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Sex trafficking: How the media portrays victims and reflects legislation

by

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A thesis submitted to the graduate faculty
in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

Major: Sociology

Program of Study Committee:
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2012

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RRC

ABSTRACT

Sex trafficking is a pervasive problem in the United States and around the world. For most of its history in the United States, the issue of sex trafficking has been hidden from the public and pushed into the back of peoples' minds. It has been a problem that people are sympathetic to, but made to believe is not happening in our country. Recently, though, light has been shed on this problem through increased public awareness, primarily through the news media. Using a content analysis, I investigated the content of news media articles that have been used to describe the people involved in sex trafficking. Looking at these articles through a symbolic interactionism lens was deemed the most appropriate framework for this study. Morality, ethics, values, and even reality are created through our interactions (Ritzer and Goodman 2004). By using newspaper articles as a medium for which people are interacting with and receiving information, I can gain an understanding of the meanings that are being attached to sex trafficking victims. Historically, those that have been sex trafficked have been criminalized as prostitutes, even when they were victims. With the passage of the Victims of Trafficking and Violence Protection Act in 2000, however, the US implemented a critical legislative tool for identifying sex trafficking victims and prosecuting the traffickers, rather than the trafficked. This act has trickled down to the state level where some states have developed their own legislation to reflect the TVPA. In the current study, I examined how representations of sex trafficking victims in major newspapers differs between states which have high or low quality legislation on this issue, as determined by recently published "state report cards" on the effectiveness of all U.S. states' sex trafficking legislation, by the Protected Innocence Initiative (2011).

CHAPTER ONE

INTRODUCTION

Slavery still exists. The sex trafficking of men, women and children is an international, as well as domestic problem. While statistics vary on how many trafficking victims there are annually, the estimates worldwide range from 600,000 to four million (McCabe and Manian 2010). The U.S. Department of State (2005) finds that 14,500-17,500 people are trafficked yearly *into* the U.S., and the CIA (1999) estimates 45,000-50,000 victims are trafficked *within* the U.S. yearly. With potentially tens of thousands being trafficked into the United States each year and billions of dollars being spent in this industry worldwide (Bales and Soodalter 2009; CNN 2011), human trafficking is the 3rd largest form of international organized crime (CNN 2011), with women being estimated to make up 70% of that globally (U.S. Dept. of State 2005). Within that 70%, it is estimated that 50% of the victims are under the age of 18 (U.S. Dept. of State 2005). Because human trafficking is a very hidden crime, concrete statistics are hard to find as to what percentage of human trafficking is, exclusively, sex trafficking. According to an article from CNN.com that discussed a new report from the U.N. Office on Drugs and Crime, sexual exploitation is the most common form of human trafficking globally, at 79 percent (CNN 2009).

Because of the magnitude of this problem, the United States enacted the Victims of Trafficking and Violence Protection Act (2000). This act has three divisions: the Trafficking Victims Protection Act (TVPA), the Violence Against Women Act, and miscellaneous provisions (VTVPA 2000). Because this analysis is focused solely on trafficking victims, it

would only be appropriate to focus only on the TVPA division. Therefore, the national-level law will henceforth be referred to as TVPA.

While the TVPA (2000) is an essential tool to help combat sex trafficking, sex trafficking remains an important issue to study because the numbers keep increasing and the effects of this crime on victims are severe. Victims of sex trafficking have a 40% higher mortality rate than non-victims, or individuals who participate in the sex industry voluntarily (McCabe et al. 2010). These victims face physical and psychological damage from forced sexual activity, including disease, HIV/AIDS, stunted emotional growth, and damage to reproductive organs (U.S. Dept. of State, 2005). Studying how victims are represented in the media is necessary because their portrayals may not accurately reflect what the TVPA (2000) constitutes as a victim. If these reflections are not accurate, the public may be misinformed as to the nature of sex trafficking and less supportive of policies that help victims or curb the number of vulnerable victims.

In this analysis, I examine whether news media portrayals of sex trafficking victims reflect an accurate understanding of the TVPA, as well as what we know about sex trafficking based on the extant literature, and how these portrayals fit into the symbolic interactionism framework. I keep these objectives through a content analysis on newspaper articles' portrayals of sex trafficking victims. The analysis uses articles from newspapers in the states with the best legislation present for sex trafficking and the worst legislation for sex trafficking, based on the Protected Innocence Initiative Report Cards (2011). The Protected Innocence Initiative (PII) Report Cards are a comprehensive analysis of each state's existing laws, specifically on child sex trafficking. These report cards were developed to promote

zero tolerance for the sex trafficking of children (Shared Hope International 2011). Each state was graded according to six categories: criminalization of domestic minor sex trafficking, criminal provisions for demand (buyers), criminal provisions for traffickers (pimps), criminal provisions for facilitators (hotels, transports, websites etc.), protective provisions for the child victims, and criminal justice tools for investigation and prosecutions. The analysis did not evaluate enforcement or implementation, so the PII strictly adhered to the study of the legislation present.

While newspaper articles cannot tell us how the public *actually* perceives sex trafficking victims, previous studies have found that mass media can influence attitudes and stimulate emotions (Riffe, Lacy, and Fico 2008). Because of its furtive nature, media may be the only way that many Americans get much of their information about sex trafficking victims from, so it is relevant to analyze. As you will see in the ‘Results’ section, there are different levels of awareness and representations of these victims, that vary by the quality of legislation within the state these articles are written. Before describing the method and results of the present study, I will summarize the literature currently available.

CHAPTER TWO

LITERATURE REVIEW

In this section, I will begin by giving important definitions and descriptions of state and national laws. I am doing this to demonstrate what constitutes a victim on the state and national levels and to show any overlap or inconsistencies between the two. These comparisons relate to the Protected Innocence Initiative (PII) report cards (discussed in greater detail later), which also relate to my analysis; how victims are portrayed in the states with the best versus the poorest legislation. The language used in the legislation also shows up in the newspaper articles, so a proficient understanding is needed. Afterwards, the previous literature will be examined, beginning with a look at past debates between sex trafficking and prostitution. Deliberation between scholars and feminist organizations focus on whether all prostitutes should be considered sex trafficking victims or, if all sex trafficking victims should be considered prostitutes. I tease out the differences between each view point and then give which approach I will take, based on how it fits in with legislative definitions. Next, I will go over what the literature has found regarding the circumstances surrounding sex trafficking. Research findings regarding sex trafficking, including the contexts in which it occurs, will later be considered in the analysis, in consideration of how reporters' portrayals of victims' situations compare to those in the extant literature. Then, I will show why news media analysis is a relevant and important tool for analyzing sex trafficking portrayals.

First, the following analysis draws upon a symbolic interactionism (SI) perspective. This perspective says that a person will place meanings onto things and these meanings will be derived from social interaction and an interpretative process that a person uses when encountering these things (Manning and Smith 2010). SI perspective is an appropriate framework for this study because the media is a site for discourse in which institutions, social groups, and ideologies try to get across definitions and constructions of social reality (Schmitt 1991). The media uses specific discourses and presents information in some context of meaning. In turn, the individuals interacting will approach this discourse in an active way and then use it to construct their own meanings about issues (Garrison 1988). SI states that people base their knowledge of the world on what has proved useful to them. Individuals are free agents who accept, reject, modify, or define social roles, norms and beliefs based on personal interests and plans of the moment (Ritzer et al. 2004). Journalists and policy makers, also being free agents, can advance their personal interests by using news articles to portray a meaning to the individuals that will read the articles. The readership will then interpret that meaning and use it to construct their own thoughts about sex trafficking victims.

Definition of VTVPA (2000)

A description of state and national laws is important to understand so I can see if the news media is portraying sex trafficking victims accurately. A description of the national law is given first, because it is the most comprehensive legislation on sex trafficking. Then, I will describe the state laws so it is apparent why some states are ranked as “top” and others as “bottom,” by the PII. The PII report cards, to a large extent, based their state-level

evaluations on the national laws that are in place. I am looking at the differences between the top and bottom states as a whole, in terms of their responsiveness to national laws, which are reflected in the PII rankings.

According to the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 (P.L. 106-386), human trafficking is defined as:

- (a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person is induced to perform such an act has not attained 18 years of age; or
- (b) The recruitment, harboring, transportation, provision, or obtaining or a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary solitude, peonage, debt bondage, or slavery. (2000:7)

Because this research is focused on sex trafficking, I will elaborate on some of the terms in the definition that are relevant to most sex trafficking cases. The term “sex trafficking” means “the recruitment, harboring, transportation, provision, or obtaining a person for the purpose of a commercial sex act.” The phrase “commercial sex act” means “any sex act on account of which anything of value is given to or received by any person.” The term “coercion” means “threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the

abuse or threatened abuse of the legal process.” (VTVPA 2000:7). Examples of these terms are given further into the literature review, as well as in the ‘Results.’

Summary of Legislation

While the TVPA (2000) is federal legislation, individual states may vary in what legislation is present, if any. If a state has sex trafficking laws and an offense happens, that case can then be prosecuted on the state level. If a state does not have adequate sex trafficking laws, the TVPA can be applied to cases in lieu of these laws. It is up to the Department of Justice or U.S. Attorney if a case will be prosecuted on the federal or state level (Hudson 2012). Police in states that do not have laws that reflect the TVPA can make arrests for violation of the national legislation. This shows that using federal legislation to compare states with the best and worst state-level legislation is legitimate because both are held to the same federal standard. However, it is possible that a lack of legislation the state-level may result in the police being unaware of how and when arrests can be made in accordance to the TVPA. Police awareness is important to the current study because the police’s familiarity with anti-trafficking legislation could influence the way they report trafficking cases to the media, and thus portrayals of sex trafficking victimization in news articles.

To see how each state’s legislation is reflective of the federal legislation (if any), the Protected Innocence Initiative (PII) report cards were used. The Protected Innocence Initiative is a comprehensive analysis of state legislation to encourage zero tolerance for child sex trafficking. This initiative was part of a larger organization’s effort to bring help sex trafficking victims: Shared Hope International. Shared Hope International exists to use

education and public awareness to help abolish sex trafficking (Shared Hope International 2011). Throughout this thesis, both PII and Shared Hope will be referred to as 'PII'. As mentioned in the introduction, PII's report cards examined only laws in place for child sex trafficking. Because of this, the Polaris Project was also used as a source for state legislation information. The Polaris Project is an organization that is trying to combat *all* forms of human trafficking. The Polaris Project assembled a comprehensive list of states' human trafficking statutes, which included adults (2011). Using both the PII and the Polaris Project, a list of all laws, adult and minor, was able to be compiled (Appendix B).

When comparing the comprehensive list of state laws to the TVPA, there is inconsistency in terminology. The TVPA uses the term "commercial sexual exploitation of a child (CSEC)" which is the phrase federal law uses to refer to minors being sex trafficked. PII uses "domestic minor sex trafficking" to describe child victims of sex trafficking. PII states in a report that their definition of "domestic minor sex trafficking" does indeed have the same definition as "commercial sexual exploitation of a child" (Shared Hope 2009:5) so even though the vocabulary differs between the TVPA and the PII report cards, the TVPA's terminology will be used to refer to child sex trafficking, for consistency.

Coming back to the legislation, the current study used the PII's report cards to assemble two 'tiers' of states: a top tier and a bottom tier. These tiers are based on the rankings that each state received based on the PII's grades for adequate state legislation. The top tier is composed of the top five ranked states with the best legislation in our country: Texas, Missouri, Illinois, Washington, and Minnesota. While there is some variability between each state, every single state in the top tier of this analysis have the following charges that can be used to prosecute those involved in sex trafficking: CSEC and the

possession of child pornography. Being in the top tier means that every child is covered by state and federal law if sex trafficked. Only the top two states (Texas and Missouri) have laws that can prosecute offenders for the sex trafficking of adults (“sex trafficking” or “trafficking for the purpose of sexual exploitation”). The absence of legislation for adult sex trafficking in some of the top states makes it hard for cases involving adult victims to be fully recognized, according to the guidelines of the TVPA. As such, while these are the top five states in our nation that have the best legislation for child sex trafficking according to the PII report cards, only legislation at the federal level covers both adults and children.

The bottom tier is composed of the states that were ranked the worst in the nation: Virginia, California, Hawaii, West Virginia, and Wyoming. Every single state in the bottom tier of this analysis has some legislation for CSEC, although some states have limitations. Each state can arrest offenders on charges of either “possession of child pornography” if there is any present, or “solicitation of a prostitute”. Because of the illegality of prostitution in the United States, “solicitation of a prostitute” applies to every age, adults and minors. Virginia and California are the only states in the bottom tier that have specific trafficking laws, and they are hidden within other laws. In Virginia, “abduction and kidnapping defined” says that any person who by force, intimidation, or deception and without legal justification or excuse, seizes, take, transports, detains, or secrets another person with intent to deprive of personal liberty. In California, “infringement of personal liberty or attempt to assume ownership of persons” has a similar meaning to Virginia’s law. These laws are not actually called “trafficking” laws by their states; they are simply laws which PII said relate to trafficking.

Because the majority of bottom states lack trafficking laws, victims of these crimes are at risk of not being identified as trafficking victims and this can result in barriers to their accessing services and justice. It deserves mention that no states received an “A” for anti-trafficking legislation, which means even the top ranked states have serious deficits. Relative lack of legislation relates to the current study because of the way these laws could be reflected in news media. If a state lacks the proper legislation, reporters may not accurately portray victims because of absence of provisions. This could lead the public to believe that sex trafficking isn’t a problem and then appropriate public policy may not be voted on that could help victims. Only the TVPA covers *all* victims and serves as the most comprehensive legislative tool.

Debate between Sex Trafficking and Prostitution

The debate over the difference between sex trafficking victims and prostitutes is an important one to address because of its legal implications. If law enforcement officers believe that sex trafficking and prostitution are one in the same, real victims will not get the services they need because they will be criminalized. While organizations such as the Coalition Against Trafficking in Women (CATW) consider everyone that is involved with sex work to be a victim of sex trafficking (Raymond 2004; Segrave and Milivojevic 2005; Weitzer 2007), furthermore, the law is not necessarily aligned with this perspective and does permit prosecution for prostitution. Most government agencies (U.S. Dept. of State) and researchers base the difference between sex trafficking and prostitution in the form of consent (McCabe et al. 2010; Perry, Angyal, and Miller 2011; Rand 2010; Segrave et al. 2005; Weitzer 2007), in the case of adults. For the purposes of this research, sex trafficking will be defined

according to the TVPA as involving performing sexual acts against their will, as a result of force, fraud, or coercion. Also according to the TVPA, all minors involved in commercial sex are considered victims of sex trafficking. Because anyone under the age of 18 is not seen as someone who can consent to selling sex, it doesn't matter if force, fraud, or coercion are not involved (U.S. Dept. of State 2004).

In regards to sex trafficking, much of previous research has been focused on what constitutes a victim (Cheng 2008; Desyllas 2007; Kotrla 2010; McCabe et al. 2010; Rand 2010; Raymond 2004; Segrave et al. 2005; Weitzer 2007; Wietzer 2010). The debates have mainly gone back and forth over whether prostitution by adults is synonymous with sex trafficking (Raymond 2004; Segrave et al. 2005; Montgomery 2009; Weitzer 2007). Some feminist scholars, for example, believe that because sex work is never a free 'choice' for women, all women in prostitution should be considered victims of sex trafficking (Raymond 2004; Segrave et al. 2005); while other feminist scholars and social scientists believe that voluntary prostitution is a viable alternative to working a 9 to 5 to make a living and it should not be defined as sex trafficking (Weitzer 2007), but rather “sex work.”

To get more in-depth, there have been two dominant sides to the trafficking versus prostitution debate. On the one hand, Weitzer (2007) states that the link between sex trafficking and the criminalization of prostitution has been a cause of feminists and politicians for decades. He proclaims that sex trafficking is a social construction that became an alleged “problem” when feminists and politicians made the claim that prostitution should not be legalized because it promotes sex trafficking. According to Weitzer, this is a myth that these involved parties use to persuade public opinion (2007). On the other hand, there is the

viewpoint that prostitution and sex trafficking are synonymous with each other, regardless of consent or legality (Farley 2006). Farley believes that there is an economic motive hiding the violence in prostitution and sex trafficking, in that they both are a lucrative form of oppression that government protects because of the profits they receive from these industries. She says that the media portrays victims as whores who choose prostitution as their lifestyle, when in fact, prostitution is “voluntary slavery” and “the choice made by those who have no choice” (Farley 2006:2). Opposing viewpoints are important to consider because they provide motives behind different portrayals that reporters may use.

There is hardly any existing research on whether former child victims of CSEC are still considered trafficking victims or if they are considered prostitutes when they transition to adulthood while continuing involvement in commercial sex. One study on child prostitution in Ethiopia showed that the community had no tolerance or sympathy for child victims. Sometimes, even death wasn't enough to curb the open hostility and antagonism that children experienced, because community members still persisted with their actions (Hoot, Tadesse, and Abdella 2006). If the death of a child cannot achieve public awareness of a social problem, certainly then aging out of childhood and adolescence would not change the public's already tainted image. Experiences in Ethiopia might not adequately reflect how children are treated in the U.S. however. Children in the U.S. are already considered victims by law and culturally, so becoming 18 years or older may not influence the “victim” status they already had. However, it is important to recognize that, by law, 18-year olds are considered adults and can consent to prostitution. Shared Hope International (2011) mentions that in some states, minor victims of sex trafficking receive services until they are 18 years old, while other states give services until they 21 years of age. There was no mention if these

services are sufficient or what happens once the victim has reach the age to no longer receive these services. Because of the lack of research, we do not know the answer.

Finding evidence about life after a minor becomes 18 years old would provide helpful information to the field, but this may not happen because sex trafficking is so hidden and under-estimated in our society. Reporters may not know that aging into adulthood may pose a problem, so they might not report on it. The clandestine nature shows how important it is to look at how the media is portraying the few cases which do attain recognition.

Importance of This Study

News accounts may be the only way that the majority of U.S. society is coming into contact with information about sex trafficking. As such, the way that the news media is portraying this issue will have a lot of influence on society's perceptions of the nature of this crime and the characteristics of its victims. Given the need to raise awareness about sex trafficking and engage prevention efforts, we need to examine the depictions of sex trafficking victims in the media and determine whether they accurately reflect our nation's and states' laws. Studying media-based portrayals is important because these portrayals influence the public's perceptions, of the nature and extent of sex trafficking in society, and may thus shape individuals' responses to this issue, including their efforts to influence legislation (Wahl 2003).

Context of Sex Trafficking

The connection between legislation and the established research is a weak one. Existing research can inform our need for legislation. Extant literature seems to reflect

legislation on its surface, but seeing as there is lack of resources and services available for victims, there is a disconnect between the two. The research does not reflect legislation because research has uncovered the depth of the problem while the legislation has not. The legislation needs to catch up with what research is showing about the circumstances surrounding victims. Control and deceit can each play a large part in the victimization of sex trafficked people. With many states (in the top and bottom tiers) not having adequate services for victims, these factors seem to be ignored in the legislation, especially at the state-level.

Raphael, Reichert, and Powers (2010) did a study on “pimp control” and tried to find what sort of women are more susceptible to becoming victims, what techniques pimps use to gain their trust, and what pimps do to keep them from running away. Raphael et. al. (2010) found that most pimps use coercive control to keep their women around. Coercive control is the control of daily living; it is more of a crime of liberty than a crime of assault (Gerdes 2006; Raphael et al. 2010). Techniques are to keep women sleep deprived and hungry because that makes them weak and weak people are easier to control (Perry et al. 2011). This relationship between pimp and prostitute (sex trafficking) victim is intimate and resembles battery in a marriage. It should be considered a special variety of abuse because the psychological effects make it very hard for the abused to get away. “Trauma bonds” refer to this type of behavior. Trauma bonds are typically formed between a hostage and their captors, or a batterer and the batteree. In each situation, an individual is being controlled by another and this control results in attachment-seeking behaviors towards a perpetrator that increase during traumatic events (Potter-Efron 2008).

Another way that the authors found pimps use to keep their women from running away was drug dependency (Raphael et al. 2010). Violence can easily be replaced by drug dependency because the addicted will always come back for more fixes. Almost 20% of women who are sex trafficking victims initially entered prostitution because their boyfriends had urged them to (Perry et al. 2011; Rand 2010; Raphael et al. 2010). Coercion is part of the definition of the TVPA (2000), so this literature, in terms of vocabulary, reflects legislation. However, while the TVPA says that coercion comes from the threat of serious harm if a person fails to perform an act, this literature shows ‘controlling’ techniques. Legislation must reflect all types of situations that a victim might find themselves in; if it doesn’t, victims may have difficulties getting help and acknowledgement as a victim.

