Lawmakers are attacking sex trafficking on several fronts.

BY JANE HOBACK

If you think child sex trafficking doesn’t occur in your neck of the woods, you’re not alone.

On a ride-along with a Seattle police officer, Washington Representative Tina Orwell (D) was shocked to see what looked to be 13- and 14-year-old girls on street corners being trafficked for sex.

“He showed me a side of our community I had never seen,” she says.

When Alabama Representative Jack Williams (R) tried to introduce legislation in 2009 to combat sex trafficking in the northern part of his state and along Interstate 20, it didn’t get far. “Nobody was against it,” he says, “but people said it just didn’t happen here, that it only happens in big cities.”

Even Minnesota Senator Sandy Pappas (D), who’s worked on the issue for 10 years, was surprised when police arrested traffickers at what she describes as her “next-door neighbor”—a downtown St. Paul hotel connected by a skyway to her condo.

A 15-year-old girl from Iowa had been held against her will and forced into prostitution there. “She’d been there for a week, with men coming and going,” Pappas says. “Nobody reported it. Finally, the girl got to a phone and called police. This is a business hotel where people come to do training at local corporations or attend conferences. Right in the heart of downtown St. Paul.”

Everywhere, Out of Sight

No part of the country is immune from sex trafficking, and girls and boys as young as 9 years old of every race, socioeconomic class and
CHILD WELFARE

Decreasing the Demand

A King County, Washington, program is setting its sights on buyers of commercial sex with a pilot program aimed at reducing demand by 20 percent in two years.

The program, called Buyer Beware, is a joint effort of the office of the King County Prosecuting Attorney and the nonprofit Organization for Prostitution Survivors.

"With the average age of entry into prostitution at 13 to 15 years old, prostituted people are coerced into 'the life,' controlled by pimps or unable to escape for other reasons," the survivors’ group says. "Instead, this model will focus on the participants who do have free choice: the buyers who drive demand."

The attorney’s office aims to increase the number of arrests and prosecution of buyers; expand training of police agencies to conduct stings on sex buyers; and ensure imposition of the state’s mandatory $5,000 fine to support victim services. The office also will increase the number of jurisdictions conducting internet stings and coordinate a public awareness campaign aimed directly at online buyers.

The survivors’ group will develop a comprehensive intervention program that convicted sex buyers will have to participate in as a condition of their sentences. The group will also focus on expanding public awareness through its "Buyer Education" efforts.

"The mandatory $5,000 fine is a good tool because buyers are the ones paying the fees," says Washington Assistant Attorney General Farshad Talebi, who also heads the state’s Commercially Sexually Exploited Children Statewide Coordinating Committee. "A lot of times buyers are spending $5,000, $10,000 a month on prostitutes. The demand side is just mind-blowing.”

The program will step up publicity on arrests, prosecutions and penalties. In Seattle, program organizers and others are meeting with the largest local businesses and biggest employers to raise awareness and help them establish internal policies addressing sex trafficking.

"It’s in their self-interest," he says. "The last thing you want is to see a front-page article that says your employee just got arrested for having sex with underage prostitutes."

"There’s been a pretty big shift over four years from arresting young women to focusing on the demand.”
—WASHINGTON REPRESENTATIVE TINA ORWALL

sexual orientation are at risk. Children are bought and sold for sex in big cities and at truck stops, in small rural communities and at suburban strip malls, in upper-middle-class counties and at major sporting events like the Super Bowl. And then there’s the internet. One estimate puts the number of child pornography websites at 20 million.

Trafficking is a “multimillion-dollar industry,” says Washington Assistant Attorney General Farshad Talebi. Traffickers operate on circuits that span whole regions of the country. "What we’re seeing are gangs and drug dealers shifting to selling girls because, one, it’s more lucrative and, two, it’s less risky,” says Talebi, who heads Washington’s Commercially Sexually Exploited Children Statewide Coordinating Committee.

It’s less risky because fewer law enforcement officials are dedicated to investigating and prosecuting sex trafficking than are working on other crimes. But that’s changing at both the federal and state levels as legislators are enacting laws addressing the problem on several fronts, from mandating tougher penalties for traffickers to providing counseling and a range of services to the young victims.

