself before he would release her. Rodney Lydell Tillis and Rosemary Bojorquez were charged with human trafficking, pandering by encouraging, prior convictions, and sexual penetration by a foreign object. They were found guilty on all charges, and were sentenced to a total of two hundred and twenty-eight months in prison.

The third California case, *People* [California] *v. Andres P. Castillo* was tried by a jury in 2008. The victim was working as a prostitute when she was assaulted and raped by Andres Castillo who also claimed that he wanted to become the victim's pimp. Castillo was charged with forcible rape, forcible oral copulation, simple kidnapping, sexual battery, and false imprisonment. He was found guilty on all charges, but appealed. Charges were vacated, and the case is going to be re-sentenced.

The final California case, *Suminarti Sayuti Yusuf v. Andrew Tija*, was a civil case prosecuted in 2009. The victim was brought to California from Indonesia to work for a couple as their housekeeper. Her documentation was confiscated, her wages were withheld, and she was repeatedly threatened until she was able to contact the FBI months later. Andrew Tija and Sycamore Choi, his wife, were held liable for human trafficking, failure to pay minimum wage and overtime, failure to

provide breaks, waiting time penalties, fraud, false imprisonment, invasion of privacy, intentional infliction of emotional distress, conversion and negligence. The victim was awarded $757,599.14 including punitive damages.

The two cases from New York state reveal that the state is indeed more focused on sex trafficking, as state law would indicate. Both cases are for vacating prostitution convictions, which is a unique feature of the New York state law. A significant question to ask would be why the vacation of other crimes that a victim is arrested for while being trafficked is not a part of the state law. However, in *People v. G.M.,* the trespassing and possession charges were vacated as being connected to the prostitution charges. As more cases come through the New York state court system, it would be good to further research the impact of the state law only providing for the vacation of prostitution charges, and to see if non-prostitution related charges get vacated if they relate to human trafficking.

The California cases illustrate a greater variety of cases than New York, because it includes both labor and sex trafficking cases, foreign and domestic victims, criminal and civil cases, prison sentences and fines. The Human Trafficking Database did not contain any cases from Florida that were prosecuted at the state level, so it was not included in the preliminary analysis of cases.

In addition to the University of Michigan Law School Database, there is additional information available on prosecutions in the state of New York, made available through contact with the Department of Criminal Justice Services, taken from their Computerized Criminal History System (See Appendix). The table shows data on trafficking within the state for both sex and labor trafficking, and gives numbers on the total arrests and arraignments, total sentences and the type of sentence, and dispositions by county by year from 2008 to 2012. This information indicates that there have been a

total of one hundred and ninety-four arrests, one hundred and twenty-three dispositions, and seventy-six sentences for sex trafficking in those five years. There were thirty arrests, twenty-four dispositions, and thirteen sentences for labor trafficking in the state.

Despite attempts to contact agencies in California and Florida, this information is not available from those two states. However, the information is still useful as a secondary means of analysis because of the division of the information between labor and sex trafficking. The large discrepancy between the amount of sex trafficking cases and labor trafficking cases in the state can be considered indicative of the larger focus on sex trafficking because of the general scholarly consensus that significant numbers of both types of trafficking occur within the United States (Kim and Chang 2007, Kara 2007).

Another secondary analysis of the state of Florida can be done via the "Florida Strategic Plan on Human Trafficking," completed in 2010 by the Center for the Advancement of Human Rights at the University of Florida. The report outlines all of the prosecutions of Florida cases from 2004 to 2010. The report specifies that most of the cases were prosecuted at the federal level. However, the report also cites a few cases that were prosecuted in the state courts.

The first is the *Nelson* case, occurring in 2010, in which an American prostitute was arrested. It was found that she was being coerced by the offender to leave her five month old child with him as 'collateral' while she prostituted herself to repay him for a jail bond. This case was prosecuted under state trafficking law, and Nelson received a twelve year jail sentence.