The definition of “coercion” in the TVPA may also be difficult to apply to international victims because they often times come willingly. Most of the victims have initially been deceived about the labor services they would be providing (Bernat and Zhilina 2010; Montgomery 2009). Many victims in this situation are afraid to come forward because they may not understand the criminal justice system in the United States, most speak little to no English, they are embarrassed by their victimization, they are afraid of death to themselves or family, and most are without money, passports, and the ability to leave their abusive location (Bernat et al. 2010; Gerdes 2006). Bernat et al. (2010) believes that legislation and social service agencies are needed to work together from both directions: bottom-up and top-down. Bottom-up legislation to identify victims and provide services, top-down legislation to proscribe trafficking and punish traffickers.

Migration also plays a huge role in foreign nationals: there are many “push” and “pull” factors that make migrants vulnerable to sex trafficking. Some “pull” factors to get people into other countries are the need for cheap labor, job opportunities, higher wages, and a perceived better lifestyle (Clark 2003). With the United States traditionally having higher wages than third world countries, it is appealing for poor citizens to travel to a different country. Some “push” factors to get people out of their home country are poverty, unemployment, the economy, and the style of social order (Gerdes 2006). “Push” and “pull” factors work together to fuel vulnerability. Vulnerability can make people voluntarily migrate for, unbeknownst to them, fraudulent purposes (Chapkis 2003).

Not all sex trafficked people, however, can contribute migration to their victimization, even though there are some similarities. Most domestic victims are deceived with promises of jobs, but those jobs usually include some element of fame and a glamorous lifestyle (Boxill and Richardson 2007; Rand 2010; Raphael et al. 2010). Within the U.S., recruiting tactics from pimps include pretending to be a photographer who tells a young girl he will help advance her modeling career, or pretending to be a music producer, telling her he thinks she is perfect for this music video he is making (Rand 2010). These young girls are often seduced by love, money, and charm. Some of the risk factors of being vulnerable to sex trafficking are having a history of sexual abuse, emotional/psychological problems, school truancy, low self-esteem, negative family interactions, and repeated abuse and neglect from family (Rand 2010). These risk factors can set an individual up to be easily lured into what they think is a better life. Upon discovery, girls’ loyalty to pimps is evident when they are arrested and refuse to comply with police. This behavior makes police officers believe the

person is a prostitute by choice, regardless of age (Rand 2010). This is another characteristic of a victim forming a trauma bond with a perpetrator (Potter-Efron 2008).

Within both international and domestic victims, younger women are seen as more attractive to lure away from their families and into sex trafficking because they are less experienced in life and are more vulnerable (Bernat 2011). They are moved around often so they are disoriented and unfamiliar with surroundings (Bernat 2010; Bernat et al. 2011; Coonan 2004; Jacobsen and Skilbrei 2010) and deceit is predominantly used to recruit women, not kidnapping or brute force (Coonan 2004; Raphael et al. 2010). After pimps have the trust of the victims, some receive repeated beatings, rapes, and threats against their lives and their families' lives so they don't leave (Bernat et al. 2010; Coonan 2004; Montgomery 2009; Rand 2010). From one study, all women said that physical security was their biggest need once they were freed (Coonan 2004). In this study, opportunities had risen for the women to be discovered, but there were often barriers that prevented their detection. Women were often taken to public places like supermarkets, food stores, Laundromats, pay phones, banks, etc. but were always fearful to say anything to workers and cashiers, which shows the element of control over them. They even had access to medical facilities in emergencies, wherein the pimps would play "husband" and give a typical wife-batterer response to why the woman was injured (e.g. "She fell down the stairs"). In cases of foreign nationals, the medical staff usually the medical staff only spoke English, so the pimp had to translate and the woman was given no opportunity to give herself away (Coonan 2004). The majority of the women reported that this happened often: the women were given a small window of

opportunity to tell someone, but there was a language barrier OR people had identified the women as prostitutions, not as sex trafficking victims.

Sometimes social workers may find that a victim's story may not be "good" or "precise" enough to build a criminal case (Bernat et al. 2011). A story that does not accurately fit what the legislation describes as what happens to a victim, may not get that victim needed services. If the legislation is not there to support real-life circumstances, then reporters may not portray victims as such. Portrayals will be an important part of my analysis so this disconnect can be addressed.

Women and children (compared to adult men) are most vulnerable to become sex trafficking victims (Bernat et al. 2011; Coonan 2004; McCabe et al. 2010; Rand 2010; Raymond 2004). Child victims are more likely to come from families where the parents are alcoholics, have health problems, or are an authoritarian; and financial and educational inequalities also play a role in children's vulnerability (Bernat et al. 2011; Rand 2010). Additional risk factors for youth include a history of abuse (physical and sexual), running away, or being homeless (Gerdes 2006; Kotrla 2010; McCabe et al. 2010).

Representations of Sex Trafficking in Newspaper Media

It is important to consider the context and representations of sex trafficking victims in the media because, based on the extant literature, the media may not accurately portray what we understand about this population. Contrary to academic researchers, who write for highly specialized journals with a professional audience, news writers orient their work towards capturing the attention of the general public. News writers engage techniques to simplify

their topics for audiences who are not experts on them. Brown (2004), for example, elaborates on the ‘us’ versus ‘them’ dichotomy that is so popular in news media. Instead of looking at the dichotomy among adults that is common when writing about prostitution and sex trafficking, she looks at children. As adults, people generally see something innately wrong with a child that has any sort of sexuality. When children are caught selling themselves, the news media can spin it one of two ways. On the one hand, these children may be portrayed as not pure and have no moral compass. This can happen when a reporter includes quotes in an article about how children are prostituting themselves willingly. They are put into the ‘them’ category. On the other hand, children could be portrayed as innocent, passive, and helpless, completely unknowing of what has happened to them. A reporter can portray a child’s innocence by including quotes and descriptions of the child being lured into the situation, and being defiant the entire way. The children are then put into the ‘us’ category and the readership feels enraged and sympathetic to them as victims.

On a more general topic of human rights abuses, Abdela (2007) expands the talk about how the media can be a vehicle for ‘us’ versus ‘them’ portrayals of human rights violations. She wrote about a workshop she facilitated for journalists. Its main purpose was to educate journalists on the importance of evoking sympathy from readers so they can come to an understanding of the problem being reported. When the media is a tool that is used “for good”-that is, makes the reader sympathetic towards the victim, seeing them as similar to themselves- issues are better understood, accepted, and represented in public policy debates.

However, Cheng (2008) demonstrates that the media does have a tendency to oversimplify the problem of sex trafficking. Cheng took an ethnographic approach to see how sex

trafficked women in South Korea were talked about while U.S. troops were stationed there. He found that the media portrayed these women as foreign victims who are domestic villains. While the women are still in South Korea, they are poor, virginal victims. However, we don't want them coming here (to the U.S.) and selling their coerced sex. International victims coming to the U.S. not only fuels this notion that they are bringing sex trafficking to the U.S., but also contributes to the on-going debates regarding citizenship, illegal aliens, refugee statuses, etc. The media has historically done a nice job at simplifying social problems and then telling the audience not to worry; that the audience is in no danger as long as they are complying with political and legal ideologies (Chapkis 2003; Cheng 2008). The current study will look at how international victims are portrayed compared to domestic victims. The research discussed above would lead us to believe that the news media will portray international victims, when victimization occurs in the U.S., as criminals. But, when victimization occurs overseas, news media might portray international victims as innocent.

Using News Media to Examine Social Concerns

There have been many previous studies that have used a news analysis to examine social concerns. News analyses can be useful, because articles not only be used to identify key events, but can measure social occurrences over time (Neuman 2011:373). “Newspapers are also one of the primary arenas where controversial issues come to the attention not only of the public, but also of government decision makers and interest groups.” (Botelho and Kurtz 2008:15). Newspaper journalists have the capacity to shape social agendas because the public uses news stories to attach meaning to certain events and groups of people. Journalists

do not always mirror the truth, but rather put spins on topics to encourage circulation and readership (Botelho and Kurtz 2008:15).

Social issues and their presentation in media matter because they influence public interests, perceptions, and positions. Publicity promotes public awareness and can amplify awareness by reinforcing perceptions and influencing public opinion (Adams 2009; Tan 2011). Often, the general public does not go beyond what is reported by the media to acquire more information about policy issues. Without much in-depth knowledge, the public tends to rely on only the information being conveyed in the media (Tan 2011). While the media has the ability to frame social issues and direct public discourse, they often rely on a preexisting understanding of ideas and simply reproduce symbolic meanings, rather than overtly reinterpreting them (Adams 2009). This shows that while media can influence public opinions, perceptions, and awareness, it does so by simultaneously reinforcing meanings that already exist.

Given the influence of the media on public perception and, potentially, in social policy, it is important to understand not only the content of the news, but how this content is shaped by interested parties. Chermak (1994), for example, did a study on how the news production process affects the presentation of crime in the news media. He found that there are many players influencing what information makes it into an article that is printed. Police officers, detectives, etc. are used as informants for news articles, meaning they can control how crimes are presented in the stories selected (Chermak 1994). For example, if criminal justice sources find that prostitution is more newsworthy than sex trafficking, that is how they will report cases to media reporters. Media representations do not accurately reflect the

frequencies of crimes in official statistics, but rather what the media and its informants think they must use to attract or educate consumers (Chermak 1994).

As I will show in the 'Methodology' section, PII's report cards provide revealing information that many states in the U.S. do not have adequate laws to combat sex trafficking, nor do they have criminal provisions to address sex trafficking as a problem. Because of the lack of legislation and action on the state level, criminal justice authorities may not see sex trafficking cases as such. Instead, they may portray it to media reporters as prostitution. In turn, the public only gets criminalizing information and then no progress is being made to educate them or raise awareness about the sex trafficking victims that are out there. In support of my argument, criminology scholars have shown that portrayals of victims and perpetrators often fall into a dichotomous labeling structure: 'us' versus 'them' (Jewkes 2004; Madriz 1997; Surette 1995). People see themselves, and victims, as decent, respectable, and moral. They see perceived threats as deviant, immoral, and undesirable (Jewkes 2004). If laws in states don't aid in the identification of victims of sex trafficking, victims can easily be tossed into the 'them' category by the police and the media and be presented as prostitutes and criminals.

CHAPTER THREE

METHODOLOGY

In the current study, I did a content analysis to examine how, over the past four years, the news media in ten states has been representing sex trafficking victims, and the degree to which these media representations reflect an accurate knowledge of federal legislation on sex trafficking. A content analysis is appropriate because it "is a systematic method for examining the message or content of the print media in order to draw inferences about the communication system" (Vincent, Imwold, Masemann, and Johnson 2002). In addition, content analysis can also be used to analyze social issues which are difficult to see or document with casual observation (Nueman 2011), as is the case with sex trafficking.

This research will involve a comparative analysis between the top five states with the best legislation in the country and the bottom five states with the worst legislation in the country, in terms of their PII rankings, which are based on an assessment of state laws. The examination is being done to determine whether portrayals of sex trafficking victims in the media reflect an understanding of the legislation on the national level. A comparative analysis is an item-by-item comparison of two or more comparable alternatives, meaning, I will be comparing the news articles from the top-tiered states to the bottom-tiered states. A comparative analysis was chosen as the appropriate tool for this study because it will give an illustration of whether or not the news media is reflective of the legislation present. This can only be done by comparing states that have different degrees of legislation, hence, a top and bottom tier comparison. I will explore, specifically, whether media portrayals of trafficking

victims are more accurate and empathetic in top-rated states, since the laws in those states offer protection for victims and criminal sanctions for traffickers. On the other end of the spectrum, I will explore whether media portrayals of trafficking victims are less accurate and more apathetic to victims in the bottom-rated states, since relatively weaker laws in these states don't clearly specify that nonconsensual prostitution is sex trafficking. Related, I will examine the degree to which the media in the different tiered states portray sex trafficking victims as criminals or as being at fault for their situations. Throughout, I will also examine how news reports and sex trafficking victims compare to our industry and said victims in the research literature.

The articles that were used to administer the comparative analysis on were found using the search term "sex trafficking." "Sex trafficking" is the term that the media itself is using, so it is important to focus on what other language is surrounding the victim and the context they are in. My analysis involves measures (discussed in more detail later) that will, while taking the term "sex trafficking" into consideration, aid in finding meaning in the news articles that may not always be seen on the surface. Symbols are social objects that represent whatever people agree they represent. Authors can make sex trafficking victims symbols for sex trafficking itself (Ritzer et al. 2004). Because symbols allow people to carry on human interactions and place meanings onto things, finding the meaning that authors attach to these symbols is pertinent to see what perception of sex trafficking victims is being conveyed.

Protected Innocence Initiative (PII) and PII Framework:

In order to narrow down the sample of newspapers in my analysis, I used Shared Hope International's report cards for each state. Shared Hope International worked with the

American Center for Law and Justice (ACLJ) to start the Protected Innocence Initiative (PII). The PII includes a legislative framework that serves as the foundation for the Protected Innocence Challenge Report Cards. Each state was ranked according to their legislation that relates to the following six categories: criminalization of domestic minor sex trafficking, criminal provisions for demand (buyers), criminal provisions for traffickers (pimps), criminal provisions for facilitators (hotels, transports, websites etc.), protective provisions for the child victims, and criminal justice tools for investigation and prosecutions. The analysis did not evaluate enforcement or implementation, so the PII strictly adhered to just the present legislation. Each area of law may have several laws that affect the policy within the state's code, so specific questions were asked to determine whether the laws addressed the policy need.

These report cards ranked states with letter grades ("A," "B," "C," "D," and "F") that were based on their child sex trafficking legislation. The Protected Innocence Legislative framework and methodology were reviewed by several experts in the anti-trafficking field, whose comments contributed to the final analysis. People like an Ambassador to the U.S. Department of State, a professor from Georgetown University, the Director of the National Center for Prosecution of Child Abuse (a program of the National District Attorneys Association), the Director of the American Bar Association, the Executive Director of The Protection Project at Johns Hopkins University School of Advanced International Studies, and many more, contributed help on the analysis (2011).

Although the Protected Innocence Initiative analysis pertains to only legislation on child sex trafficking, it is the only initiative in the country which has completed a

comparative study and evaluation of all U.S. states' anti-sex trafficking legislation. It is assumed that states who scored high on the PII report cards, generally speaking, are more legislatively conscious about sex trafficking laws which would pertain to all ages of victims than are states that scored lower. Furthermore, it is important to note that the PII compared all states' laws to federal standards, i.e. federal-level anti-trafficking legislation.

Sample:

Because news articles can often be short, many will need to be analyzed until reoccurring themes and concepts are clearly identified. Instead of using the single top state with the best legislation and the single bottom state with the worst legislation, achieving clearly identifiable themes must be done through having enough articles to analyze. My sample size describes how many articles were used in the current study to reach the clearly identified themes that emerged from the data. Instead of using the single top state with the best legislation and the single bottom state with the worst legislation, to increase my sample size, I used the top five states and the bottom five states, according to the PII report cards. That being said, the five top states with the best legislation are Texas (1), Missouri (2), Illinois (3), Washington (4), and Minnesota (5). The bottom five states are Virginia (46), California (47), Hawaii (48), West Virginia (49), and Wyoming (50). I looked up the top two circulated newspapers in each state and picked the newspaper that was available on Lexus Nexus Academic to search. If both were available, I used the newspaper with the highest circulation. The circulation numbers were found online at the Audit Bureau of Circulations (2011). The circulation figures are for the print sources, but each newspaper also has an online version, so internet news users have access to the same material as print-users. Once

the newspapers were narrowed down, I used the search term “sex trafficking.” There were 191 news articles written in the past four years with this search term from the top five states and 84 news articles written in the past four years with this search term from the bottom five states. While doing the analysis, I discovered several articles that were reviews of popular movies that came out during those years. Those reviews were not included in the final sample because the authors were not writing about sex trafficking victims, they were merely reviewing movies that had sex trafficking as part of its plot. With these excluded, the final sample was 216 articles: 154 articles from the top tier and 62 articles from the bottom tier. In addition, there were instances where newspapers would pull stories that had previously been printed in other newspapers. Those articles were included in the analysis because they do inform public opinion. Previously printed articles were included with the entire sample for the statistics that were found in the quantitative portion of the analysis, as well as included for the qualitative portion of the current study.

Analytical Approach:

According to Neuman (2011), there are three different elements that we can measure while doing a content analysis: frequency, direction, and intensity. These three elements were used to discover the meanings that the readership obtained from the news articles I analyzed. Symbolic interactionism (SI) says that the media is a site for discourse in which institutions try to get across constructions of social reality; this can happen through the readerships’ interpretation of the articles. Because a content analysis is based off research where a communication medium can be systematically recorded and analyzed (Neuman 2011), the elements of frequency, direction, and intensity play an important role. These elements will

help me uncover the symbolic meaning of sex trafficking victim portrayals in news articles. Individuals learn the meanings of things during the socialization process (Ritzer et al. 2004), which can include the information they receive from a communication medium. When reading a news article, a person is interacting with it and developing meanings. These meanings can be developed through the meanings that authors are trying to portray in the articles. By using frequency, direction, and intensity, the meanings that readers are interpreting can be discovered.

Frequency was used to see percentages of various important characteristics that were found in the articles. One frequency that was noted was whether or not an article was originally published in that paper or if it was taken from a different state. Each newspaper article stated in a byline if the article came from a source other than the newspaper I obtained the data from. Dummy variables were used to code these: 0 for being originally published elsewhere, 1 for being an article written specifically for that states' newspaper. Quantifying the origin of an article was done to see if states are predominantly writing their own sex trafficking articles based off of what they know, or if they were just borrowing stories from other parts of the country or world. Another frequency that was counted was whether or not an article was completely devoted to sex trafficking as its topic (or if it was just briefly mentioned). This was done by counting the words in an article that were used in relation to sex trafficking, and then dividing by the total number of words in the article. The importance of devotion to sex trafficking in an article was to see how in-depth an author was getting with their story.

The forthcoming frequencies were counted to see how the demographic variables that were present in news articles compare to what the extant literature says about victims. Dummy variables were used to find what percentage of males and females were being reported on: 0 for males and 1 for females. If the article did not give sex of victims, that was quantified separately. Dummy variables were also used for minor (1) and adult (0) status of the victim. If an article was about both an adult and a child, that was noted separately. Domestic victims were given a “0” and international victims were given a “1,” if the author included that information in the article.

Finally, titles were given dummy variables to see if they used any emotionally-charged words (“1”) were used or not (“0”). Emotionally-charged words are words that would catch the reader’s eye and draw them into the article. Titles were coded because I needed to see if mention of sex trafficking was buried deep in an article that was not originally about sex trafficking, or if authors were using titles with terms that would demand attention (e.g. “sex ring,” “sex slave,” etc.). All of these frequencies will be presented in percentages in a table. They will be used to draw a comparison on what research tells us victims look like. They will also be incorporated into the qualitative text to draw on their reflections (when applicable) to the legislation and services that exist to help them.

Direction will be used to determine the direction of the message in the content. Two directions were explored: positive and negative. For example, an article would have a positive direction if it was in favor of the victim; the author included information that made it known to the reader that the victim was not responsible for anything that had happened to them. A negative direction would be identified if an article had a questioning tone towards

the victim. Examples of this could be found if the author includes discrediting quotes from the alleged offenders and make the reader question whether the victim was guilt-free in the situation. Intensity is the strength or power of the message in a direction. This can be found by looking at the words used and how much emotional connotation is attached to that word. The SI perspective says that symbols improve a person's ability to perceive environment (Ritzer et al. 2004). When analyzing the intensity of an article, I can see the symbolism and meaning attached to an object. Intensity is an integral element because without it, a lot of the meaning could be lost as to how news articles are portraying sex trafficking victims.

Using those coding systems, I was able to see how (and if) the media's accounts of sex trafficking varies according to the tier that the articles have come from. The base of comparison will be the TVPA, with the state laws having been used to see which states fall at the top and which fall at the bottom.

Overall, I was looking for how reporters are describing sex trafficking victims, the message behind the article (negative or positive direction), how intense that message is, and how the space and frequency of sex trafficking stories has changed. Manifest and latent coding aided me in the strength of the results I will find. Manifest coding is a type of content analysis coding in which the researcher develops a list of words, symbols or phrases and then locates them in their source of information (Neuman 2011). I will do this by using my list of frequencies I have developed and finding that information in my sample of newspaper articles. Manifest coding is highly reliable because the phrase or word is either present or not present in the text. Therefore, another individual should be able to follow my manifest coding analysis and find the same results.

Manifest coding does not consider the connotations or meanings behind words or phrases, so an additional type of coding needs to be used: latent coding. Latent coding is another type of content analysis coding that allows the researcher to identify subjective meaning and then systematically locate them in the text (Neuman 2011). Latent coding was an essential tool used to interpret the meanings found in the text and then fit the results into the SI framework. Latent coding is highly valid because we communicate meaning in many implicit ways, not just specific words (Neuman 2011). Latent coding was done by going line-by-line in each article and taking notes on the meanings being conveyed. The line-by-line coding was compared to every line throughout the entire article to see, as a whole, what that article was portraying. Once that was done, the articles were compared to each other, and then finally each tier as a whole was compared. Manifest and latent coding, paired together, strengthen final results if agreement is found in each approach.