Traffickers especially target vulnerable children who have been abused, have dropped out of school, are homeless, or are gay or lesbian. Some are "teenagers who are just a little lost," as Pappas puts it. Their average age is 13.

Statistics are hard to pin down, but estimates, which vary widely, start at about 100,000 children trafficked for sex annually in the country. At a congressional hearing in 2015, Utah Attorney General Sean D. Reyes put the number at about 2 million.

In an April 2016 congressional report, “The National Strategy for Child Exploitation Prevention and Interdiction,” the U.S. Department of Justice called the total number of children affected “immeasurable,” due to “misidentification of juveniles as adults, varied classification of criminal incidents by law enforcement and extra measures taken by traffickers to ensure juveniles are not contacted by law enforcement.”

“Child sex trafficking is one of the most complex forms of child sexual exploitation,” the report says. “Victims frequently fall prey to traffickers who lure them in with an offer of food, clothes, attention, friendship, love and a seemingly safe place to sleep.

Traffickers often use acts of violence, intimidation or psychological manipulation to trap the child in a life of prostitution. Victims are conditioned to remain
loyal to the trafficker and to distrust law enforcement, according to the report.”

Protecting Victims

The cornerstone of federal law is the Trafficking Victims Protection Act, enacted in 2000 to punish traffickers and buyers and protect victims. The law specifically addresses child sex trafficking, also referred to as commercial sexual exploitation of children, making it a crime to recruit, harbor, transport, obtain, patronize or solicit a person under the age of 18 for the purpose of a commercial sex act. A critical part of the law is that child sex trafficking does not require proof that the minor victim was subjected to force, fraud or coercion.

Last year, Congress strengthened the original law by passing the Justice for Victims of Trafficking Act. It includes the producers of child pornography in the definition of sex traffickers and increases federal fines for convicted traffickers to $5,000. The fines will fund a new Domestic Trafficking Victim’s Fund, which will help states with the costs of providing services to victims and prosecuting traffickers.

The Justice Department will accelerate training of law enforcement officers and prosecutors who work on trafficking cases, and will report annually on how states are enforcing sex-trafficking laws.

Because the new federal law is barely a year old, no data are available yet on the results of distributing fines or of enforcement at the state level. But a host of state laws enacted or being considered this year complement the federal legislation by increasing criminal penalties and fines for traffickers and buyers, treating minors as victims, protecting them from prosecution on prostitution charges, boosting the number of law enforcement officials and prosecutors dedicated to trafficking cases, and increasing funding for anti-trafficking efforts.

Nearly every state has passed some form of anti-trafficking legislation. Here’s a closer look at some of them.

Washington

Washington was the first state to criminalize human trafficking. In 2003, the state made human trafficking a class A felony with criminal and civil penalties. Since then, the Legislature has enacted several bills addressing the commercial sexual abuse of a minor. A $5,000 mandatory fine for first-time offenders helps pay for services for victims and training for law enforcement.

Washington’s “safe harbor” law requires mandatory diversion for a first charge of prostitution and a discretionary diversion for a second charge.

“Their’s been a pretty big shift over four years from arresting young women to focusing on the demand,” Orwall says.

No juveniles were arrested for prostitution in 2015, a result of increased awareness and training of law enforcement officials, says Orwall. Her next legislative priority

—Kevin Frazzini, NCSL
The area near Washington’s Seattle-Tacoma International Airport, which is in Orwall’s district, has one of the highest rates of trafficking in the U.S. But the biggest proliferation of sex trafficking has been online, where hundreds of website are breeding grounds for the exploitation of children for sex.

In one sting operation, police posted an ad on Craigslist posing as a mother selling her young children for sex. “In an hour, the ad got hundreds of responses,” Talebi says. “We’re talking about 8- and 11-year-old kids. That hit me really hard. This is happening in every community. If we’re genuine about going after this problem, we have to have more law enforcement.”

**New Hampshire**

The New Hampshire House passed a bill this June that makes it a felony to buy sex with a minor regardless of whether a trafficker is involved. The provision encompasses runaway and homeless youths who are exploited for sex in exchange for food, shelter or other necessities—known as “survival sex”—without the involvement of a trafficker.

New Hampshire Representative Brian Gallagher (R) has a longtime and personal interest in the issue. His 93-year-old aunt, a Maryknoll nun, has been fighting human trafficking for 65 years.