In the "Treasure Island" case from 2010, several American citizens were being held inside a house with their identification and credit cards confiscated. They were forced to use drugs and prostitute themselves, while also being threatened and physically assaulted. The offenders were three men and

one woman, and they were charged under the Florida law, but the investigation is still ongoing. The offender who acted as the driver has been found not guilty.

These two cases were the only ones outlined in the "Florida Strategic Plan on Human Trafficking" that were explicitly defined as being prosecuted under state law. However, the report also cites that there were one hundred and fifty-six reported trafficking incidents in the state between 2009 and 2010, with twenty-two of those reports being verified (39). It also states that between 2006 and 2010, there were two hundred and twelve victims of labor trafficking and forty-six victims of sex trafficking in the state (40).

The report from Florida demonstrates two cases where state-level prosecution is most appropriate for human trafficking cases, namely, where the victims and perpetrators are all citizens and are not moving across state lines.

Victim Services

Because it takes time and effort for a victim of human trafficking to go through the process of obtaining a T Visa or U Visa and begin receiving federal benefits, many states have included a system of state-level services available to trafficking victims.

New York, the structuralist state, has state-funded services available, such as "case management, emergency temporary housing, healthcare (including mental health), drug addiction screening and treatment, language and translation services, and job training" (USDHHS). This help is available through New York's Refugee Health Screening Program, Refugee School Grant Impact Program, Refugee Social Services Program, Response to Human Trafficking Program, Targeted

Assistance Program, and Unaccompanied Refugee Minors Program (NY Bureau of Refugee and Immigrant Assistance).

California, the individualist state, is very focused on providing victims with a multi-faceted approach to victims services. To be eligible for services, the victim must provide a sworn statement of their experience and another type of proof that they were trafficked, which can include court records, a copy of their T Visa application, or documentation from a legal office, social services program, etc (California Immigrant Policy Center 2, see appendix). Any victim is eligible to apply for Refugee Cash Assistance, Refugee Medi-Cal, Refugee Social Services, and extra assistance from the "Trafficking and Crime Victims Assistance Program." There is a time limit for how long the applicant can receive these benefits, but they may be eligible for General Assistance and medical care and food stamps within the county after that time limit (4).

If the victim has children, they can receive extra assistance from CalWORKS (immediate short-term cash assistance), food stamp programs, Medi-CAL, and Healthy Families. Victims that have a disability may be able to receive CAPI (Cash Assistance Program for Immigrants), food stamps, and Medi-CAL (3). The "Trafficking and Crime Victims Assistance Program" and Medi-Cal can be received for eight months, the Refugee Cash Assistance for an additional eight months, and employment services for one year. The rest of the state-level benefits have a time limit of one year, and during this time the victim has to apply for a T Visa or "continued presence"; if they do not, or if the T Visa application is denied, the state level victim assistance ends (4). However, if the victim is granted federal benefits, then Refugee Social Service will continue to provide additional assistance to the victim for five years (4).

In Florida, the federal model state, there are no state-level services available that are specifically geared towards human trafficking victims. Foreign-born minors who become trafficking victims are provided for under Florida state law 409, under which they are placed under the Department of Children and Family Services as unaccompanied minors (2010 Florida Statutes).

Analysis

Ian Kitterman at The Renewal Forum created a ranking system where he graded the merit of each state anti-trafficking law based on how the state defines trafficking. length of sentencing, the definition of minor used by the law and whether there are "sentence enhancements" for trafficking of minors, mandatory law enforcement training, and availability of victim services. Kitterman graded New York with a D+ overall, breaking the grade down into a C for criminalization, D for victim protections, D+ for "making victims whole." He praised the state for separating the crime of sex trafficking from labor trafficking, but was critical of them for not having adequate victim services available (6).

California was given an overall C, earning a D+ for criminalization, B for victim protections, and a C+ for "making victims whole." They were penalized by Kitterman for not creating a distinction between labor and sex trafficking, and for not giving harsher sentences to sex trafficking offenders (10). Florida was graded with a D overall, with a B for criminalization, F+ for victims protections, and a D+ for "making victims whole." They earned points for a robust public awareness campaign, but received a much lower grade because there is no plan for restitution for victims (12).