In addition to manifest and latent coding, inter-rater reliability was done to ensure that my findings were not a result of my own biases. Another graduate student analyzed ten articles from the top-tiered states and ten articles from the bottom-tiered states. I gave this student the dimensions of intensity that were found and assigned each dimension a number. The student was then given the conceptualization of the dimensions, along with examples of what each dimension looks like. The student then read the articles and assigned the appropriate number to whichever dimension they felt was coming across, based on the information and examples I had given them. This individual was also given the coding sheet I had used for the dummy coding of the frequency variables. All results were consistent with my own.

CHAPTER FOUR

RESULTS

The current study used Neuman's (2011) three different elements of analytical measurement: frequency, direction, and intensity. These three elements, when used together, can be used to study representations portrayed by the news media, while simultaneously uncovering the meaning in an article. According to SI, the meanings embedded in articles are very important because readers interpret them to construct reality. This construction of reality becomes the way readers view sex trafficking (Manning et al. 2010). The qualitative and statistical proportions that follow are both based on Neuman's three elements. Direction and intensity contributed to the qualitative portion, used to uncover meanings within articles. Frequency contributed to the quantitative portion of the analysis, but also contributed to meaning. The frequency of the various concepts in the articles contributed to the meaning they portrayed by seeing how prevalent the meanings are. The more often a concept is included, there is the potential for the strengthening of the message that is being portrayed about sex trafficking and its victims.

Qualitative Results

Focusing on Neuman's (2011) 'intensity' element of measurement in a content analysis, my analysis found four dimensions. Within the SI framework, all of Neuman's elements contribute to the meaning-making of sex trafficking victims, and these four dimensions help contribute to that. These dimensions were manifested in articles and, based on the in-depth descriptions below, provide good interpretation of sex trafficking for the

readership. The following dimensions were present in the articles, depending on the approach taken by the author when writing the story.

The dimensions found were sensationalization, sympathy, hopelessness, and awareness. Sensationalization is defined as “producing or designed to produce a startling effect, strong reaction, or intense interest” (Dictionary 2012). The textual definition that emerged was an article that pulled the reader into the story by evoking strong emotions. Specifically, sensationalization is characterized by descriptive vocabulary, a sort of story-telling aspect involved in the article, and including multiple examples of victimization. Sensationalized articles often included details about cases that were not pertinent, but could have been included to evoke extreme emotions from the reader.

Victimization was an important element of sensationalization. Victimization is when an individual suffers from an injurious or destructive action (Dictionary 2012). Without victimization, a lot of sensationalization would be absent. The author used repeated examples of victims being abused: descriptive vocabulary that gave the readership an inside look at how victims were treated day in and day out. Victimization, an integral part of sensationalization, was an important theme to emerge from the data because it catches the readers’ attention and gives them a sense of something otherwise unimaginable.

Sympathy is defined as “feelings or impulses of compassion; feelings of favor, support, or loyalty” (Dictionary 2012). This definition relates to the one that emerged from data associated with journalists’ vocabulary, accompanied by a tone that could make a reader feel very sorry for the victims. Specifically, sympathy often characterized offenders use of deceit to lure victims, accompanied by mention of psychological disturbances the victims

suffered (e.g. fear for life), and the experience of repeated setbacks to freedom. There were three sub-themes found within sympathy: objectification, deceit, and control.

Articles portraying victims as objects reported branding of victims with the initials of pimps, guarantees of money back if a sold victim ran away, or referring to sex with a victim as a 'hobby'. Objectification could render readers sympathetic; all they had to do was imagine one person in their lives (or themselves) in the situation. Empathy could easily emerge. Articles portraying deceit as a technique used by an offender to get a victim under his or her control were common. Deceit qualified as a theme under sympathy because a reader could feel compassion towards an individual tricked into victimization. Finally, articles portraying control as a technique to keep a victim with an offender were characterized by physical or psychological coercion; an individual is tricked into victimization and then forced to remain through the perpetrator's control. The dimension of sympathy, overall, might make readers empathetic with sex trafficking victims and feel a connection. not wanting to imagine themselves going through the experience, so they feel sorry for the victim.

Hopelessness was a dimension noted often. It is defined as "being without hope; not being able to accomplish or resolve" (Dictionary 2012). The definition of hopelessness that emerged from the data was identical to this; sex trafficking is so pervasive in our society that little can be done to stop it. Hopelessness characterized the many quotes from victims, law enforcement officers, and attorneys included by the author, leading the reader to believe that sex trafficking is too big for any reasonable solution to tackle. Victims gave a sense of hopelessness when talking about their life situation prior to becoming sex trafficking victims.

Many victims come from economic backgrounds where promises of a better life are enough to lure them. Because poverty is a social problem that cannot be fixed, people with this vulnerability will always be subject to perpetrators, meaning that counteracting the supply side of sex trafficking is hopeless. Law enforcement officers and attorneys gave accounts of sex trafficking rings that cannot be stopped; many businesses were shut down after indictments of offenders, but family members or “business associates” re-opened the business under a different name, or in a different location continuing business as usual. If putting offenders in jail does nothing to stop the magnitude of sex trafficking, we are left with the feeling that combating it is hopeless and impossible.

Awareness is defined as having knowledge or a consciousness (Dictionary 2012). Articles heightened awareness and brought factual information and a resource to the reader; readers now can recognize that sex trafficking is a problem and present in our country. These articles were very educational, providing enlightenment to the reader.

Inspiration was a tactic reporters used to raise awareness. Articles with an inspirational quality encouraged readers to help the cause of combating sex trafficking. I would go as far to say that inspirational awareness has qualities that are the opposite of hopelessness. Reporters included quotes from activists promising that rehabilitation for victims was indeed feasible. These quotes could move a reader to action. Awareness as a dimension was especially important because awareness was one of the motivations for doing this research. Sex trafficking is a hidden social problem. Articles are a great step towards heightening awareness and fostering accurate perceptions of victims, in addition to demonstrating how the public can help them.

As discussed in the ‘Methodology’, the dimensions of intensity, along with direction, were used to analyze the articles. In addition to Nueman’s (2011) positive and negative directions, I also located articles that had neutral direction. Articles that just contained factual, unbiased information and were usually brief (low word count) characterized a neutral direction. It differed from the dimension of awareness in one important way: while both contained factual information, a neutral direction does not leave the reader with any feelings about the perpetrator, victim, or sex trafficking as a whole. Awareness brings a consciousness to the reader about sex trafficking as a problem. A neutral direction does not give the reader knowledge about sex trafficking victims; it gives the reader an account of a sex trafficking case. For example, newspapers may report on a perpetrator being indicted for sex trafficking. The reporter will state the facts: name of offender, offense, charges, and sentence given.

Dimensions of Intensity

Sensationalization

Sensationalization was an element in 42.5 percent (Table 1) of the articles from the top-tiered states. It appears that the reason sensational elements were used so often was to capture the reader’s attention. Many articles had a story-telling aspect, so they read easily:

The trailer sits alone on a hill about 10 miles outside of town, tucked into the rolling farmland. . . stomach-churning cruelties, the center of acts called by US attorney “among the most horrific ever prosecuted” in this part of Missouri. Knowing this, the trailer suddenly looks different-sinister. Evil, even. (Frankel PA1 2010).

These articles took the reader from the beginning (painting a picture of the scene), through the climax of victimization, and then would end with the victim(s) being discovered and ‘saved’. “After a violent customer’s actions sent a 16-year-old girl to the intensive care unit for a week” (Hussain 9/7/11 p.12).

Because part of sensationalizing a story was to include many instances of victimization, the majority of the victims were portrayed as such (Table 1). Descriptions of torture, violence, and forced sexual activities were highly detailed and dramatized. Authors made sure that a reader could not question a victim’s innocence. Circumstances are never the victims fault. If a victim had a characteristic that portrayed them as not-competent enough to help themselves or part of an especially vulnerable population, the author made sure to include that in the article.

“...participating in the sexual slavery of a mentally disabled woman admitted that he tortured her and paid to watch another man torture her...held against her will, forced her to undergo torture and sex acts and renter her out to other men...repeatedly shock her genitals.” (Patrick p.A3 2011).

Table 1: Dimensions of Intensity	Top-Tier Total	Bottom-Tier Total
Sensationalization	42.45%	21.05%
Sympathy	42.22%	31.58%
Hopelessness	8.15%	13.16%
Awareness	68.15%	76.32%

Reporters didn’t hold anything back. Very intense, descriptive words and labels were used liberally. “...groomed her as a sex slave...had her sign a sex-slave contract and then beat,

whipped, flogged, nearly suffocated, shocked, and mutilated her, and posted videos of her on internet sites." (St. Louis Post-Dispatch p.A4 2011).

Photos found on [offender's] computer, one of which showed a woman tied to a table and another that showed [offender] slapping a woman... delighted in using an old-style hand-cranked phone to electrically shock various body parts of a mentally disabled woman while she was being held by another man... photos depict the torture of F.V. [female victim], the broken nose, black eyes, cuts and bruises, and waterboarding... [offender] performed abortions on her and caged her without food or water for extended periods of time.. (Patrick p. A1 2010).

Sensationalization, while present, was only found in 21 percent of the bottom-tiered articles (Table 2). This dimension was characterized in the same way as evident in the top states. That being said, while storytelling was a tool that was used, it did not happen as often. When it was present, it was just like the top-tiered states.

The offer came to families on the edge of desperation, living and working around the clock on garbage dumps... The two said they were looking for attractive young women to work... they were ready to give each family a \$60 small advance a small fortune for people barely scraping by... (Boudreau 2009).

Most of articles in the bottom-tiered states evaded story-telling by being brief. Descriptors and heavily-connoted words were most often used in absence of the lengthy, easy-to-read articles from the top tier. In addition, the lack of sensationalization (compared to top-tiered articles) may result in not as many people reading the articles that were about sex trafficking.

Because sensationalization is a big part of our culture, reporters and newspapers will often use that to draw in an audience. With sensational elements lacking, many people may not be drawn into reading articles about sex trafficking, which could lead them to be oblivious towards the problem.

Very descriptive words were used for a dramatic effect, along with many instances of victimization. "I was sold for sex by the hour at truck stops and cheap motels-10 hours with 10 different men every night. This became my life." (The Virginian-Pilot p.B7 9.13.10). "The cost can be incalculably catastrophic...trapped in nightmarish circumstances. They vanish into an unspeakable world of sexual abuse...so grotesque and also incredibly personal...it's very easy for traffickers to find women who can easily disappear." (Freeman p.9/29/11).

These quotes show how authors use words that are filled with heavy meanings in our society to portray the atrocities that happen to victims of sex trafficking. A picture is painted for the reader so they can put themselves in the shoes of the victim. What is portrayed is a crime against humanity, victims being subjected to things most of us can't even dream of in the most horrible nightmare. Without sensationalization, a reader might not be able to grasp the unspeakable events that happen to these individuals.

Overall, the sensationalization dimension was characterized similarly across all articles and states, it just did not occur as often within the states lacking legislation.

Sympathy

Sympathy was an entirely different theme that emerged, separate from sensation. While these two themes did exist concurrently, it was not always the case. In 42.2 percent of

the top states' articles, authors' language was indicative of a sympathetic stance. "They are not prostitutes. They are somebody's daughter, from another country, who was kidnapped or tricked into coming to this country and forced to have sex by their captor." (Schiller p.A1 2010). At the end of several articles, the author would mention that just because these victims have been found, their troubles do not end there; psychological help is usually needed. "It takes a while for them to realize that what they encountered wasn't their fault" (Schiller p.A1 2010). This quote touches on how victims can be so caught up in what has happened to them, that they often think they did something to deserve their treatment.

Objectification was present in a lot of the cases that were written about. "...[offender] had the woman get three tattoos "to mark her as his property," including a bar code tattoo on her neck, the mark of master and slave relationship." (Frankel p.A1 2010). The offender did this to the woman, as if she was an item in a grocery store, waiting for check-out.

"The ring preyed on women and girls...with false promises of legitimate work and then forcing them to work in cantinas." (Olsen p.A1 2008). "traffickers really know how to manipulate people and their circumstances so it is not easily seen...seduced the girl with promises of "a great life" of dancing and modeling, that he would make her dreams come true." (Frankel p.A1 2010). These are examples of the deceit that was used to lure victims into their unfortunate situations. This is a sub-theme of sympathy because hearing how pimps can use empty feelings and promises to lure children or family members of the readers would pull sympathetic emotions out of them. Once a reader sees how these offenders keep victims under their control, feelings of compassion are sure to ensue.

[offender] kept intelligence on each one...he threatened to kill relatives or burn down family homes if they did not cooperate...in that strictly monitored world, male traffickers and their female "handlers" controlled victims' clothing, their bodies, their money, and nearly their every move... 'I had to do everything they said-they had a camera outside my apartment that recorded everything.'" (Olsen p.A1 6.29.08).

"...with threats to kill her, told her that he'd already dug her grave behind her house and shot cats and dogs that she befriended, saying he could do the same to her" (Patrick p.A1 9.29.10). This element also helps show that victims are not at fault. Their complete lack of autonomy shows their innocence to the reader.

31.6 percent of the articles from the bottom tier had a sympathy dimension. Sympathy in the bottom-tiered states had all the same elements as the top states. Sympathy, again, was found in the deceit used to recruit victims:

...use a mix of friendship, humiliation, beatings, narcotics and threats to break the girls and induce 100 percent compliance..."I thought he loved me, so I wanted to be around him"...girls who are starved of self-esteem finally meet a man who showers them with gifts, drugs, and dollops of affection. That, and a lack of alternatives, keeps them working for him, and if that isn't enough, he shoves a gun in the girl's mouth and threatens to kill her (Kristof p.B9 5/10/09).

Along with recruiting tactics, the pimps would use physical control to keep victims under their domination: "She denied she was a prostitute and said another man...forced her

to go into [offender's] hotel room by punching her in a face" (Fitzgerald p.C3 3/23/11). Not only was physical force used to coerce victims into this lifestyle, but so was psychological.

...they use such devices to record them being gang-raped, being tortured, and they use the tapes or still images as evidence, so they can keep them in check. They would say, "If you ever try to run away, we'll send this to your family, back to your village." (Freeman 9/29/11).

Threats towards the well-being of family members and victims and the instillation of fear about being arrested were common.

Hopelessness

The third dimension of intensity that was found was hopelessness. Shown in Table 2, this dimension was found in about 8 percent of the top-tiered articles. Hopelessness in articles was found in corrupt officials who, upon arrest, would threaten victims with jail time if they did not service police officers. It was also found when the reporter would show the magnitude of the sex trafficking problem. With thousands of people falling victim, where do we even begin to help. Not to mention, where does the money come from for services and training? "When they shut down one operation, others pop up in its place" (Star Tribune 9.27.8). "Corrupt government can't help, hundreds of victims a year, legal failings, frustration with government, good people resigning because don't want to deal with corruption" (Althaus 4.18.10).

There is a sense of hopelessness in many articles like this: "Lucrative networks of organized crime that have a franchise-like ability to persist and prosper...even today, the bar

is open for business" (Olsen 9.7.08) because they mention many times that even though this man has been arrested multiple times and is a key player in organized crime, his cantina still continues to operate.

A higher percentage of hopelessness was found in the bottom-tiered articles: 13.2 percent. This may be a reflection of the bottom-tiered states' laws; if there is a lack of legislation on the state-level, this element of hopelessness could fuel what readers already know-sex trafficking might be a problem, but there is really nothing we can do about it.

Hopelessness was portrayed in these articles from the supply side of sex trafficking. The supply side of sex trafficking refers to vulnerable individuals being available to exploit. Reporters make it clear that there will always be a vulnerable population to take advantage of. Most allude to the fact that as long as there is poverty, families will be so poor they will do anything to survive. Therefore, sex trafficking will always exist (Boudreau 6/4/09). When solutions were found to stop the easy access to the supply of victims who were being trafficked (i.e. ads on websites), "it is unlikely to make a difference, since executives themselves have said the ads in question can simply migrate to other sections of the website"(Local 9/13/10). This tells the reader that, although these steps appear to be in the right direction, they are insignificant.

Hopelessness was also shown when authors talked about the services that victims were supposed to be given if found. Even if these victims are saved, it seems as if victimization never ends for them. "...girls in detention facilities are also routinely sexually coerced or abused by staff." (Saar 11/17/09). These examples are reflective of the top-tier's examples of hopelessness.

Awareness

Awareness, the final dimension of intensity, was found in about 68 percent of the top-tiered states' articles. While awareness did not have the attention-getting stories and descriptions that were characteristic of some of the other dimensions, awareness gave readers information to become enlightened to the problem of sex trafficking. Whether it was educating the reader with statistics of how pervasive the problem is, explaining the legislation, or information about philanthropic ways to help the cause, awareness has played a big role in how the newspapers in the top states portray sex trafficking. "Mondays events will shatter the myth that sex trafficking is not happening here" (Shah 11.9.10). "It would be nice to say that the sex trafficking of children is a rare crime, it is not." (Walsh 11.18.10).

"Domestic trafficking is not just an epidemic in Minnesota, and these are girls from this state. They're from every community. It's not just girls of color; it's not just Native American girls; it's not just inner-city girls or girls living in poverty" (Star Tribune 4.11.11).

Because a majority of articles in the top-tiered states were about specific victims, it was good to find general awareness pieces so people know this isn't just something that, although sensationalized, is a rare occurrence.

In contrast, a majority of the articles from the bottom-tiered states were about victims in general and not a specific victim or case (Table 2), so it was not a surprise to find that awareness was the most common theme in these articles. A characteristic of awareness that was found was the generality of victims that the authors spoke. Awareness in these states was

found 76.3 percent of the time. Because of the lack (in percentage) of the other dimensions in the bottom states, the dimension of awareness is important because readers' perceptions of victims are going to heavily rely on these articles. Meaning, most of the portrayals the readers were getting are coming from awareness, the author's efforts to educate the readers. While awareness is present in the top-tiered articles, those readers had a greater percentage of other intensities to gain an understanding of what sex trafficking looks like in this country.

Table 2: Structure of Articles	Top-Tier Total	Bottom-Tier Total
Articles Originally Published in States' Newspaper	87.66%	61.29%
Articles about Specific Victims	59.74%	46.77%
Articles about Victims in General	40.26%	53.23%
Key Words Present in Title	51.3%	37.1%
Articles Completely Devoted to Sex Trafficking	61%	43.55%
Depth in Article	53.9%	56.45%

Awareness did similar things as top-tiered states' articles; there were resources given for the reader to help victims, events being hosted for donations and philanthropic activities, and general information about statistics and pervasiveness of the problem. The difference between the bottom and top states were what the articles were saying the victims of sex trafficking looked like. In the bottom states, there was absolutely no mention of boys or men being vulnerable to becoming victims. Along with that, victims were either children or adults along with children; only about 3% of the articles were about adults only (Table 3).

Beyond a doubt, across states and legislation, this qualitative analysis found that victims are indeed being portrayed as victims. Therefore, it is fair to say that the newspaper articles are reflective of the TVPA.

Frequencies of Key Variables

I chose to quantify the variables in Table 3 because I wanted to be able to compare how victims were being portrayed in the news articles to how the existing literature says what victims really look like. For example, we know that both female and male victims exist (Boxill 2007), so quantifying how many times an article is about female and male victims helped me do comparisons to reality. This also applies to the age of the victim, because, while the TVPA tells us that adults and minors can be victims, there is a possibility that children are the only victims being represented. This could be due to people believing that adults are actually consenting prostitutes. Domestic and international victims were counted to see if the news media is only portraying one over the other. Because of sex trafficking's hidden nature, seeing domestic victims represented would show the public that the United States has victims too. Finally, I wanted to see what percentage of victims were criminalized in the news articles, so I also quantified that. These percentages informed my research by letting me do a direct comparison to the literature. The sum of each category in the Table 3 is 100 percent (sex, age, nationality, and criminalization).

Table 3: Demographics	Top-Tier Total	Bottom-Tier Total
Female Victims	62.34%	59.68%
Male Victims	1.94%	0%
Both Sexes Mentioned	.65%	0%
Sex not Mentioned	35.07%	40.32%
Adult-only Victims	12.99%	3.23%
Minor-only Victims	32.47%	41.94%
Both Adults and Minors Mentioned	34.32%	20.97%
Age not Mentioned	20.22%	33.86%
Domestic Victims	70.78%	67.74%
International Victims	18.83%	25.81%
Nationality not Mentioned	10.39%	6.45%
Victims Criminalized	3.25%	4.84%
Victims not Criminalized	96.75%	95.16%

Characteristics of Victims

The majority of the victims in both tiers were female, with frequencies of 62 percent found in the top tier and about 60 percent found in the bottom tier. The top tier had mention of male victims at a frequency of about 2 percent, but the bottom tier had absolutely no articles that mentioned male victims. Thirty five percent of the articles in the top tier did not mention any sex in relation to victims, which is at a similar frequency to the 40 percent found in the bottom tier.