“She’s been a symbol of leadership to me,” he says. “When I was first elected to the House, she asked me to look into the issue.”

A more immediate incentive came from what Gallagher says was a “poor ranking from Shared Hope,” the nonprofit that tracks and rates states’ legislative efforts, along with reports that trafficking was increasing in the cities of Nashua and Manchester.

“New Hampshire has been lagging behind in setting strict standards and strengthening protections for victims,” he says. Future legislation will provide resources for victims to “help them heal and recover.”

**Minnesota**

The Minneapolis–St. Paul metro area has the dubious distinction of being one of 13 U.S. metro areas with a high incidence of child prostitution, according to the FBI. Pappas says Interstate Highway 35, the Mall of America and ships on Lake Superior are particular trouble spots.

A 2000 study by the Women’s Foundation of Minnesota estimated that more than 200 girls are sold for sex an average of five times a day via the internet and escort services alone. Native American girls are at a greater risk than any other racial or ethnic group, according to another study.

Minnesota started by enacting laws strengthening penalties against traffickers. The Legislature passed its first safe harbor law in 2011, decriminalizing prostitution for commercially sexually exploited youths 15 and under. The law increased penalties for commercial sex offenders and created a statewide victim-centered service model known as No Wrong Door.

“A lot of times the police would say, ‘I picked up this young girl ... but I have no place to bring her but jail,’” Pappas says. “So we developed safe places where they can go and not be treated as criminals.”

A 2013 law, which extended safe harbor provisions to all sexually exploited youths under age 18, also designated $2.8 million to fund various prevention and treatment services as well as law enforcement training.

Pappas and her colleagues worked with Minnesota’s U.S. Senator Amy Klobuchar (D) to develop the 2015 federal anti-trafficking law, which is modeled on the comprehensive Minnesota bill.

“This is a totally bipartisan issue,” Pappas says. “There’s no one who doesn’t support trafficking victims. We moved from the mindset that for some girls this could be a choice. [In the 2011 law], if you were between 16 and 17, you didn’t quite get safe harbor. We changed that to recognize that it’s a very difficult thing to get out of and it can take a while.”

**New Jersey**

The Super Bowl, like other major sporting events, is a hot spot for sex trafficking. When the Meadowlands Sports Complex in Rutherford, N.J., was chosen to be the site of the 2014 Superbowl, New Jersey Assemblywoman Valerie Huttle (D) and many of her colleagues on both sides of the aisle moved quickly to get the Human Trafficking Protection, Prevention and Treatment Act signed into law.

It raises the penalty for trafficking of
The law also targets hotel and motel owners, landlords and taxi drivers. “We received some pushback from these industries,” Huttle says. “They didn’t want to be held accountable.” But, she says, they are the most likely to see suspicious activity that points to trafficking.

By the time the Super Bowl arrived, Huttle says, “We had so many advocates that hotels and motels in the area had little soaps with the 1-800 number for reporting sex trafficking on them.”

The law also targets escort services and others who advertise commercial sex abuse of minors. “That’s still a thorn in our sides,” Huttle says.

**Alabama**

The Alabama Legislature passed its Human Trafficking Safe Harbor Act in April 2016, expanding on trafficking legislation Williams has championed for over half a dozen years.

The law focuses on the demand side of trafficking, establishing fines ranging from $500 for a first charge of soliciting to $1,500 and class A felony charges for the fourth charge. It requires all prostitution charges to be heard in district, rather than municipal, courts. The law also includes forfeiture of property provisions.

In the past, Williams says, “police officers said it wasn’t a problem. Judges said it wasn’t a problem. But within 10 minutes of my home, one little section of one little town averages about 20 arrests for prostitution every month.”

He says two sting operations in small Alabama towns netted more than 30 arrests of men attempting to purchase sex from minors in just two days.

The new law also focuses on treatment and supervision of exploited children. “We can’t just say a child can’t be charged with a crime,” he says. “They have to receive assistance.”

Williams acknowledges he’s an unlikely champion of sex trafficking laws.

“It’s not something a white suburban Republican picks up the banner for. But it just had to be done in our state.”

He may be surprised at who’s in his corner. This is one issue that appears to have little partisan divisiveness.