This paper echoes some of Kitterman's sentiment, specifically that California has the most effective approach because of its thorough victim protection and restoration program, though without

the structuralist bias that would penalize California for not separating out the crimes of sex trafficking and labor trafficking.

The hypothesis presented at the beginning of this paper was that individualist approaches are the most effective at fighting human trafficking because they include all types of trafficking, do not limit the visibility of labor trafficking victims or males, and focus on ending exploitation rather than making claims about gender or morality, making it easier to prosecute offenders and for victims of all types of trafficking to obtain victim services.

There is a distinct lack of information available at the state level on human trafficking. Many cases do not get tried at all, and the ones that do often get prosecuted through the federal court system. Because of this absence of comparable data, it is extremely difficult to come to a definite conclusion as to which approach is the most successful at prosecuting human traffickers and assisting victims.

The Human Trafficking Database, yields the results that were expected at the onset of this paper: that individualist approaches are more inclusive to all types of trafficking, while the structuralist states are more focused on sex trafficking. The four cases available from California are evenly divided between sex and labor cases, whereas both cases from New York concern vacating prostitution charges for sex trafficking victims. From this angle, both approaches have distinctly redeeming qualities. California aligns itself most closely with the hypothesis presented at the beginning of this paper. The fact that New York has placed so much effort into removing convictions from the victims is certainly commendable. However, the focus still rests on sex trafficking at the neglect of labor cases because only prostitution charges are able to be vacated.

While California does not limit the visibility of labor trafficking victims, neither California nor

New York provide any cases of trafficked males. This does not necessarily indicate a lack of concern for male victims or an intentional erasure, as there may not have been any male victims discovered in these states, but the treatment of male victims cannot be factored into an analysis of the effectiveness of either approach.

The secondary analysis of New York cases demonstrates that sex trafficking cases within the state far outnumber labor trafficking cases. This strongly implies that there is much less focus on labor trafficking by law enforcement as a result of the legislation. This would make the structuralist model as embodied by New York law much less effective at ending trafficking in all of its forms, instead choosing to focus on simply ending sex work.

The Florida cases are also both sex trafficking cases, focusing on prosecution of offenders rather than vacating convictions as in New York. This would again imply a greater focus on sex trafficking. However, from numbers from all cases in the state, almost all of them that went to trial were tried at the federal level, and there were a far greater number of labor trafficking cases than sex trafficking ones. It seems that the reason that the two cases that were prosecuted on the state level were done so because the victims were American citizens, and therefore, immigration issues were not a problem that needed to be dealt with on the federal level. In this respect, Florida does what the state level approach is meant to do: supplement federal laws by removing unnecessary burdens on the federal court system.

For victim services, California is the most effective. Data was not available for how many trafficking victims actually end up receiving the benefits, but California has the most well defined funding allocation and system in place for victim care.

In these respects, the individualist model as enacted by California is the most effective way to deal with human trafficking on the state level. The hypothesis appears to be at least partially confirmed by the data.

Conclusion

Researching human trafficking and how the states work to end it is crucially important to dealing with trafficking on a broader scale at the federal level. States have the potential and the obligation to deal with human rights violations occurring within that state. It is just a matter of determining which legislation works well, how it is being put into practice, and what actually happens at the ground level.

Finding traffickers, prosecuting them, and assisting victims has been the goal of anti-trafficking efforts on every level since the passage of the TVPA in 2000. Similar, if not the same, goals have been adopted by the states that have passed anti-trafficking legislation. Unfortunately, because the ideological battle that took place during the passage of the federal legislation carried over into discussions about state legislation, the laws and approaches taken by the various states are different.

Some, like New York, have adopted the structuralist position that ending prostitution and the delegitimization of sex work should be the primary focus of anti-trafficking efforts. The state has made some innovations in terms of the vacating criminal convictions law, but otherwise has focused so heavily on ending sex trafficking that it has largely neglected labor trafficking. Florida, representing the federal model adopted by most states, apparently has done a good job of discovering and prosecuting many kinds of human trafficking, but has not implemented the kind of comprehensive victim services program that is so important to adequately assisting survivors of trafficking. As hypothesized in this paper,

California, the individualist state, has done the best job of the three, taking a well rounded approach to both prosecution of offenders and protection of victims.