The articles in the top-tiered states mentioned both adult and child victims about 34 percent of the time, which is what occurred most often in this tier. However, victims that were explicitly minors were mentioned at almost the same frequency: 32.5 percent. In contrast, the bottom tier portrayed victims as minors almost 42 percent of the time, which is twice as often as a mention of both adult and child victims (21 percent). The articles from the top tier mentioned adult victims about 13 percent of the time, which is four times more frequent than the bottom-tier's, at 3.2 percent. Portrayals of an adult being the only victim present in an article was the least frequent within both tiers.

Domestic victims were portrayed very frequently in both tiers, with rates of about 71 percent in the top tier and about 68 percent in the bottom tier. International victims made up about 19 percent of the victim portrayals in the top tier, which is at a lesser rate than the 25.8 percent that was contributed in the bottom tier. Migrant status was not mentioned the remaining percent of the time.

The criminalization of victims happened at an extremely low frequency in both tiers, which was about 4 percent for both. This leaves the remaining 96 percent of every single article in the sample as portraying individuals as what they are: sex trafficking victims.

Structure of Articles

About 87.6 percent of the articles in the top states were originally published in the newspapers that came from the sample (Table 2). Sixty one percent of the articles in the bottom states were originally published in the newspapers that came from my sample. This means that, within both tiers, most articles were about incidents that had happened in the home city of the newspaper or in that state. However, there is about a 26 percent difference in frequencies between the two tiers.

In the top tier, articles were about specific victims almost 60 percent of the time, with the remaining 40 percent meaning that articles were about victims in a general sense. These frequencies are almost reversed in the bottom tier. Authors who wrote about specific victims did so about 47 percent of the time, while victims in a general sense were written about 53 percent of the time.

Fifty one percent of the top-tiered articles had titles specifically about sex trafficking and included emotionally-charged vocabulary to grab a reader's attention: "Resident guilty in sex case. A trafficking victim testified that she was 16 and pregnant" (Lezon 3/26/10). This compares to the 37 percent found in the bottom-tiered articles. The 14 percent difference in frequency could have potential implications on how many readers' attention was captivated and drawn into reading the article.

Sixty one percent of the article in the top tier were entirely devoted to the topic of sex trafficking. The remaining 39 percent were articles that briefly mentioned sex trafficking, embedded in another story. That means that those articles had no surrounding context to relate to sex trafficking victims. These frequencies were almost reversed for the bottom-tiered articles. About 43.5 percent of the articles in the bottom tier were completely devoted to sex trafficking, while about 56.5 percent of the articles had a brief mention. The bottom-tiered articles were almost even in their distribution of devotion to the topic.

Almost 54 percent of all the top articles went into some depth, including information that would set the stage for the reader, giving circumstances behind the case that was being reported on. With almost the exact amount of frequency, the bottom articles took the story into depth 56 percent of the time.

CHAPTER FIVE

DISCUSSION

In the current study, Neuman's (2011) three elements of measurement were used to examine news media portrayals of sex trafficking victims, as well as examine their accuracy when compared to the TVPA and the extant literature. Intensity and direction were used to find the qualitative results that yielded support towards the accurate depiction of victims. The four dimensions of intensity that were found- sensationalization, sympathy, hopelessness, and awareness-each implicated different messages being conveyed to readership about sex trafficking victims. In this section, I will review the results while integrating the implications with my symbolic interactionism framework.

Sensationalization was found 42.5 percent of the time in the top-tiered articles. This frequency is doubled that of the bottom-tiered articles, where sensationalization was found 21 percent of the time. When present in both tiers, articles portrayed victims as such. Because the news media can be used to advance political agendas and shape public knowledge about a problem (Chermak 1994), sensationalization was appropriately being used to not only pull the reader in, but to also use that attention to accurately depict victims. Within the framework of symbolic interactionism (SI), the meanings that were being conveyed in these sensationalized articles were indicative that the readership would gain some knowledge of the horrible situations sex trafficking victims face. Many of the articles in the top tier would use storytelling to make the article easily readable, and then lead the reader into the circumstances that occur in sex trafficking cases. Because storytelling was not as prominent

in the bottom-tiered articles, readers got endless descriptions of victimization. That is not to say the top tier did not have victimization, it was just introduced into the article in a different manner.

Sympathy was found at similar rates between the top and bottom tier with frequencies of about 42 and 32 percent, respectively. Sympathy was also portrayed in the same manner across the two tiers. Evident in these articles was coercive control. Coercive control played a big part in keeping victims from running away. This relates back to the Raphael et al. (2010) study that was done on “pimp control”; pimps often gain trust and try to develop boyfriend or father-type relationships with victims so they later can use coercive control to get the victims to sell themselves (Raphael et al. 2010; Rand 2010). The articles gave examples of techniques used to keep victims weak and scared and in some cases, addicted to drugs so they don't leave.

Another technique discussed in literature that is used to keep victims under control is moving them around often so they are disoriented and unfamiliar with surroundings (Bernat 2010; Bernat 2011; Coonan 2004; Jacobsen 2010). This was not mentioned in any articles. Sympathy is being communicated towards the reader as something that sex trafficking victims deserve. Victims are lured by people they trust, into circumstances that they cannot escape due to the control that is being implemented, and has been implemented since the day the victim met their pimp (Raphael et al. 2010; Rand 2010).

Even though research shows that migration plays a huge role for international victims (Gerdes 2006), this wasn't mentioned either. This was due to the fact that most cases reported on were about domestic victims, or victims in a general sense, where no details

regarding nationality were included. Both tiers of articles portrayed the majority of victims as domestic victims, which is one of the most important things because this entire research is based off the notion that people need to be made aware that sex trafficking is a problem that is happening domestically, to U.S. citizens. However, part of the TVPA was to provide services to non-national victims. As mentioned in the introduction, 14,500-17,500 people are trafficked yearly into the U.S. (U.S. Dept. of State 2005), so the fact that foreign nationals were hardly mentioned is a problem. It is a problem because domestic nationals also need to receive help after being a victim of sex trafficking. As a society, we need to be informed of and help all kinds of victims, with no preference towards a specific type.

Overall, sympathy was suggestive of newspaper readership feeling compassionate after reading an article, which could be a step in the right direction to helping victims. If a sympathetic meaning was portrayed to a reader and they could imagine this happening to themselves or someone they love, sympathy was achieved. When an issue is unknown to the public, attached sympathy as a symbol to it could prove to be beneficial to advancing the cause. Because of the relatively low rates of sympathy in each tier, their news articles' responsiveness to the TVPA could be improved.

Hopelessness was the dimension of intensity found at the lowest rate among both the top and bottom tier, but still was an essential part of the articles portraying victims. A sense of hopelessness in articles could be indicative of the reader wanting to take a step towards the direction of being for the passing of legislation and services that will help victims. Or, it could deter a reader because the problem seems much bigger than what one individual person can help. There was slightly more mention of hopelessness in the bottom-tiered articles (13

percent, compared to the tops' 8 percent), which could be due to the fact that their states' legislation is the least reflective of the TVPA. The TVPA is for the support of victims and deterrence of criminals. If this is not being reflected in the meaning of the articles from the bottom tier, an individual will read about sex trafficking victims and interpret that there are a lack of options available for victims. A solution to this social problem is portrayed as hopeless.

Awareness was present at the highest frequency in each tier, with the highest rate found in the bottom tier. About 68 percent and 76 percent were the rates of awareness, respectively. Being the highest dimension of intensity in both tiers, this may suggest that readers are not as shielded from the topic of sex trafficking as originally was thought. Because the bottom tier had lower frequencies across the board on every other level of intensity (when compared to the top tier), a lot of readers could be receiving their entire portrayal of sex trafficking victims based on the awareness dimension of intensity. The meaning that is being portrayed in this dimension is a positive one. Victims are being portrayed as needing help, our help, because they do exist in our country, and they are not prostitutes. Articles with awareness are responsive to the TVPA because, while they tend not to go into much detail about the surrounding circumstances, they convey the meaning that the victimization is out there and people are affected by it.

The characteristics of victims are portrayed in slightly different ways, depending on what tier the news article came from. The top tier portrays female and male victims, with the majority emphasis on females. Top tier news articles recognize that children and adults are both victims. Domestic victims are mostly reported on, with international victims being

mentioned sporadically. Low percentage of victim criminalization exists. While the TVPA does not include demographic information as part of its stipulations, the variability among victims, although sparse, is reflective in the top tier of the extant literature. The people who read these articles and develop meanings about sex trafficking victims will have some sort of accuracy, even if disproportionate.

The bottom tier either portrays victims as females, or does not include the sex of the victim. This differentiates from the top tier because of the lack of male victims. Even though the top tier had a low frequency of male victims, they still existed in some of the news articles. Victims are also predominantly portrayed as minors. Articles either include minors, or the author does not mention the age of the victim. Adults are not present in very many of the top-tiered articles either, but their frequency is about four times that of the bottom tier. Domestic victims are portrayed at high rates, but with more inclusion of international victims. Meanings associated with this could include tolerance and less criminalization for international victims, but, because of the lack of other demographic variables, intolerance for men and adults. The bottom-tiered news articles are telling readers that sex trafficking victims are female, domestic children, but that international victims do exist too.

The structure of articles can tell us just as much about the meaning being conveyed to readers. While the origin of articles varied across the top and bottom tiers by almost 30 percent (about 88 percent of the top-tiered articles were originally written for those newspapers compared to the 61 percent of the bottom-tiered articles were originally written for those newspapers), *all* of the articles were still included in the analysis because they are still conveying meaning. The reason why the top-tiered articles may have covered more

demographic variation among victims could be due to the fact that almost 60 percent of those articles were written about specific victims. This compares to the almost 47 percent in the bottom tier. Similarly, about 51 percent of the articles from the top tier had titles that included attention-grabbing or sensationalized words. Only 37 percent of the articles in the bottom tier did this. A possible implication of this is the loss of all the meaning in general that is being conveyed in the bottom states. This could be problematic because if a title isn't going to draw a reader into the story, they might not become exposed to sex trafficking and the context that those articles have been found to deliver.

Curious findings between the top and bottom tiers are the frequencies of how many articles were completely devoted to sex trafficking and how many articles included depth. The lack of devotion in an article to sex trafficking victims in the bottom tiered articles (43.5 percent, compared to 61 percent found in the top tier), could have negative implications. Without a lot of space being given to describe the context of sex trafficking, readers may be left with knowing that sex trafficking exists, but not knowing the horrendous circumstances that usually go hand-in-hand with it. Even though devotion was lacking in the bottom articles, higher rates of the bottom-tiered articles went into some depth. This could imply that, while many articles briefly mention sex trafficking, those that were completely devoted to the topic of sex trafficking gave a detailed account of the context of sex trafficking.

If indeed news accounts are the only way that the majority of U.S. society is coming into contact with the issue of sex trafficking (because of its secret nature), the articles that have been present in the past four years have been raising awareness and accurately portraying victims. The symbolic interactionism framework says that symbols are social

objects that represent whatever people agree they represent (Ritzer et al. 2004). The mass media has the ability to shape public opinion and attach meanings onto issues that the public will interpret and use to construct their thoughts on a given topic (Garrison 1988), so based on these results, my results are essential to see. While there are minor misrepresentations, newspaper articles overall have been giving portrayals of victims that (for the most part) reflect literature and legislation. Sex trafficking seems to be victimized enough in the language that is used in the articles that victims are seen as needing services and our help, not as individuals who should be ostracized by their community. This is seen across all states, regardless of their tier placement.

As I have shown in this analysis, there are many different aspects involved in the media portrayals of sex trafficking victims. The quantitative analysis gave support to the extant literature, but with these caveats: more adult and male representation across all states is needed. Overall, state legislation is accurately reflected also, but those reflections aren't necessarily positive if a state only has laws in place for children, because then children are the only victims being helped and adults are left behind. With about 13 percent in the top states and 3.23 percent in the bottom states being about adult victims only, this could leave readers with the impression that children are the only victims of sex trafficking. This appropriately fits in with the laws in some of the top states, but with a couple of the states having sex trafficking laws that relate to adults too, it seems that more adults should be reported on. However, reporting on children for the majority of articles fits in with what has been found in some previous literature, but not others. Hoot et al. (2006) found that only 20% of sex trafficking victims are between the ages of 12 and 18. Bernat (2011) found that ages of

sex trafficking victims range from 16-49, with the mean age being 25. A few have found the average age to be 14 years old (Boxill et al. 2007; Perry et al. 2011; Rand 2010). Even though most literature says that the average age of a sex trafficking victim is indeed underage (Boxill et al. 2007; Perry et al. 2011; Rand 2010), the health consequences for victims are real, regardless of age. Higher rates of mortality, drug addiction, self-destructive behavior, depression, and many other repercussions make this problem worthy of accurately being portrayed in the media so victims can get help (McCabe 2010; Miller 2007; Rand 2010).

There was a significant lack of awareness about male victims. While females are the majority of the victims, they are not the only victims. Research has shown that males are indeed sex trafficking victims too (Boxill 2007; Sivakumaran 2005), but the lack of male-mention in nearly *any* articles leaves the reader to believe that women are the only ones who need our help. Research shows a lack of social acceptance of homosexuality and transgendered individuals (Kammerer, Mason, Connors, and Durkee 2001), and those individuals often make up the male population of sex trafficking victims (Sivakumaran 2005). The lack of social acceptance could be a reason why male victims are not being reported on.

A positive implication is the representation of domesticity of victims. Domestic victims were found at a high rate in both tiers, which could suggest that readers realize sex trafficking victims do exist in this country and the problem is not just something that happens overseas. This is a big step because domestic victims have previously been extremely hidden from public knowledge.

The debate that was discussed about whether or not victims should be considered prostitutes or sex trafficking victims seems to be irrelevant once the analysis was done. Few victims were criminalized (about 4 percent in both tiers) and the reporters accurately described the victims in accordance with the TVPA. The majority of the context surrounding sex trafficking that was portrayed in these articles did an accurate reflection of how the literature says sex trafficking looks. Both the quantitative and qualitative analyses gave witness to this. If articles had portrayed victims as criminals, depth may have been a negative thing, misinforming the readership of what sex trafficking actually is.

Because the top and bottom tier both portrayed sex trafficking victims as victims, the articles that the newspapers had pulled from other sources had no effect on portrayals. The portrayals in those articles were consistent with the articles that were originally written for the newspapers in my sample.

Limitations

One limitation this study will have is that I cannot claim, with certainty, that it is the laws, per se, which make a difference in how the media portrays victims. It is very possible that in the top-rated states, there is a great deal of public anti-trafficking advocacy which is targeting both law-makers (legislation) and the citizenry. It is possible, in fact, that such advocacy efforts are the main source of awareness among the media. I also don't know if the media is aware of the laws. In the future, an extension of this study could be done by calling the reporters of the newspapers and asking about their awareness.

As addressed in the ‘Protected Innocence Initiative (PII)’ section, states were rated according to their child sex trafficking laws, which could be a limitation to this study.

A third limitation is in my search term itself; I limited my sample to only articles with the term “sex trafficking” in them. This means that I have missed articles that discussed prostitution and I don’t know if states with better or worse laws are more or less likely to publish articles with the concept “prostitute” while not referring at all to sex trafficking victimization as a possibility.

Finally, the newspaper articles and the present literature does not address what life is like after sex trafficking. Few victims have reflected on their statuses now, physically or psychologically. We still do not know what happens to child victims when they turn 18. Are they still considered victims once they have passed the age of consent? Does it depend on the story they give to the arresting officer if they are discovered on the streets again? These questions are appropriate for future research.

Conclusion

The current study of news portrayals of sex trafficking yielded some complex results. There are many situations where the type of language used in the reporting of top and bottom states are similar, but, as shown above, frequencies vary considerably. Inconsistencies in frequencies could leave some of the readers in the bottom-tiered states with inaccurate knowledge of the different types of victims and what the circumstances are that surround sex trafficking. Generally, the top-tiered articles give readership the understanding that sex trafficking is happening to close to home and then describe what it looks like. Bottom-tiered

articles talk about sex trafficking in a more relative sense; it is happening here in the U.S., but not right in our backyards.

The symbolic interactionism approach that was the framework for this study yielded results that support the growing information about sex trafficking victims. Media discourses are being packaged in a way that readership will have a sympathetic, and hopefully philanthropic, response to this pervasive problem. If the public is receiving most of their information about sex trafficking victims based on articles they read in newspapers, then they are mostly aware that this is a problem in our country and that a lot of work is going to be needed to help find a solution.

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APPENDIX A

REPORT CARDS



Texas has several laws combatting domestic minor sex trafficking; however, minors are not statutorily immune from prosecution for prostitution and may face barriers to treatment and victims' compensation to fund their recovery.

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B



Criminalization of Domestic Minor Sex Trafficking

Texas's sex trafficking law clearly defines a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to use of force, fraud, or coercion. The state commercial sexual exploitation of children (CSEC) laws include compelling prostitution, prostitution of a minor, criminal solicitation of a minor, employment harmful to children, and continuous sexual abuse of young child or children through means such as sex trafficking, aggravated sexual assault, and sexual performance by a child. Several CSEC laws refer to the sex trafficking law to help ensure prosecution and victim protection.



Criminal provisions Addressing demand

The state sex trafficking law can be applied to prosecute a buyer who engages in sexual conduct with a trafficked child. It can also be applied to a buyer who commits two or more acts of sex trafficking of children under 14 during a period of 30 or more days in duration; this buyer can be found guilty of committing continuous sexual abuse of young child or children. CSEC laws include the crime of buying sex with a minor, and solicitation laws distinguish between buying sex with an adult versus buying sex with a minor. The sex trafficking law provides a wide sentencing range for engaging in sexual conduct with a trafficked minor under 18, while the solicitation of prostitution law provides enhanced penalties when the victim is under 14. Buyers convicted of sex trafficking of a child must pay restitution to the victim and are subject to civil liability to the victim for damages. In contrast, buyers convicted of CSEC offenses may be required to make restitution. The online solicitation of a minor law includes using the Internet to solicit a minor to engage in sexual contact might apply to buyers who use the Internet for this purpose. The sex trafficking law specifically prohibits the age mistake defense; however, CSEC offenses do not prohibit this defense. Buyers of sex with minors are required to register as sex offenders if convicted of sex trafficking, possessing child pornography, and some CSEC offenses; however, buyers convicted under the prostitution statute, even when it involves a minor, are not required to register.



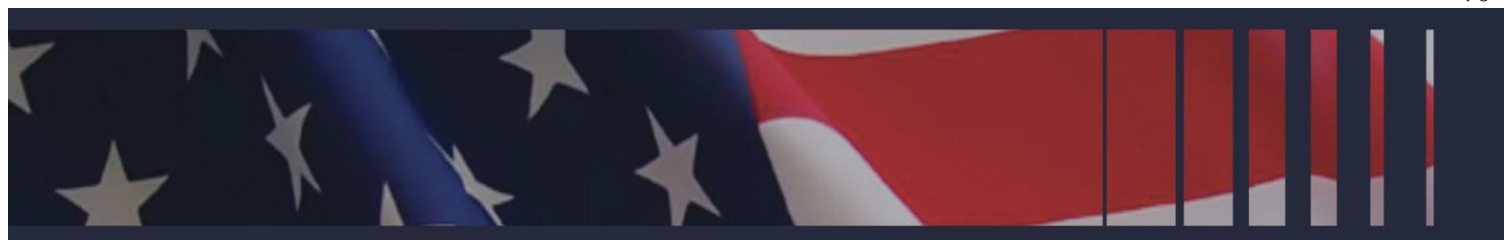
Criminal provisions for traffickers

Sex trafficking of a minor and compelling prostitution of a minor are felonies punishable by 5–99 years imprisonment and a possible fine up to \$10,000. Two or more violations of sex trafficking within 30 days is a violation of continuous trafficking in persons punishable by 25–99 years imprisonment. A trafficker who employs a child to work in sexually oriented commercial activity or employs a child to appear in a sexual performance is guilty of a felony punishable by 2–20 years imprisonment when the victim is 14–18, and 5–99 years and a possible fine up to \$10,000 when the victim is younger than 14. Traffickers could also be subject to organized crime and criminal street gang laws, leading to additional penalties. Online solicitation of a minor, which includes using the Internet to solicit a minor to engage in sexual contact with another person, might apply to traffickers who use the Internet for this purpose. Asset forfeiture for sex trafficking, CSEC, and child pornography crimes is available. Additionally, traffickers are required to pay restitution to minor victims of sex trafficking and compelling prostitution and may face civil liability from sex trafficking victims. Traffickers must register as sex offenders for convictions of sex trafficking, CSEC offenses, and child pornography offenses. Grounds for termination of parental rights include convictions of sex trafficking, CSEC offenses, and child pornography offenses.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Sex trafficking (§ 20A.02(a)(8))	Felony of the 1st degree	5–99 years	Max. \$10,000	●
Continuous sexual abuse of young child or children (§ 21.02(b))	Felony of the 1st degree	25–99 years	Max. \$10,000	●
Prostitution (solicitation) (§ 43.02)	Felony of the 3rd degree (victim 14–18)	2–10 years	Max. \$10,000	○
	2nd degree (victim under 14)	2–20 years		
Possession of child pornography (§ 43.26)	Felony of the 3rd degree	2–10 years	Max. \$10,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

The sex trafficking and CSEC laws in Texas do not prohibit a defense based on the consent of the minor, leaving this an issue in a victim's pursuit of justice. When charged with prostitution, a CSEC victim may assert an affirmative defense that she or he was sex trafficked, but still prostitution offenses are not limited in application to adults and a victim might be arrested and charged with prostitution despite being a victim (although the courts have determined that a child under 14 may not be charged with prostitution). As a result, a CSEC victim may enter the juvenile justice system as a delinquent child or be considered a child in need of rehabilitation. The definition of abuse for purposes of child welfare involvement includes sex trafficking, CSEC, prostitution, and child pornography, but the definition of a person "responsible for a child's care, custody and control" is limited to a member of the child's household (whether or not related), limiting the ability of child protective services to respond to a trafficked child in non-familial trafficking cases. Crime victims' compensation is available for victims of CSEC offenses; however, knowingly participating in the conduct giving rise to the injury and a requirement to cooperate with law enforcement could prevent child sex trafficking victims from receiving compensation. Victim-friendly trial procedures are available to sex trafficking and CSEC victims that may encourage them to pursue justice, including the ability to testify through closed circuit television and inadmissibility of evidence of crimes or acts committed by sex trafficking and CSEC victims under 18. Upon application, juvenile criminal records may be sealed two years after the minors' discharge if no additional delinquent conduct has occurred. Offenders of sex trafficking of a minor or compelling prostitution of a minor are required to pay victim restitution, and a court may order offenders convicted of other crimes to pay restitution to the victim. A victim of sex trafficking also has a civil cause of action against an offender. A criminal action for sex trafficking may be brought at any time, while a prosecution for compelling prostitution of a minor must be brought before a victim reaches 28 and one based on the crime of sexual performance by a child under 17 must be brought within 20 years of the victim turning 18. For civil actions, the five year statute of limitations for sex trafficking or compelling prostitution does not begin to run until the victim reaches 18.

Criminal justice tools for investigation and prosecutions

Texas law mandates that law enforcement receive training on human trafficking. Single party consent to audiotaping is permitted, and wiretapping is permitted for investigations of sex trafficking and possession or promotion of child pornography crimes, giving law enforcement powerful tools to investigate and collect actionable evidence for prosecutions. Use of a decoy is permitted in an investigation of criminal solicitation of a minor with the intent to commit sex trafficking or CSEC as the offender's belief that a person is under 17 is sufficient evidence. Law enforcement may utilize the Internet to investigate cases of sex trafficking relying on the online solicitation of a minor law which includes soliciting a person who represents himself or herself to be under 17 to meet to engage in sexual contact. Texas law requires law enforcement to report missing and recovered children.

Criminal provisions for facilitators

The sex trafficking law includes the crime of benefitting from sex trafficking of a child and is a felony punishable by 5–99 years imprisonment and a possible fine up to \$10,000. A facilitator who engages in two or more violations of this law within 30 days may be convicted of continuous trafficking of persons with a heightened sentence of 25–99 years imprisonment. A facilitator who promotes a sexual performance of a child is guilty of a felony punishable by 2–20 years imprisonment when the victim is 14–18 and 5–99 years when the victim is younger than 14 and a possible fine up to \$10,000. Distributing or promoting child pornography is a felony punishable by 2–20 years imprisonment and a possible fine up to \$10,000. Crimes facilitators commit are also included in organized criminal activity laws, possibly subjecting them to enhanced penalties. Facilitators convicted of sex trafficking are required to make restitution to their victims, and facilitators convicted of other crimes may also be ordered to pay restitution. Facilitators are subject to asset forfeiture for sex trafficking and may also face civil liability. Any person may also bring a suit against a facilitator who maintains a place where people frequently engage in sex trafficking or prostitution-related crimes. No laws in Texas address sex tourism specifically.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.aspx.

Missouri makes domestic minor sex trafficking a crime for buyers, traffickers, and facilitators, but victims are not provided specific protective provisions and the state's abuse and neglect definitions fail to include commercial sexual exploitation to allow for child welfare intervention. The critical tool of wiretapping is not expressly permitted in sex trafficking investigations, handicapping law enforcement and prosecutors.

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Criminalization of Domestic Minor Sex Trafficking

Missouri has a separate law addressing sex trafficking of a child and clearly defines a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to use of force, fraud, or coercion. The state commercial sexual exploitation of children (CSEC) laws include: promoting prostitution of a minor under 16, patronizing prostitution, promoting online sexual solicitation, child used in sexual performance, sexual exploitation of a minor, and promoting sexual performance by a child. Missouri's CSEC law of promoting online sexual solicitation refers to the sex trafficking of children law; however, other CSEC crimes do not refer to the sex trafficking of children law for prosecution or victim protection.

Criminal provisions Addressing demand

The state sex trafficking law can be applied to buyers who cause a minor to engage in a commercial sex act. The solicitation of prostitution law distinguishes between buying commercial sex acts with adults versus minors, providing enhanced penalties for buying sex with a minor under 18. In the absence of a statute or heightened penalties for using the Internet to specifically purchase commercial sex acts with a minor, the enticement of a child law, which includes enticing a minor under 15 via the Internet to engage in sexual conduct, might apply to buyers who use the Internet for this purpose. The sex trafficking of a child and CSEC offense of patronizing prostitution prohibit an age mistake defense, preventing buyers from using this excuse. The patronizing prostitution law staggers the penalties according to age, leaving insufficient penalties for those who purchase commercial sex acts with minors 15–17 years of age. Buyers convicted of child sex trafficking must pay restitution to the victim and could be subject to civil liability to the victim. Buyers of sex with minors are required to register as sex offenders if convicted of sex trafficking of a child or possessing child pornography, but not CSEC offenses.

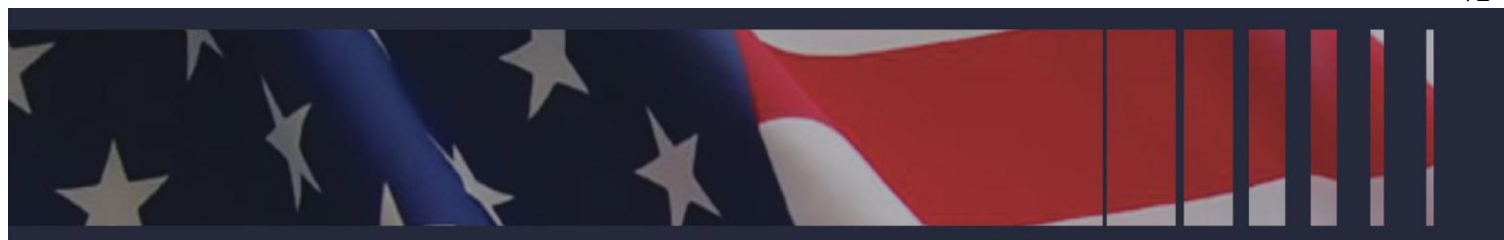
Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Sex trafficking of children (causes minor to engage in commercial sex act) (§ 566.212)	Felony	10 years–life	Max. \$250,000	●
		25 years–life (minor under 12)		
Patronizing prostitution of minor 15–17 (§ 567.030)	Class A misdemeanor	Max. 1 year	Max. \$1,000	●
Patronizing prostitution of minor under 15 (§ 567.030)	Class D felony	Max. 4 years	Max. \$5,000	●
Possession of child pornography (§ 573.037)	Class C felony	Max. 7 years	Max. \$5,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.

Criminal provisions for traffickers

Sex trafficking of a child is a felony punishable by a fine up to \$250,000 and 10 years–life imprisonment, enhanced to 25 years to life imprisonment if the victim is either under 12 or force, abduction or coercion was used. Promoting prostitution of a minor is a felony punishable by 5–15 years imprisonment. Producing a sexual performance of a child is a felony punishable by up to 7 years imprisonment and a possible fine of \$5,000 or double the defendant's gain from a commission of the offense up to \$20,000. Age misrepresentation by a trafficker on the Internet with the intent to engage in criminal sexual conduct (that could include sex trafficking) involving a minor is a felony punishable by imprisonment up to four years. Convicted sex traffickers must pay restitution to the victim, and may also face civil liability and asset forfeiture. Traffickers convicted of sex trafficking of a child, CSEC offenses, and child pornography offenses must register as sex offenders. Grounds for termination of parental rights exist when a trafficker is convicted of sex trafficking of a child or certain other CSEC offenses when any child in the trafficker's family was the victim of the crime.



Protective provisions for the child victims

While child sex trafficking and CSEC victims are afforded some protections under Missouri law, gaps still exist. Missouri expressly prohibits a defense based on consent when a sex trafficking victim is under 12; however, this defense is not prohibited for older minors, leaving open the possibility that offenders could assert an affirmative defense of consent. A CSEC victim charged with prostitution may assert an affirmative defense of coercion or force in committing the offense of prostitution, but prostitution laws are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. Missouri provides statutory procedures to identify human trafficking victims, and law enforcement must notify social services and juvenile justice authorities when a minor victim is identified. The state also has special technical assistance teams for cases of child exploitation and child pornography. A CSEC victim may be detained if determined delinquent or a child in need of care. The limited definitions of abuse and neglect do not include CSEC and therefore would not permit child welfare intervention even though the definition of a person “responsible for the care, custody and control” of a child is likely broad enough to allow a child controlled by a trafficker protection through child welfare. CSEC victims are eligible for crime victims’ compensation, but eligibility criteria requiring cooperation with law enforcement and reporting the incident within 48 hours may limit ability to recover. Additionally a claim must be filed within two years, and the award may be reduced if the injury arose from the consent of the victim. Victim-friendly criminal justice procedures exist such as the “rape shield” law, which reduces the trauma of cross-examination. Minors may have their records expunged if a petition is filed within one year of arrest. Victims of sex trafficking are entitled to mandatory restitution and may bring a civil action for damages against the offender. Criminal statutes of limitations for sexual offenses against a minor are extended 30 years past turning 18, and eliminated when force is used in the commission of the offense. Civil statutes of limitations for actions arising out of child pornography offenses are extended until the victim reaches 31 or within three years of discovering injury was caused by the offense.



Criminal justice tools for investigation and prosecutions

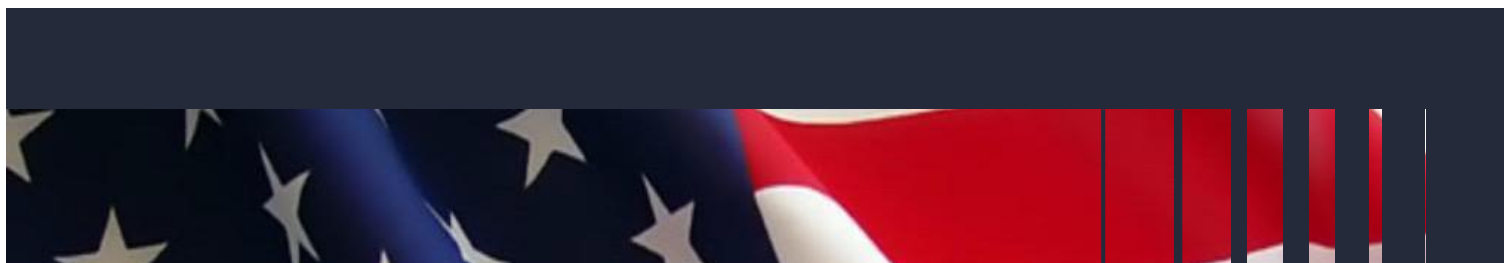
Missouri authorizes, but does not require, training programs for law enforcement on human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not permitted for investigations of suspected sex trafficking and CSEC crimes. Use of a decoy is specifically permitted within the statutes of enticement of a child (under 15 only) and sexual misconduct involving a child, but not for sex trafficking or CSEC offenses. Law enforcement may use the Internet to investigate cases of sex trafficking relying on the enticement of a child law which includes enticing a child under 15 both in person and via the Internet to engage in sexual conduct. Missouri law requires law enforcement to report missing and recovered children.



Criminal provisions for facilitators

It is a crime to benefit financially from sex trafficking, a felony punishable by a fine up to \$250,000 and 10 years to life imprisonment, enhanced to 25 years to life if the victim was under 12 or force, abduction or coercion was used in committing the crime. Facilitators may also be charged with the felony crimes of promoting sexual performance of a child or promoting child pornography punishable by up to seven years imprisonment and a possible fine up to \$5,000 or double the defendant’s gain from the commission of the offense up to \$20,000. Facilitators are subject to asset forfeiture for these crimes. Facilitators who knowingly permit their online services to be used to post advertisements related to sex trafficking could be charged with the felony of promoting online sexual solicitation, and fined \$5,000 per day of continuing violation beginning 72 hours after notice has been provided. Facilitators convicted of sex trafficking must pay restitution to the victim and may face civil liability. Sex tourism is a crime under promoting travel for prostitution (punishable by up to seven years imprisonment and a possible fine not to exceed \$5,000 or double the defendant’s gain from the commission of the offense) and advertising or facilitating travel to engage in a commercial sex act (punishable by loss of business incorporation status and freezing of assets); neither statute enhances penalties if the victims are minors.

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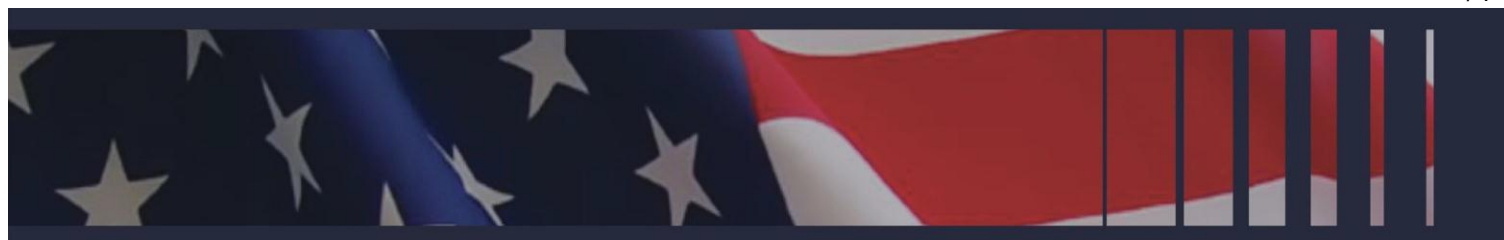
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Sex trafficking of a child is a felony punishable by a fine up to \$250,000 and 10 years–life imprisonment, enhanced to 25 years to life imprisonment if the victim is either under 12 or force, abduction or coercion was used. Promoting prostitution of a minor is a felony punishable by 5–15 years imprisonment. Producing a sexual performance of a child is a felony punishable by up to 7 years imprisonment and a possible fine of \$5,000 or double the defendant's gain from a commission of the offense up to \$20,000. Age misrepresentation by a trafficker on the Internet with the intent to engage in criminal sexual conduct (that could include sex trafficking) involving a minor is a felony punishable by imprisonment up to four years. Convicted sex traffickers must pay restitution to the victim, and may also face civil liability and asset forfeiture. Traffickers convicted of sex trafficking of a child, CSEC offenses, and child pornography offenses must register as sex offenders. Grounds for termination of parental rights exist when a trafficker is convicted of sex trafficking of a child or certain other CSEC offenses when any child in the trafficker's family was the victim of the crime.



Protective provisions for the child victims

While child sex trafficking and CSEC victims are afforded some protections under Missouri law, gaps still exist. Missouri expressly prohibits a defense based on consent when a sex trafficking victim is under 12; however, this defense is not prohibited for older minors, leaving open the possibility that offenders could assert an affirmative defense of consent. A CSEC victim charged with prostitution may assert an affirmative defense of coercion or force in committing the offense of prostitution, but prostitution laws are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. Missouri provides statutory procedures to identify human trafficking victims, and law enforcement must notify social services and juvenile justice authorities when a minor victim is identified. The state also has special technical assistance teams for cases of child exploitation and child pornography. A CSEC victim may be detained if determined delinquent or a child in need of care. The limited definitions of abuse and neglect do not include CSEC and therefore would not permit child welfare intervention even though the definition of a person “responsible for the care, custody and control” of a child is likely broad enough to allow a child controlled by a trafficker protection through child welfare. CSEC victims are eligible for crime victims’ compensation, but eligibility criteria requiring cooperation with law enforcement and reporting the incident within 48 hours may limit ability to recover. Additionally a claim must be filed within two years, and the award may be reduced if the injury arose from the consent of the victim. Victim-friendly criminal justice procedures exist such as the “rape shield” law, which reduces the trauma of cross-examination. Minors may have their records expunged if a petition is filed within one year of arrest. Victims of sex trafficking are entitled to mandatory restitution and may bring a civil action for damages against the offender. Criminal statutes of limitations for sexual offenses against a minor are extended 30 years past turning 18, and eliminated when force is used in the commission of the offense. Civil statutes of limitations for actions arising out of child pornography offenses are extended until the victim reaches 31 or within three years of discovering injury was caused by the offense.



Criminal justice tools for investigation and prosecutions

Missouri authorizes, but does not require, training programs for law enforcement on human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not permitted for investigations of suspected sex trafficking and CSEC crimes. Use of a decoy is specifically permitted within the statutes of enticement of a child (under 15 only) and sexual misconduct involving a child, but not for sex trafficking or CSEC offenses. Law enforcement may use the Internet to investigate cases of sex trafficking relying on the enticement of a child law which includes enticing a child under 15 both in person and via the Internet to engage in sexual conduct. Missouri law requires law enforcement to report missing and recovered children.



Criminal provisions for facilitators

It is a crime to benefit financially from sex trafficking, a felony punishable by a fine up to \$250,000 and 10 years to life imprisonment, enhanced to 25 years to life if the victim was under 12 or force, abduction or coercion was used in committing the crime. Facilitators may also be charged with the felony crimes of promoting sexual performance of a child or promoting child pornography punishable by up to seven years imprisonment and a possible fine up to \$5,000 or double the defendant’s gain from the commission of the offense up to \$20,000. Facilitators are subject to asset forfeiture for these crimes. Facilitators who knowingly permit their online services to be used to post advertisements related to sex trafficking could be charged with the felony of promoting online sexual solicitation, and fined \$5,000 per day of continuing violation beginning 72 hours after notice has been provided. Facilitators convicted of sex trafficking must pay restitution to the victim and may face civil liability. Sex tourism is a crime under promoting travel for prostitution (punishable by up to seven years imprisonment and a possible fine not to exceed \$5,000 or double the defendant’s gain from the commission of the offense) and advertising or facilitating travel to engage in a commercial sex act (punishable by loss of business incorporation status and freezing of assets); neither statute enhances penalties if the victims are minors.

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The human trafficking law does not distinguish minors under the age of 18 exploited through commercial sex acts without regard to the use of force, fraud, or coercion as victims of sex trafficking. Additionally, domestic minor sex trafficking victims do not receive the protections of the “rape shield” law or closed-circuit television testimony which could reduce trauma and encourage victims to pursue justice against their perpetrators.

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Criminalization of Domestic Minor Sex Trafficking

Washington’s trafficking law includes exploitation for commercial sex acts, but does not identify as a sex trafficking victim a minor under 18 without regard to the use of force, fraud, or coercion. The commercial sexual exploitation of children (CSEC) laws include: commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, promoting travel for commercial sexual abuse of a minor, permitting commercial sexual abuse of a minor, and sexual exploitation of a minor. The CSEC laws do not refer to the trafficking statute for prosecution or victim protection; however, the law establishes a presumption that any juvenile arrested for prostitution or prostitution loitering meets the criteria for certification as a victim of a severe form of trafficking in persons and a victim of commercial sexual abuse of a minor and therefore directs the identification of these juveniles as victims of trafficking.