Future research would benefit from consistent data collection in each state, as well as more well informed and organized task forces, law enforcement agencies, and officials. However, the issue of human trafficking has only been brought to the attention of legislators in the past two decades, the federal law is only thirteen years old, and state laws are even newer. With time and better data collection, patterns of trafficking and prevention strategies should become more apparent. By consistently researching and working to improve approaches to trafficking, and by leaving ideological schisms aside, both state and federal law enforcement and government agencies can work to prevent trafficking, prosecute offenders, and protect victims.

Appendix

Table 1:

Immigrant Victims of Trafficking and Other Serious Crimes: California Benefits Eligibility and Time Limits.

California Immigrant Policy Center. Accessed online January 15, 2013 from dsa.csupomona.edu/AB540/files/TraffickingReport-edit2010_7494.pdf.

Table 2:

Arrests/Arraignments for Sex Trafficking (PL 230.34)

Arrests/Arraignments for Labor Trafficking (PL 135.35)

Department of Criminal Justice Services, Computerized Criminal History System.

Information gathered December 26, 2012.

TABLE 1

Immigrant Victims of Trafficking and Other Serious Crimes: California Benefits Eligibility and Time Limits

	Trafficking Victims (Pre-Certification)	Trafficking Victims (ORR Certified)	U Visa/Interim Relief applicants & U Visa holders
CalWORKs Medi-Cal Healthy Families Food Stamps IHSS	12 months[1]	Eligible	Eligible
SSI (Supplemental Security Income)	Not eligible	Eligible during first 7 years after certification, unless extended**	Not eligible
CAPI (Cash Assistance Program for Immigrants)	12 months[1]	Eligible once SSI time limit expires	Eligible
State-Funded: Refugee Cash (TCVAP) Refugee Medical	Up to 8 months[2]	Not eligible	8 months
Federal: Refugee Cash Asst. (RCA) Refugee Medical (RMA)	Not eligible	8 months	Not eligible
Refugee Social Services (RSS)	12 months[1, 2]	Eligible	Eligible
General Assistance	Up to 12 months[1,3]	Eligible[4]	Eligible[4]

To be eligible, immigrant victims must also meet the program's general rules (income, age, disability, pregnancy, family with children, etc).

(Footnotes)

1 The 12-month period can be extended if the trafficking victim files a T visa application.

2 Trafficking victims who become federally certified transition from state to federal RCA/RMA/RSS. Federal RCA/RMA is available for 8 months; Federal RSS is available for 5 years.

3 Pre-certified trafficking victims who receive 8 months of TCVAP can transition to General Assistance (if otherwise eligible) for the remaining 4 months, which can be extended indefinitely if a T visa petition is filed, as long as the individual remains eligible for the program or until and unless the T visa is finally denied.

4 Certified trafficking victims who are no longer eligible for federal RCA, and U visa applicants/holders who complete the 8 months of TCVAP become eligible for General Assistance if otherwise eligible for the program.

** Trafficking victims and other "humanitarian immigrants" who reach the end of the 7-year period or who lost SSI due to this time limit may be able to get 2-3 additional years of SSI. This temporary SSI extension expires on 9/30/11.

ARRESTS/ARRAIGNMENTS FOR SEX TRAFFICKING (PL 230.34)