§ Criminal provisions Addressing demand

The state trafficking law tracks the federal definition and could, following federal precedent, be applied to attempted buyers who “obtain” a person for commercial sex acts. The commercial sexual abuse of a minor statute specifically applies to buyers, and separately criminalizes paying a minor to engage in sexual conduct. Though the Internet is increasingly used by buyers, no statute expressly makes using the Internet to purchase sex acts with minors a crime. However, while the communication with a minor for immoral purposes statute, which includes communicating via electronic communications with a minor for immoral purposes, does not specifically include commercial sexual acts, it might be interpreted to apply to prosecute buyers using the Internet to solicit and purchase commercial sex acts online. While an age mistake is generally barred for CSEC offenses, the buyer may assert an age mistake defense if the buyer made an attempt to ascertain the minor’s age by actions more than relying on the oral statements of the minor or apparent age of the minor, such as requiring a driver’s license. A buyer is required to register as a sex offender for convictions of CSEC offenses and child pornography offenses, but a special allegation of sexual motivation must be made in a conviction of human trafficking to require registration.



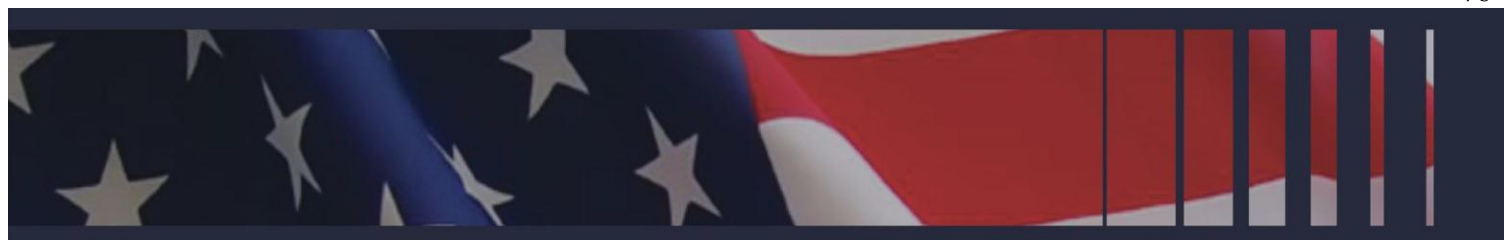
Criminal provisions for traffickers

A trafficker faces prosecution under trafficking and CSEC laws and may be subject to criminal profiteering laws. Trafficking and promoting commercial sexual abuse of a minor are felonies punishable by imprisonment between 93–318 months and a possible fine up to \$50,000 (\$5,000 is mandatory for promoting commercial sexual abuse of a minor convictions). When trafficking includes a sexual motivation, kidnapping, or results in a death, the crime is punishable by 123–397 months imprisonment. Sexual exploitation of a minor, which includes using a minor in child pornography or performance is a felony punishable by 31 months–10 years imprisonment and a possible fine up to \$20,000. Promoting travel for commercial sexual abuse is a felony punishable by a maximum of 12 months imprisonment and a possible fine up to \$10,000. While no statute expressly makes using the Internet to recruit a minor to engage in commercial sex acts a crime, the communication with a minor for immoral purposes statute—which includes communicating via electronic communications with a minor for immoral purposes not specifically defined to include commercial sex acts—might apply. Traffickers are subject to asset and vehicle forfeiture for CSEC crimes. A trafficker may also face civil liability for trafficking convictions and may be ordered to pay victim restitution. Traffickers are required to register as sex offenders for convictions of promoting sexual abuse of a minor and child pornography related offenses, but a special allegation of sexual motivation in trafficking convictions is necessary to require registration. Convictions for trafficking or CSEC offenses do not expressly result in termination of parental rights.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Commercial sexual abuse of a minor (§ 9.68A.100)	Class B felony	21 months–10 years	\$5,000–\$20,000	●
Possession or viewing child pornography (§ 9.68A.070)	Class B felony	12 months–102 months	Max. \$20,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

Commercially sexually exploited children are defined as victims throughout the state laws, though not identified specifically in the trafficking law. There is no prohibition to a defense to prosecution for sex trafficking or CSEC based on consent of the minor to the commercial sex acts, potentially shifting the burden to the victim to prove no consent. The general prostitution law fails to make minors immune from prosecution and a separate juvenile prostitution law continues to hold minors accountable for prostitution if they are not found to be trafficking or commercial sexual abuse victims. Nonetheless, diversion is mandated for a juvenile's first offense and optional diversion exists for subsequent offenses. A CSEC victim is included in the definition of child in need of services, leading to a child protection response which includes crisis residential shelters and services; however, there is no guarantee they will not be detained as delinquents for prostitution or other offenses committed in the course of their exploitation. Sexual exploitation through prostitution or child pornography is a form of abuse or neglect allowing for child protective services involvement, though caregiver is defined as an adult in the home at least semi-permanently which would limit child welfare intervention to familial trafficking. Crime victims' compensation is specifically made available to victims of commercial sexual abuse of a minor, regardless of whether the victim is charged with prostitution. Additionally, the rights of child victims of criminal acts do not accrue until "the time the victim discovers or reasonably should have discovered the elements of the crime." If eligible for crime victims' compensation, a court must also order the offender to pay restitution to the victim. Some victim-friendly court procedures are in place, but closed circuit television testimony is limited to victims under ten years old and the rape shield statute, which reduces the trauma of cross-examination for testifying victims, does not apply in trafficking or CSEC cases. Criminal records of juveniles may be expunged upon application if two years have passed without incident and other conditions are satisfied. Civil remedies can be asserted by victims of human trafficking. Statutes of limitations have not been eliminated for trafficking or CSEC victims. There is a three year statute of limitations on prosecutions of felonies and the time is tolled until a child reaches 18. The initiations of civil proceedings are also subject to a three year statute of limitation period.

Criminal justice tools for investigation and prosecutions

Washington law mandated the development of model policy and training on procedures relating to identifying and responding to victims of domestic minor sex trafficking by January 2011. Single party consent to audio recordings and judicially approved wiretapping is permitted for law enforcement pursuing trafficking and CSEC investigations. No laws expressly authorize the use of a decoy in sex trafficking or CSEC investigations; however, minors may aid investigations in which they are an alleged victim and their participation is limited to telephone or electronic communications with the defendant. Additionally, law enforcement may use the Internet to investigate cases of sex trafficking. Reporting of missing children is mandated within twelve hours and law enforcement must also report when missing children are recovered.



Criminal provisions for facilitators

The state trafficking law includes financially benefitting or receiving anything of value from the trafficking; however, knowledge that force, fraud, or coercion was used is necessary. CSEC laws are also applicable to facilitators and facilitators may be subject to the criminal profiteering laws. Trafficking and promoting commercial sexual abuse of a minor are felonies punishable by imprisonment between 93–318 months and a possible fine up to \$50,000 (\$5,000 is mandatory for promoting commercial sexual abuse of a minor convictions). When trafficking includes a sexual motivation, kidnapping, or results in a death, the crime is punishable by 123–397 months imprisonment. Selling, sending, and bringing images of sexual conduct into the state are felonies generally punishable by 15–116 months imprisonment and a possible fine up to \$20,000. Facilitators are subject to asset and vehicle forfeiture for CSEC crimes. A facilitator may also face civil liability for trafficking convictions and may be ordered to pay restitution. Promoting travel for commercial sexual abuse, which specifically addresses sex tourism by including selling travel for the purpose of engaging commercial sexual abuse with a minor, is a felony punishable by a maximum of 12 months imprisonment and a possible fine up to \$10,000.

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With meaningful criminal laws in place, protective

commercial sexual exploitation of children (CSEC) can provisions in place for victims of child sex trafficking and

be improved upon by ensuring access to crime victims' compensation to fund recovery.

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Criminalization of Domestic Minor Sex Trafficking

Minnesota's sex trafficking of minors law clearly defines a minor under the age of 18 used in a commercial sex act as a sex trafficking victim without regard to use of force, fraud, or coercion. The state CSEC laws include soliciting a minor to engage in prostitution, housing a prostituted minor, and use of minors in sexual performance. Soliciting a minor to engage in prostitution and housing a prostituted minor refer to the sex trafficking law for prosecution, but the use of minors in sexual performance does not.

§ Criminal provisions Addressing demand

The state sex trafficking law specifically does not apply to buyers of commercial sex from trafficking victims but state CSEC laws make the purchase of commercial sex acts with a minor and possession of child pornography a crime. Soliciting a minor to engage in prostitution distinguishes the crime of purchasing commercial sex acts with a minor versus an adult and buyers may not assert a mistake of age defense to prosecution, and although penalties are staggered by age, the lowest penalties are still meaningful. Solicitation of children to engage in sexual conduct provides a means of obtaining heightened penalties for buyers using the Internet to commit illegal sex acts, which could include commercial sex acts with a minor. Buyers could face civil actions by a victim, as well as asset forfeiture if convicted of CSEC and possession of child pornography offenses. A victim of any crime has a right to restitution for losses from convicted offenders. Buyers will be required to register as sex offenders if convicted of CSEC or pornography offenses.

Demand | Selected Commercial Sex Crimes

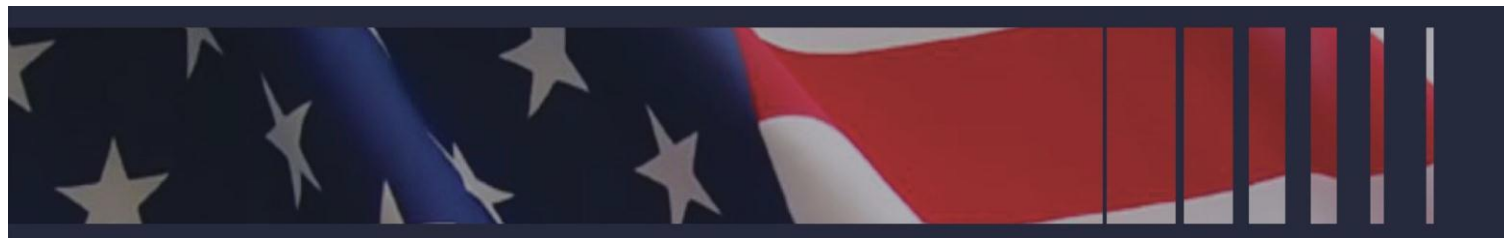
Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Soliciting a child for prostitution (§ 609.324)	Felony	Max. 5, 10 or 20 years	Max. \$10,000, \$20,000 or \$40,000	●
Solicitation of children to engage in sexual conduct (§ 609.352(2))	Felony	Max. 3 years	Max. \$5,000	●
Possessing child pornography (§ 617.247(4)(a))	Felony	Max. 5 years (1st offense) or 10 years (2nd offense)	Max. \$5,000 (1st offense) or \$10,000 (2nd offense)	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Criminal provisions for traffickers

A trafficker convicted of sex trafficking faces up to 20 years imprisonment and/or a fine up to \$50,000, enhanced to 25 years and/or up to \$60,000 if an aggravating factor is proven, such as more than one victim. When convicted of sex trafficking, a trafficker faces possible asset forfeiture, civil claims from the victim, and victim restitution. Use of minors in a sexual performance to create and disseminate child pornography is punishable by up to 10 years imprisonment and/or a fine up to \$20,000. The solicitation of children to engage in sexual conduct statute provides a sentence enhancement that could reach traffickers who use the Internet to recruit minors for illegal sex acts, which may include trafficking. If also convicted of racketeering for trafficking activities rising to a pattern of criminal activity, a trafficker faces 20 years and/or a fine up to \$1 million. Traffickers convicted of solicitation of children to engage in sexual conduct and use of minors in sexual performance are subject to asset forfeiture. Traffickers must register as sex offenders if convicted of sex trafficking a minor, solicitation of children to engage in sexual conduct, or use of a minor in a sexual performance; however, convictions for these offenses do not establish grounds for termination of parental rights.



Protective provisions for the child victims

Sex trafficking and soliciting a minor for prostitution expressly prohibit a defense based on consent of the minor. Prostitution offenses do not limit application to adults; however, the statutory definition of a delinquent child removes prostituted minors from delinquency adjudication. Instead, victims “alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct” are included in the definitions of sexually exploited youth and of a child in need of protection or services who receive a child protective response. For purposes of child welfare intervention, the definition of abuse expressly includes sex trafficking and CSEC offenses; however, the definition of custodian is limited to those with legal custody of the child, making it unlikely that child protective services could intervene in a case of a non-family member trafficking the minor. If identified as a victim and suffering economic loss, sex trafficking and CSEC victims are eligible for state crime victims’ compensation, although several criteria may limit their eligibility, including a bar to recovery if the victim participated or assisted in a criminal act, was committing a crime at the time the injury occurred, or does not fully cooperate with law enforcement. Also, the crime must be reported within 30 days of when the report could reasonably have been made. Minnesota’s “rape shield” law only limits the trauma of cross-examination for testifying victims in sex offense cases and not specifically in sex trafficking cases, however a child victim witness may provide testimony via closed-circuit television, outside the presence of the defendant. The juvenile court may expunge juvenile records at any time, at its discretion. The court may award criminal restitution and civil remedies are also provided for sex trafficking victims. The statute of limitations for criminal prosecutions of sex trafficking and CSEC offenses is three years. For civil claims based on damages from being trafficked, a 6-year statute of limitations begins to run after the victim knows or should know of the injury but is tolled until age 18 and may be tolled while the coercion continues.



Criminal justice tools for investigation and prosecutions

Training for law enforcement on child sex trafficking is mandated by law. Single party consent to audiotaping is permitted, and wiretapping is allowed in investigations for sex trafficking and soliciting a minor for prostitution. No laws expressly authorize the use of a decoy or the Internet in sex trafficking investigations, but these tools could be used in investigating child solicitation offenses, applicable to in-person and online solicitations when a person over 18 solicits a child 15 years old or younger to engage in sexual activity, which could include sex trafficking. Minnesota has established a statewide reporting and response system for missing children and requires the reporting of located children.



Criminal provisions for facilitators

Facilitators are subject to prosecution for benefitting financially from sex trafficking, punishable by imprisonment up to 20 years and/or a fine up to \$50,000. A court may order victim restitution in a sex trafficking conviction. If convicted of CSEC or pornography offenses, such as use of minors in a sexual performance, facilitators face asset forfeiture. Disseminating and owning a business to disseminate child pornography is punishable by up to 10 years imprisonment and/or a fine up to \$20,000 and \$40,000 for any subsequent offense. No laws in Minnesota make sex tourism a crime.

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Protected Innocence Initiative

State Action . National Change.

Virginia does not have a human trafficking or sex trafficking law. The abduction law is used to prosecute cases of sex trafficking; however, minors are not considered abduction victims unless they are subject to force, intimidation or deception. Virginia also has limited options to prosecute demand and protect victims.

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Criminalization of Domestic Minor Sex Trafficking

Virginia does not have a human trafficking or sex trafficking law. Child sex trafficking can be prosecuted under the abduction for immoral purpose law which includes for the purpose of prostitution and child pornography. However, the law requires force, intimidation or deception to be used to cause the abduction, even when the victim is a minor. The state commercial sexual exploitation of children (CSEC) laws include taking indecent liberties with children and receiving money for procuring a person, but neither refer to the victims of these crimes as sex trafficking victims, causing a lack of identification and potentially a barrier to services and protections for trafficking victims.



Criminal provisions Addressing demand

Limited options exist to prosecute demand. The plain language of the definition of abduction, the statute used to prosecute sex trafficking, does not appear to apply to buyers of commercial sex with minors and other CSEC laws do not include the crime of buying sex with a minor. Certain provisions of taking indecent liberties with children could be used to apply to some buyers but they are not specific to commercial sexual exploitation. The prostitution statute does not distinguish between buying sex with an adult versus a minor. The state has enhanced penalties for using a computer to violate child pornography laws, and the statute on use of communication systems to facilitate certain offenses involving children might apply to buyers of commercial sex with minors. There is no prohibition to a defendant asserting mistake of age in a defense to prosecution under any sexual offense law. A buyer must pay restitution for any medical expenses incurred by the victim as a result of the crime. A person convicted of possession of child pornography, and any sex offenses a buyer might be convicted of, is required to register as a sex offender.



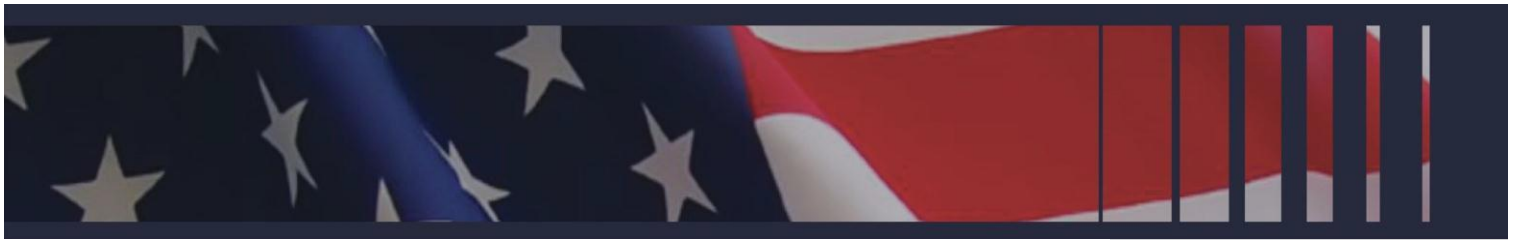
Criminal provisions for traffickers

The abduction law provides a sentence (20 years–life imprisonment with a suspended sentence of 40 years to attach to any sentence less than life) as high as those for federal trafficking offenses (10 years–life), but other applicable crimes do not. Taking indecent liberties with a child prohibits receiving money for a child to perform in sexually explicit material and is punishable by imprisonment of 1–10 years (or up to 12 months in jail and/or a fine up to \$2,500). Producing child pornography is a felony punishable by 5–30 years imprisonment when the victim is under 15 and 1–20 years if the victim is 15–18. Penalties for child pornography crimes are heightened when the offender is older than the victim by seven years or more. Statutes tackling the growing use of computers by traffickers include one criminalizing use of a computer to produce child pornography or promoting a child in an obscene performance and one prohibiting use of the Internet to recruit minors for illegal sex acts, which may include prostitution and pornography. Criminal street gang and racketeering laws with CSEC predicate offenses might also apply to prosecute sex trafficking. A trafficker is subject to asset forfeiture for violations of abduction and child pornography offenses, and is subject to vehicle forfeiture for violations of prostitution related offenses. Restitution for any property loss or medical expenses incurred by a victim as a result of the trafficker's crime is mandatory. A trafficker is required to register as a sex offender if convicted of child pornography offenses or abduction for immoral purposes. Grounds for termination of parental rights do not include convictions for abduction or CSEC, leaving children of traffickers vulnerable to the continuing control of their trafficker-parent.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Prostitution (§ 18.2-346)	Class 1 misdemeanor	Max. 12 months	Max. \$2,500	●
Frequenting a place of prostitution (§ 18.2-347)	Class 1 misdemeanor	Max. 12 months	Max. \$2,500	●
Possession of child pornography (§ 18.2-374.1:1(A))	Class 6 felony	1–5 years (or up to 12 months in jail and/ or up to \$2,500)		●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

Victims of domestic minor sex trafficking in Virginia continue to be vulnerable due to gaps in the laws. Abduction for immoral purposes and CSEC offenses do not prohibit a defense to prosecution based on consent of the minor, narrowing the ability to prosecute cases. The prostitution law is not limited in application to adults and does not identify a minor engaged in prostitution as a victim of sex trafficking and victims of child sex trafficking could be subject to arrest and charged for the crime committed against them. A victim of commercial sexual offenses is not defined as a child in need of services and the definition of abuse and neglect, although it includes the undefined term “sexual exploitation,” does not expressly include exploitation through abduction for immoral purposes, CSEC, or child pornography crimes. The definition of “caregiver” for the purposes of removing abused and neglected children from the home include only those with legal custody or those standing “in loco parentis” of the child, and thus is not sufficient to include a trafficker and allow for child welfare intervention. Victims of child sex trafficking are eligible for crime victims’ compensation but the program contains ineligibility criteria that could negatively affect their ability to recover compensation, including a requirement to cooperate with law enforcement and time requirements (waived for good cause). Virginia law provides several victim-friendly criminal justice provisions, including extending the “rape shield” law and the use of a two-way closed-circuit television for testifying victims of abduction for immoral purposes. The state law provides automatic expungement of juvenile records if the juvenile is 19 and five years have elapsed since the last hearing, but records will be maintained for felony offenses. Offenders for any crime must make at least partial restitution for damages or losses caused by the crime and medical costs, and victims of child pornography offenses are entitled to mandatory restitution. No civil actions specific to CSEC or abduction are authorized in the law but sexual abuse victims have a twenty year statute of limitations on civil actions for damages. Misdemeanor actions must be brought within one year but no statute of limitations exists for felonies.