		ARREST YEAR					
		2008	2009	2010	2011	2012*	Total
New York State	Total Arrests-Arraignments	16	18	28	68	64	194
	Open, No Dispo Reported			5	18	48	71
	Total Dispositions	16	18	23	50	16	123
	Convicted-Sentenced	9	13	19	27	8	76
	Convicted-Sentence Pending			1	3	2	6
	Covered by Another Case	1		2	2		5
	Dismissed-ACD				1		1
	Dismissed-not ACD	6	4	1	14	4	29
	Acquitted		1				1
	DA Declined to Prosecute				2	2	4
	Other				1		1
	Total Sentences	9	13	19	27	8	76
	Convictions to: Sex Trafficking		4	10	5	2	21
	Non-Trafficking	9	9	9	22	6	55
	Total Sentences	9	13	19	27	8	76
	Prison	8	8	12	17	4	49
	Jail		2	2	6	1	11
	Time Served			2			2
	Jail+Probation			2	1	1	4
	Probation	1	2		1	1	5
	Cond Discharge		1	1	2	1	5
New York City	Total Arrests-Arraignments	14	14	27	66	50	171
	Open, No Dispo Reported			5	18	38	61
	Total Dispositions	14	14	22	48	12	110
	Convicted-Sentenced	8	11	18	25	5	67
	Convicted-Sentence Pending			1	3	2	6
	Covered by Another Case	1		2	2		5
	Dismissed-ACD				1		1
	Dismissed-not ACD	5	2	1	14	3	25
	Acquitted		1				1
	DA Declined to Prosecute				2	2	4
	Other				1		1

ARRESTS/ARRAIGNMENTS FOR SEX TRAFFICKING (PL 230.34)

ARRESTS/ARRAIGNMENTS FOR SEX TRAFFICKING (PL 230.34)

		ARREST YEAR					
		2008	2009	2010	2011	2012*	Total
Total Sentences		8	11	18	25	5	67
Convictions to:	Sex Trafficking		3	10	5	2	20
	Non-Trafficking	8	8	8	20	3	47
Total Sentences		8	11	18	25	5	67
Prison		7	7	12	17	3	46
Jail			2	1	5		8
Time Served				2			2
Jail+Probation				2	1		3
Probation		1	1		1	1	4
Cond Discharge			1	1	1	1	4

ARRESTS/ARRAIGNMENTS FOR LABOR TRAFFICKING (PL 135.35)

		ARREST YEAR					
		2008	2009	2010	2011	2012*	Total
New York State	Total Arrests-Arraignments	4	3	7	6	10	30
	Open, No Dispo Reported				3	3	6
	Total Dispositions	4	3	7	3	7	24
	Convicted-Sentenced	4	1	4	2	2	13
	Convicted-Sentence Pending			1	1	3	5
	Covered by Another Case					1	1
	Dismissed-not ACD		2	1		1	4
	Acquitted			1			1
	Total Sentences	4	1	4	2	2	13
	Labor Trafficking	1					1
	Non-Trafficking Chg	3	1	4	2	2	12
	Total Sentences	4	1	4	2	2	13
	Prison	3	1	1	1		6
	Jail			2		1	3
	Probation			1	1		2
	Cond Discharge	1				1	2
New York City	Total Arrests-Arraignments	2	1	3	5	5	16
	Open, No Dispo Reported				2	1	3
	Total Dispositions	2	1	3	3	4	13
	Convicted-Sentenced	2	1	2	2	1	8
	Convicted-Sentence Pending				1	2	3
	Dismissed-not ACD			1		1	2
	Total Sentences	2	1	2	2	1	8
	Non-Trafficking Chg	2	1	2	2	1	8
	Total Sentences	2	1	2	2	1	8
	Prison	2	1		1		4
	Jail			2		1	3
	Probation				1		1
Rest of State	Total Arrests-Arraignments	2	2	4	1	5	14
	Open, No Dispo Reported				1	2	3
	Total Dispositions	2	2	4		3	11
	Convicted-Sentenced	2		2		1	5

ARRESTS/ARRAIGNMENTS FOR LABOR TRAFFICKING (PL 135.35)

ARRESTS/ARRAIGNMENTS FOR LABOR TRAFFICKING (PL 135.35)

	ARREST YEAR					
	2008	2009	2010	2011	2012*	Total
Convicted-Sentence Pending			1		1	2
Covered by Another Case					1	1
Dismissed-not ACD		2				2
Acquitted			1			1
Total Sentences	2		2		1	5
Labor Trafficking	1					1
Non-Trafficking Chg	1		2		1	4
Total Sentences	2		2		1	5
Prison	1		1			2
Probation			1			1
Cond Discharge	1				1	2

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