Criminal justice tools for investigation and prosecutions

Virginia law does not mandate training on domestic minor sex trafficking, but it does direct the Department of Criminal Justice Services to advise law enforcement on “the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia.” Single party consent to audiotaping is allowed by law, and wiretapping is authorized for most felony offenses related to domestic minor sex trafficking. Use of a law enforcement decoy in child sex trafficking or CSEC investigations is not specifically authorized by law; however, an investigation under use of a communications system to facilitate certain crimes involving children which could include CSEC offenses is protected from a defense that the “minor” was in fact over 15 by statutory language indicating culpability if the offender had reason to believe the person involved was less than 15. This same law can permit law enforcement to pose as a minor under 15 on the Internet to investigate CSEC cases as well. Law enforcement must report missing children into the “Missing Children Information Clearinghouse” and must notify the clearinghouse upon recovering a missing child. statutory language indicating culpability if the offender had reason to believe the person involved was less than 15. This same law can permit law enforcement to pose as a minor under 15 on the Internet to investigate CSEC cases as well. Law enforcement must report missing children into the “Missing Children Information Clearinghouse” and must notify the clearinghouse upon recovering a missing child.

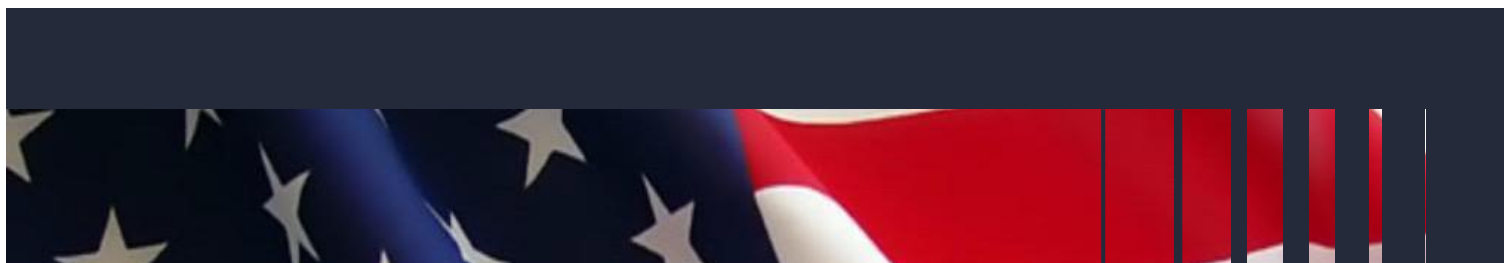


Criminal provisions for facilitators

While Virginia has no human trafficking law, aiding and assisting in abduction for prostitution is included in the abduction laws and is a felony punishable by 1–10 years imprisonment. Also, aiding in the production of child pornography, including through financing, is a felony punishable by 5–30 years imprisonment when the victim is under 15 and 1–20 years imprisonment when the victim is 15–17. Heightened penalties apply when the offender is older than the minor by seven years or more. Selling and distributing child pornography is a felony punishable by 5–20 years imprisonment. Intentionally operating websites that facilitate payment for access to child pornography is a felony punishable by 2–10 years imprisonment and a possible fine up to \$100,000. A facilitator may also be subject to criminal gang and racketeering laws resulting in greater penalties and civil forfeiture. No law in Virginia addresses sex tourism. Facilitators are subject to vehicle forfeiture for convictions of prostitution related offenses and asset forfeiture for child pornography offenses, but not for convictions of assisting abduction. A facilitator must pay restitution for any property loss or medical expenses incurred by a victim as a result of the facilitator’s crime.

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California law provides very limited options for prosecuting demand and victims of child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are provided with little protection under the law as victims.

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<hr/> 7.5	<hr/> 25	<hr/> 15	<hr/> 10	<hr/> 27.5	<hr/> 15

Criminalization of Domestic Minor Sex Trafficking

California's human trafficking law criminalizes sex trafficking of minors, imposing enhanced penalties where the victim is a minor, but requires force, fraud, or coercion even for minors used in commercial sex acts. California CSEC laws include: procurement of a minor, pimping and pandering (when a minor is involved), abduction of minor for prostitution, employment of minor in pornography, and contract to pay minor victim of unlawful sex act. The CSEC laws do not refer to human trafficking for prosecution or victim protections.

Criminal Provisions Addressing Demand

The human trafficking law cannot be used to prosecute demand and no CSEC law includes the crime of buying sex with a minor. A buyer could be prosecuted under the general solicitation law (disorderly conduct) or acquiring a prostitute law, but the result is misidentification of the buyer as a "john" and the lack of enhanced penalties for the serious crime of child commercial sexual exploitation. While the state has no statute or heightened penalties for using the Internet to purchase commercial sex acts from a minor, the statute on contact or communication with a minor with intent to commit an illegal sex act statute might apply to buyers who use the Internet for this purpose. Buyers convicted of any crime may be required to pay restitution to a victim. Child pornography may be seized and destroyed, but buyers are not subject to other asset forfeiture. Buyers of sex with minors must register as sex offenders if convicted of contact or communication with minor with intent to commit a crime if sexually motivated; however, buyers convicted of disorderly conduct or acquiring a prostitute, even when it involves a minor, will not be required to register.

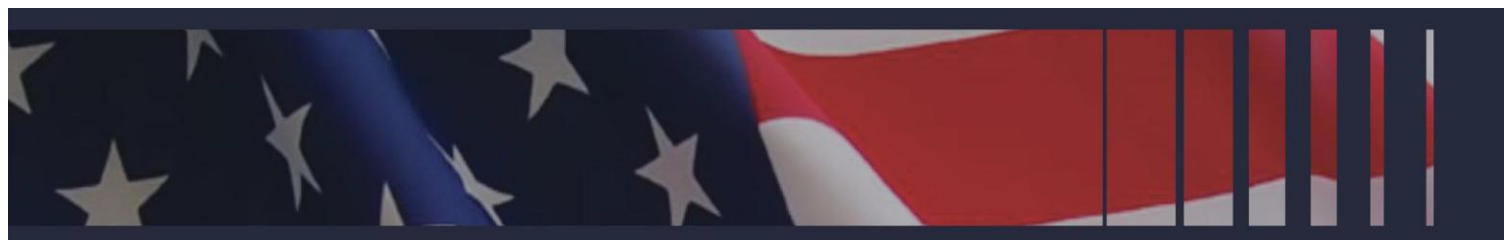
Criminal provisions for traffickers

Human trafficking of a minor is punishable by four, six, or eight years imprisonment and a fine up to \$100,000, while CSEC crimes of pimping of a minor and pandering of a minor each are punishable by possible fines up to \$10,000 and imprisonment for three, six, or eight years (minor is under 16) or three, four, or six years (minor 16–18), and an additional fine up to \$5,000. Procurement of a minor, employment of a minor in child pornography, and abduction of a minor for prostitution are punishable by up to one year imprisonment and/or a fine up to \$2,000; however, abduction of a minor for prostitution is also punishable by a possible additional fine up to \$20,000. Preparing images of child pornography and distribution of child pornography are punishable by up to one year imprisonment and/or a fine up to \$2,000 and \$1,000, respectively, or, for distribution, imprisonment and/or a fine up to \$10,000. Contact or communication with a minor with intent to commit a crime, while not expressly commercial, might apply to traffickers who use the Internet to sell commercial sex acts with a minor. Traffickers convicted of human trafficking face mandatory restitution, while those convicted of other crimes may be ordered to make restitution; however, only traffickers who engage in criminal profiteering with predicate offenses of employment of a minor in pornography, pimping or pandering of a minor, and human trafficking are subject to asset forfeiture. Traffickers convicted of most CSEC offenses must register as sex offenders, but not if convicted of human trafficking or pimping of a minor. Convictions for human trafficking or CSEC offenses do not establish grounds for termination of parental rights, leaving children of traffickers at potential continuing risk.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Disorderly Conduct (§ 647(b))	Misdemeanor	Max. 6 months	Max. \$1,000	○
Acquiring prostitute (§ 266e)	Felony	16 months, 2 years, or 3 years	Max. \$10,000	○
Possession of child pornography (§ 311.11(a))	Felony	Max. 1 year	Max. \$2,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

Victims of sex trafficking or CSEC are not protected under the state laws. Human trafficking and most CSEC laws do not prohibit a defense based on consent of the minor, leaving this a potential defense for offenders. Prostitution offenses are not limited in application to adults, do not identify a juvenile involved in prostitution as a victim of human trafficking, and provide no affirmative defenses to a minor charged with the offense. As a result, CSEC victims could be classified as wards, leading to different response protocols and placements, including detention. A victim found to be abused (defined to include commercial sexual exploitation through prostitution and child pornography) might receive protection through child protective services; however, an intervention by child protective services may be limited by California's failure to define caregiver or other similar term to include those without legal custody of a minor. Crime victims' compensation is available for victims of CSEC offenses and California law prohibits human trafficking victims' claims from being denied solely because the victim did not report the crime; however, participating in a crime or failing to cooperate with law enforcement could prevent CSEC victims from receiving compensation. Victim-friendly trial procedures are available to human trafficking victims, including confidentiality for communications between a victim and caseworker and for the location of trafficking shelters. However, only victims of sexual offenses under age 13 may testify via closed-circuit television or receive protection under California's "rape shield" law, leaving CSEC victim-witnesses unprotected from the trauma of cross-examination at trials of their traffickers. Juvenile records may be sealed five years after the jurisdiction of the court terminates or any time after the person turns 18, provided the juvenile "has not been convicted of a felony or misdemeanor involving moral turpitude" and has been satisfactorily rehabilitated. Restitution and a civil remedy are available to victims of human trafficking. Prosecutions for human trafficking and most CSEC crimes must be brought within three years of the crimes; however, prosecutions under employment of a minor in child pornography may be brought within 10 years. A civil action by a human trafficking victim must commence within five years of when the victim turns 18 or was freed from the trafficking situation.

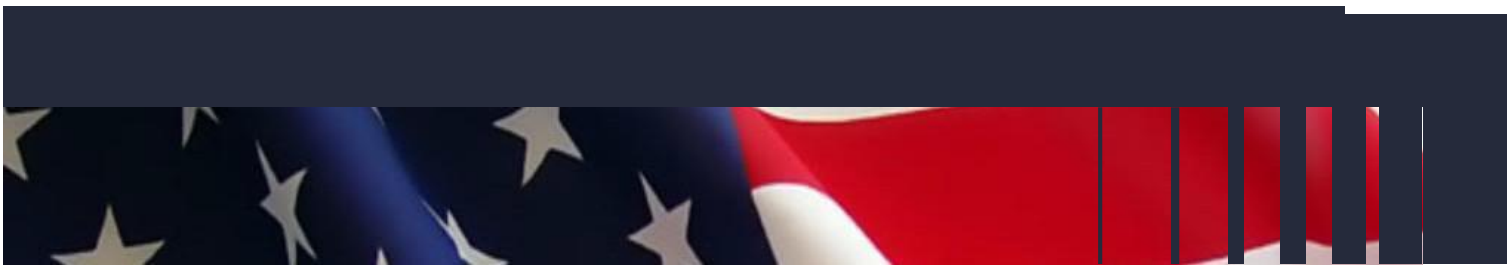
Criminal justice tools for investigation and prosecutions

California provides law enforcement officers opportunities to receive training on human trafficking; however, it is not mandatory. California does not allow single party consent to audiotaping or wiretapping in investigations related to human trafficking or CSEC crimes. No law expressly authorizes the use of a decoy to investigate prostitution of children or the Internet in the investigation of child sex trafficking cases, but law enforcement may use the Internet to investigate human trafficking or CSEC crimes relying on the sending harmful matter to children via the Internet and lewd or lascivious acts involving children statutes. California has established a statewide reporting and response system and law enforcement must report missing and located children.

Criminal provisions for facilitators

Procurement of a minor applies to facilitators and is punishable by up to one year imprisonment and/or a fine up to \$2,000. Facilitators also may be convicted under pimping of a minor, punishable by a possible fine up to \$10,000 and three, six, or eight years imprisonment (minor under 16) or three, four, or six years imprisonment (minor 16–18). A conviction for any crimes may result in a victim restitution order. Facilitators who engage in criminal profiteering activity with predicate offenses of employment of a minor in pornography and pimping where a minor is involved will be subject to asset forfeiture. Advertising child pornography is punishable by two, three, or four years imprisonment, or by one year imprisonment and/or a fine up to \$50,000, while promoting employing a minor in child pornography is punishable by up to one year imprisonment and/or a fine up to \$2,000, and selling child pornography is punishable by up to one year imprisonment and/or a fine not to exceed \$1,000, or imprisonment and/or a fine up to \$10,000. No laws in California address sex tourism.

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Hawaii has not enacted a sex trafficking law and lacks laws to penalize and deter buyers from purchasing sex acts with minors. Few protective provisions exist for domestic minor sex trafficking victims.

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2.5	4	10.5	5	11.5	7
7.5	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Hawaii has not enacted a human trafficking law that includes the crime of sex trafficking. The state has several commercial sexual exploitation of children (CSEC) laws that reach traffickers, including promoting prostitution of a person under 18, kidnapping for purposes of prostitution or obscenity, promoting child abuse through pornography, and employing a minor to work in adult entertainment. The absence of a sex trafficking law prevents proper identification of the crime or the victim.

Criminal provisions Addressing demand

Limited options exist to prosecute demand. No CSEC offense expressly addresses buying sex with a minor, leaving buyers of sex with minors to be charged with solicitation of prostitution, which does not distinguish between purchasing sex acts with an adult versus a minor and leaves the exploited child without victim status. Buyers may face civil liability for damages to a minor exploited through prostitution under the Prostitution Coercion Liability Act if they hired or attempted to hire a minor to engage in commercial sex acts when a reasonable person would believe the minor was coerced into prostitution. Restitution for conviction of any crime a buyer might be convicted of, including general sex offenses, is mandatory upon a victim's request and includes medical expenses. A person convicted for possession of child pornography is required to register as a sex offender, but a buyer of sex acts with a minor is not, leaving Hawaii's children at risk of those who buy sex with children. Buyers can be prosecuted for electronic enticement of a child under 18 when they commit felony sexual abuse as a result and face a sentence of imprisonment up to 10 years and possible fine up to \$25,000, but buyers using the Internet for the purchase of sex with children are not culpable under this law if the sexual abuse is identified as prostitution.

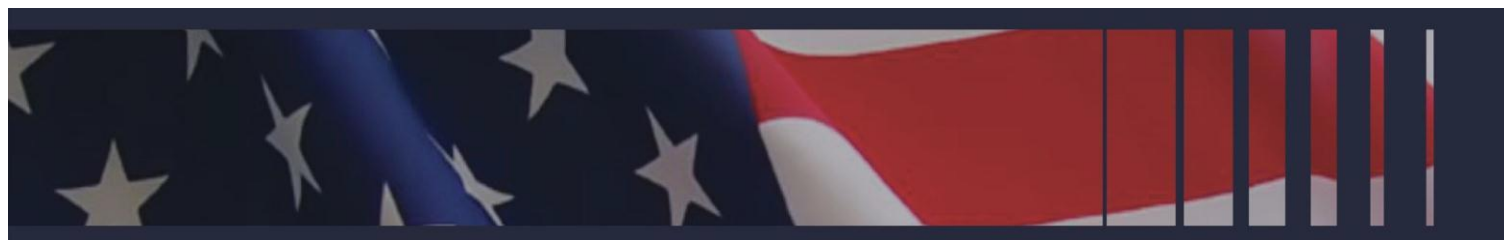
Criminal provisions for traffickers

There is no sex trafficking law in Hawaii, leaving traffickers to be prosecuted under the CSEC statutes of promoting prostitution of a minor and creating child pornography which carry sentences (imprisonment up to 20 years "without the possibility of suspension of sentence or probation") as high as federal trafficking sentences (10 years–life) and a possible fine up to \$50,000. A trafficker using the Internet to lure or recruit a minor under 18 for commercial sex acts could be prosecuted for electronic enticement of a child if the resulting case is seen as felony sexual abuse, instead of merely prostitution. Employing a minor in adult entertainment is a misdemeanor punishable by up to 1 year imprisonment and a possible fine up to \$2,000. Traffickers might be guilty of state racketeering law and money laundering laws for their criminal actions. Traffickers may face civil suits by victims for damages under the Prostitution Coercion Liability Act if the trafficker coerced the victim into prostitution. Traffickers convicted of promoting prostitution of a minor are required to register as sex offenders, but the law relating to the termination of parental rights does not enumerate convictions for promoting prostitution of a minor or sexual offenses as grounds for terminating parental rights, leaving children of traffickers potentially vulnerable. Traffickers found to have violated organized crime laws or the electronic enticement of a child law are subject to asset forfeiture. Restitution to the victim for losses, including medical costs, is mandatory upon request by the victim.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Prostitution (§ 712-1200(4)(a), (b))	Misdemeanor	Max. 30 days	Mandatory \$500	○
Possessing child pornography (§ 707-752)	Class C felony	Max. 5 years	Max. \$10,000	○

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

Victims of sex trafficking are vulnerable due to gaps in Hawaii's laws. There is no prohibition on a defendant raising consent of the minor to the commercial sex act as a defense to prosecution. Prostitution offenses are not limited in application to adults leaving minors vulnerable to prosecution. No protective provisions are statutorily mandated specifically for domestic minor sex trafficking victims; therefore, a victim may receive a variety of responses including detention for delinquency or possible shelter care for dependency. Child abuse and neglect definitions include victimization of a child through prostitution or child pornography, but the definition of caregiver that dictates whether child protective services may become involved only includes parents, legal custodians, and those that a child resides with for more than 6 months with the consent of the legal custodian, likely excluding most traffickers and therefore removing trafficked children from child welfare intervention. Only victims of enumerated violent crimes are eligible for crime victim's compensation; these do not include CSEC but do include sexual assault and kidnapping which might be charged in a CSEC case. Victim-friendly trial procedures are limited to minors under 14. A victim under 18 of a sexual offense may be permitted to testify via closed circuit television and the "rape shield" law reduces the trauma of cross-examination for testifying victims of sexual offenses, which are not defined expressly to include CSEC offenses. Minors may petition to have certain arrest records expunged. Civil remedies are available to CSEC victims and restitution for losses including medical expenses is statutorily authorized. Neither criminal nor civil statutes of limitations are eliminated, presenting potential barriers to a sex trafficking victim with typically slow recovery from the unique trauma of CSEC. Civil statutes of limitations do not begin to run until the victim reaches 18.

Criminal justice tools for investigation and prosecutions

Training for law enforcement on human trafficking or domestic minor sex trafficking is not mandated through law. Single party consent to audiotaping is permissible in Hawaii, but CSEC offenses are not included as crimes for which a wiretapping order may be issued, withholding a critical tool for law enforcement investigations. Use of a decoy is not statutorily authorized, but law enforcement may utilize the Internet to investigate buyers and sex traffickers in violation of the electronic enticement of a child statute. The state law mandates reporting of missing and recovered children.

Criminal provisions for facilitators

A facilitator who knowingly advances or profits from prostitution of a minor under 18 faces imprisonment for 20 years and a possible fine up to \$50,000. Disseminating or reproducing child pornography is a felony punishable by imprisonment up to 10 years and a possible fine up to \$25,000. Facilitators may also be subject to Hawaii's racketeering and money laundering laws for their criminal actions. Laws which prohibit selling, advertising, and promoting travel for the purpose of prostitution make sex tourism a felony punishable by up to 5 years imprisonment and a possible fine up to \$10,000. Facilitators are not subject to asset forfeiture, unless found guilty of organized crime. However, restitution is mandatory if a victim requests it and can prove losses and medical costs caused by an offense.

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Protected Innocence Initiative

State Action . National Change.

West Virginia does not have a human trafficking or sex trafficking law. Abduction of a minor under 16 for prostitution provides limited deterrence. However, in contrast to federal sex trafficking law, minors are not considered abduction victims unless they are subject to force, intimidation or deception. West Virginia also has limited options to prosecute demand and protect victims.

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Criminalization of Domestic Minor Sex Trafficking

West Virginia does not have a human trafficking or sex trafficking law, leaving these crimes to be prosecuted under any one of the commercial sexual exploitation of children (CSEC) statutes, including abduction of a minor under 16 for prostitution, detention of a minor in a place of prostitution, procuring a minor for house of prostitution, receiving support from prostitution of a minor, use of a minor to produce obscene matter, use of minors in filming sexually explicit conduct, and soliciting or enticing a minor via computer to engage in prostitution. None of these CSEC crimes refer to the victims as sex trafficking victims, preventing their identification and possibly their access to special protections and services.

\$ Criminal provisions Addressing demand

Limited options exist to prosecute demand. CSEC laws do not include the crime of buying sex with a minor, unless a computer is involved. The solicitation of prostitution law does not distinguish between buying sex with an adult versus a minor unless a computer was used to solicit a minor at least four years younger than the offender to engage in prostitution; however, the soliciting a minor via a computer for purposes of prostitution statute does not prohibit defense based on age mistake, leaving this defense available to buyers. West Virginia's general restitution statute permits the court to order a convicted buyer of commercial sex acts and child pornography to pay restitution for physical, psychological or pecuniary loss to victims. Buyers convicted of soliciting a minor via a computer for prostitution and of possessing child pornography are required to register as sex offenders, but those convicted of solicitation of prostitution, even when a minor is solicited, are not required to register as sex offenders.

Demand | Selected Commercial Sex Crimes

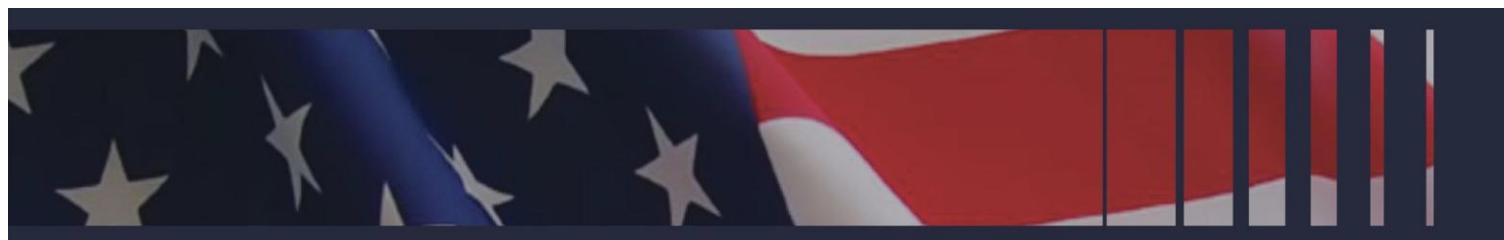
Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Soliciting a minor via computer for prostitution (§ 61-3C-14b)	Felony	2–10 years	(and/or) \$5,000	○
Houses of ill fame (solicitation of prostitution) (§ 61-8-5(b))	Misdemeanor	60 days–6 months	(and) \$50–\$100	○
Possession of child pornography (§61-8C-3)	Felony	Max. 2 years	(and/or) \$2,000	○

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Criminal provisions for traffickers

Traffickers convicted of felony abduction of a minor under 16 for prostitution face 3–10 years imprisonment. Detaining a minor in a place of prostitution and procuring a minor for a house of prostitution are felonies punishable by 2–5 years imprisonment and/or fines up to \$5,000. Using a minor to create child pornography is a felony punishable by up to 10 years imprisonment and/or a fine up to \$10,000 and use of a minor to produce obscene matter is a felony punishable by up to 10 years imprisonment and/or a fine not to exceed \$50,000. CSEC predicate offenses could lead to organized criminal enterprise charges with additional penalties. Using a computer to entice or lure a minor at least 4 years younger than the offender to commit prostitution is a felony, addressing this growing means of trafficking. In some instances convicted traffickers may be required to pay restitution to victims for physical, psychological, or economic injury, and specific restitution for medical, psychological, or psychiatric treatment for a victim of a child pornography offense. No law subjects traffickers to asset forfeiture. Traffickers convicted of abduction for prostitution and certain other CSEC offenses are required to register as sex offenders. A conviction for CSEC does not expressly constitute grounds for the the termination of parental rights, potentially leaving children of convicted traffickers under parent-trafficker control and at risk.



Protective provisions for the child victims

Domestic minor sex trafficking victims are vulnerable due to gaps in West Virginia's laws. A defendant in a CSEC case is not prohibited from raising consent of the minor as a defense. Prostitution offenses are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. No protective provisions are statutorily mandated specifically for sex trafficking or CSEC victims, therefore victims can enter the juvenile justice system as delinquents. However, a victim found to be abused or neglected—defined to include coercing a minor to commit sexual acts, but not expressly including CSEC or pornography offenses—might receive protection through child protective services if the definition of “custodian,” which includes those in physical possession of the child, is determined to include a trafficker, thereby permitting child welfare intervention. Crime victims' compensation is only available to victims who suffer personal injury or death, and eligibility criteria, such as filing an application within two years and reporting the crime within 72 hours unless good cause is shown, could limit a victim's ability to recover. Victim-friendly criminal justice procedures do not extend to all CSEC victims. Only children under 13 may testify via closed circuit television and the “rape shield” law which reduces the trauma of cross-examination for testifying victims is not applicable in CSEC trials. On the later of turning 19 or one year after the child is released from the court's jurisdiction all juvenile records are sealed. Victims may receive restitution from their exploiter and traffickers convicted of child pornography offenses will be required to pay for medical, psychological, or psychiatric care. Civil damages are expressly available to victims of soliciting a minor via a computer, but not to other CSEC victims. Civil actions generally have a two year statute of limitations, but minors injured through tort violations must file within five years, and sexual abuse victims have 20 years. No statute of limitations exists for felony prosecutions, but misdemeanors must be brought within one year.

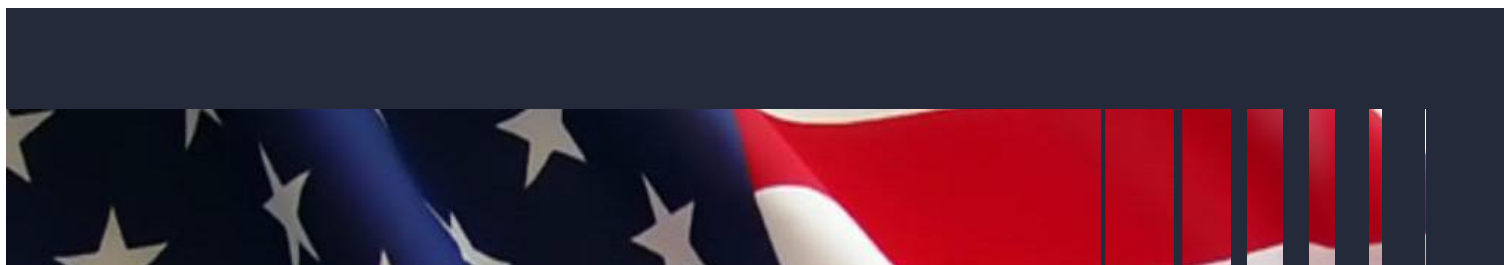
Criminal justice tools for investigation and prosecutions

Law enforcement officers in West Virginia are not statutorily mandated to complete training on human trafficking or domestic minor sex trafficking; however, to the extent CSEC qualifies as a criminal enterprise, some training might be included in the required training on organized crime investigations. Single party consent to audiotaping is legal and wiretapping may be used in abduction investigations, but not other CSEC offenses. While no specific statutory language permits the use of a decoy in CSEC or sex trafficking investigations, law enforcement officers might be able to use the Internet to investigate these cases relying on the soliciting a minor via a computer law, though a defense is possible that the officer is not, in fact, a minor. West Virginia law requires reporting and updating reports of missing children. Law enforcement must promptly enter information on missing children into the “Missing Children Information Clearinghouse” and must notify the clearinghouse upon recovering a missing child, allowing law enforcement to identify repeat runaways who are at high-risk for sex trafficking.

Criminal provisions for facilitators

Facilitators who aid or abet the abduction of a minor under 16 for prostitution are guilty of a felony punishable by 3–10 years imprisonment. Facilitators who indirectly detain a minor in a place of prostitution commit a felony punishable by 2–5 years imprisonment and/or a fine up to \$5,000 and could be subject to organized crime laws. Facilitators who distribute child pornography face up to two years imprisonment and a mandatory fine up to \$2,000, and may be ordered to pay for a victim's medical, psychological or psychiatric treatment. West Virginia's general restitution statute may apply to facilitators in some instances when the victim suffers physical, psychological or economic injury. Asset forfeiture actions are not prescribed for any facilitation crimes. No law in West Virginia makes sex tourism a crime, leaving sex tour operators to operate with impunity in West Virginia.

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Wyoming has not enacted a human trafficking or sex trafficking law and limited commercial sexual exploitation of children (CSEC) laws leave buyers of commercial sex with minors largely undeterred. Few protective provisions exist for domestic minor sex trafficking victims.

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Criminalization of Domestic Minor Sex Trafficking

Wyoming has not enacted a human trafficking or sex trafficking law, leaving cases of domestic minor sex trafficking to be prosecuted under CSEC laws, including promoting prostitution of minors under 18, and sexual exploitation of children. The lack of a trafficking law prevents victims of these crimes from being identified as trafficking victims and can result in barriers to accessing services and justice.

Criminal provisions Addressing demand

Limited options exist to prosecute demand for commercial sex acts with minors in Wyoming. No CSEC offense expressly includes buying sex with a minor, leaving buyers to be prosecuted under the general solicitation of prostitution law which does not distinguish between purchasing sex acts with an adult versus a minor, and therefore provides no enhanced penalties or special provisions making the solicitation of prostitution with a minor a more serious crime. No law expressly makes it a crime to use the Internet to solicit sex acts, leaving buyers free to exploit children through the Internet, unless they can be reached through the very general statute criminalizing soliciting to engage in illicit sexual relations when the minor solicited is under 14. In the absence of CSEC or sex trafficking offenses, buyers might be prosecuted under general sex offenses which permit a defendant to assert a mistake of age defense when older minors are involved. Buyers convicted of soliciting an act of prostitution with a minor under the general solicitation law must register as sex offenders. A restitution order will be entered in any criminal conviction to pay a victim's proven economic damages, insofar as the offender is deemed able to pay.

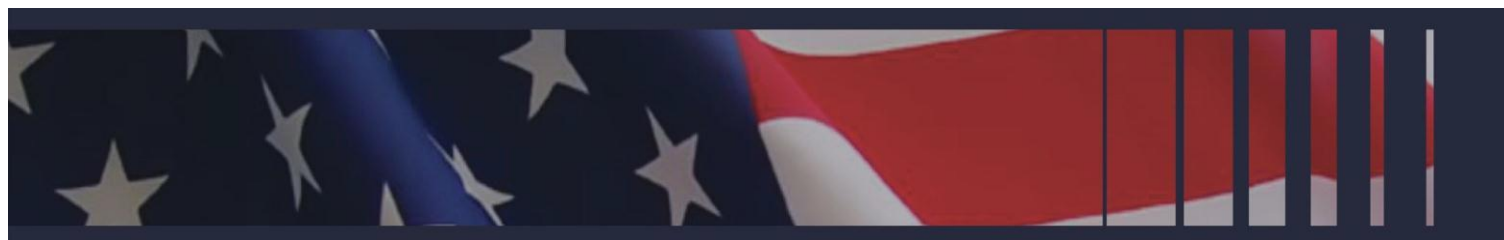
Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Soliciting an act of prostitution (§ 6-4-102)	Misdemeanor	Max. 6 months	Max. \$750	○
Possessing child pornography (§ 6-4-303(b)(iv))	Felony	Max. 10 years	Max. \$10,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.

Criminal provisions for traffickers

The state has no sex trafficking law and the CSEC statutes applicable to criminal actions of traffickers—promoting prostitution (when the victim is a minor under 18) and endangering children—do not carry sentences as high as the 10 years to life sentences for federal trafficking crimes. Promoting prostitution when the victim is a minor under 18 is a felony punishable by up to five years imprisonment and/or a fine up to \$5,000. Sexual exploitation of a child through pornography is a felony punishable by 5–12 years imprisonment and/or a fine up to \$10,000. No law expressly makes it a crime to use the Internet or electronic communications to recruit or sell a minor for commercial sex acts, although this might be prosecuted generally under the law on soliciting to engage in illicit sexual relations. Traffickers convicted of committing promoting prostitution more than two times in three years also could be in violation of Wyoming's criminal street gang laws if acting in association with five other individuals. Traffickers are subject to asset forfeiture for violations relating to child pornography, but not for other offenses, and are required to pay restitution determined by the court if they are deemed able to pay. Traffickers are required to register as sex offenders if convicted of child pornography offenses or promoting prostitution of a minor. Conviction of any offense related to domestic minor sex trafficking is not expressly included as grounds for terminating parental rights under Wyoming law, although parental rights can be terminated if the parent is incarcerated for a felony conviction and determined to be unfit to have the custody and control of the child, leaving open the possibility that a child of a convicted trafficker could be protected from the trafficker-parent.



Protective provisions for the child victims

Victims of domestic minor sex trafficking are highly vulnerable due to gaps in the state laws. No law identifies a CSEC victim as a victim of sex trafficking. The CSEC laws do not prohibit a defense to prosecution based on consent of the minor to the prostitution. Prostitution offenses are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. No protective provisions are statutorily mandated specifically for CSEC victims. If an exploited child is determined to be a child in need of supervision, abused or neglected—terms that do not include commercial sexual exploitation in the definitions—the child could enter the child welfare system provided the definition of “person responsible for a child’s welfare” also includes those with “physical custody or control of the child”, a term which could potentially include a trafficker and therefore allow for intervention. While child victims of commercial sexual exploitation are likely eligible for state crime victims’ compensation, several eligibility criteria may present barriers to collecting an award, including requirements to provide “reasonable cooperation with law enforcement” and to file claims within one year unless good cause is shown. Victim-friendly criminal justice procedures are limited based on the age of the minor or to sexual offense cases, and the “rape shield” law, which reduces the trauma of cross-examination for the testifying victim, does not extend to testifying victims in CSEC trials. Victims may receive restitution for proven economic damages and possibly future damages, but no specific civil remedy for CSEC is authorized. Wyoming law does not have a statute of limitations for criminal offenses, so a prosecution may be brought at any time. A civil action for damages resulting from CSEC may be brought within three years of the victim’s 18th birthday if the time limit would have otherwise expired. Civil actions for sexual assault can be extended to the later of eight years after the victim’s 18th birthday or three years after the discovery of the injury.

Criminal justice tools for investigation and prosecutions

Wyoming law does not mandate training for law enforcement on human trafficking or domestic minor sex trafficking, especially as no human or sex trafficking law has been enacted in the state. The law allows for single party consent to audiotaping which provides law enforcement a tool to investigate and produce admissible evidence, but CSEC offenses are not included as crimes for which a wiretapping order may be issued. Law enforcement might be able to use decoys and the Internet to investigate crimes of soliciting a minor under 14 to engage in a sex act due to the statute’s criminalization of soliciting a “person purported to be” under 14. No law mandates the reporting of missing children, although a database of DNA samples of missing persons is created by law and a law requires the Office of the Attorney General to establish and operate a “clearinghouse on missing children.”



Criminal provisions for facilitators

Wyoming has not enacted a sex trafficking law which could have made it a crime to financially benefit from or aid and assist in sex trafficking, and no law specifically makes the actions of a facilitator of sex trafficking of minors a crime. A facilitator who permits a place to be used for prostitution or benefits from prostitution might be found culpable of promoting prostitution, which is a felony punishable by up to three years imprisonment and/or a fine up to \$3,000. Also, a facilitator is criminally liable for distributing, receiving, reproducing, or delivering child pornography, which is a felony punishable by 5–12 years imprisonment and/or a fine up to \$10,000 and makes the convicted facilitator subject to asset forfeiture action. No laws make sex tourism a crime in Wyoming, making the state a friendly environment for facilitators of child sex trafficking to do business.

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Protected Innocence Initiative

State Action . National Change.

The human trafficking law does not distinguish minors under the age of 18 exploited through commercial sex acts without regard to the use of force, fraud, or coercion as victims of sex trafficking. Additionally, domestic minor sex trafficking victims do not receive the protections of the “rape shield” law or closed-circuit television testimony which could reduce trauma and encourage victims to pursue justice against their perpetrators.

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Criminalization of Domestic Minor Sex Trafficking

Washington’s trafficking law includes exploitation for commercial sex acts, but does not identify as a sex trafficking victim a minor under 18 without regard to the use of force, fraud, or coercion. The commercial sexual exploitation of children (CSEC) laws include: commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, promoting travel for commercial sexual abuse of a minor, permitting commercial sexual abuse of a minor, and sexual exploitation of a minor. The CSEC laws do not refer to the trafficking statute for prosecution or victim protection; however, the law establishes a presumption that any juvenile arrested for prostitution or prostitution loitering meets the criteria for certification as a victim of a severe form of trafficking in persons and a victim of commercial sexual abuse of a minor and therefore directs the identification of these juveniles as victims of trafficking.



Criminal provisions Addressing demand

The state trafficking law tracks the federal definition and could, following federal precedent, be applied to attempted buyers who “obtain” a person for commercial sex acts. The commercial sexual abuse of a minor statute specifically applies to buyers, and separately criminalizes paying a minor to engage in sexual conduct. Though the Internet is increasingly used by buyers, no statute expressly makes using the Internet to purchase sex acts with minors a crime. However, while the communication with a minor for immoral purposes statute, which includes communicating via electronic communications with a minor for immoral purposes, does not specifically include commercial sexual acts, it might be interpreted to apply to prosecute buyers using the Internet to solicit and purchase commercial sex acts online. While an age mistake is generally barred for CSEC offenses, the buyer may assert an age mistake defense if the buyer made an attempt to ascertain the minor’s age by actions more than relying on the oral statements of the minor or apparent age of the minor, such as requiring a driver’s license. A buyer is required to register as a sex offender for convictions of CSEC offenses and child pornography offenses, but a special allegation of sexual motivation must be made in a conviction of human trafficking to require registration.



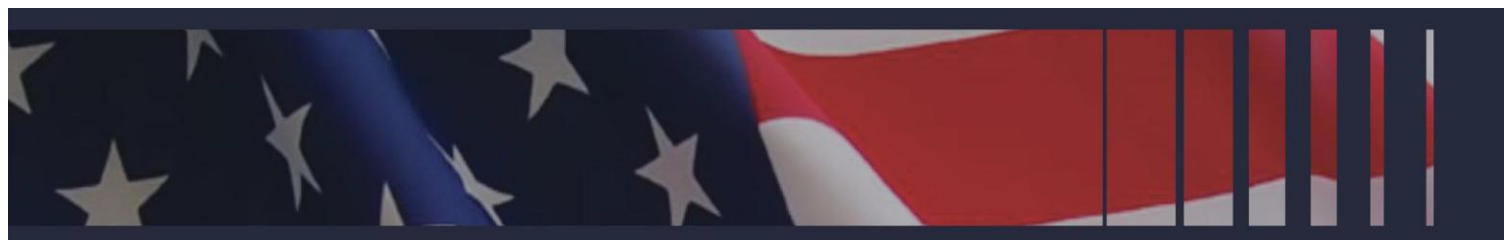
Criminal provisions for traffickers

A trafficker faces prosecution under trafficking and CSEC laws and may be subject to criminal profiteering laws. Trafficking and promoting commercial sexual abuse of a minor are felonies punishable by imprisonment between 93–318 months and a possible fine up to \$50,000 (\$5,000 is mandatory for promoting commercial sexual abuse of a minor convictions). When trafficking includes a sexual motivation, kidnapping, or results in a death, the crime is punishable by 123–397 months imprisonment. Sexual exploitation of a minor, which includes using a minor in child pornography or performance is a felony punishable by 31 months–10 years imprisonment and a possible fine up to \$20,000. Promoting travel for commercial sexual abuse is a felony punishable by a maximum of 12 months imprisonment and a possible fine up to \$10,000. While no statute expressly makes using the Internet to recruit a minor to engage in commercial sex acts a crime, the communication with a minor for immoral purposes statute—which includes communicating via electronic communications with a minor for immoral purposes not specifically defined to include commercial sex acts—might apply. Traffickers are subject to asset and vehicle forfeiture for CSEC crimes. A trafficker may also face civil liability for trafficking convictions and may be ordered to pay victim restitution. Traffickers are required to register as sex offenders for convictions of promoting sexual abuse of a minor and child pornography related offenses, but a special allegation of sexual motivation in trafficking convictions is necessary to require registration. Convictions for trafficking or CSEC offenses do not expressly result in termination of parental rights.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine	Asset Forfeiture (available)
Commercial sexual abuse of a minor (§ 9.68A.100)	Class B felony	21 months –10 years	\$5,000– \$20,000	●
Possession or viewing child pornography (§ 9.68A.070)	Class B felony	12 months– 102 months	Max. \$20,000	●

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective provisions for the child victims

Commercially sexually exploited children are defined as victims throughout the state laws, though not identified specifically in the trafficking law. There is no prohibition to a defense to prosecution for sex trafficking or CSEC based on consent of the minor to the commercial sex acts, potentially shifting the burden to the victim to prove no consent. The general prostitution law fails to make minors immune from prosecution and a separate juvenile prostitution law continues to hold minors accountable for prostitution if they are not found to be trafficking or commercial sexual abuse victims. Nonetheless, diversion is mandated for a juvenile's first offense and optional diversion exists for subsequent offenses. A CSEC victim is included in the definition of child in need of services, leading to a child protection response which includes crisis residential shelters and services; however, there is no guarantee they will not be detained as delinquents for prostitution or other offenses committed in the course of their exploitation. Sexual exploitation through prostitution or child pornography is a form of abuse or neglect allowing for child protective services involvement, though caregiver is defined as an adult in the home at least semi-permanently which would limit child welfare intervention to familial trafficking. Crime victims' compensation is specifically made available to victims of commercial sexual abuse of a minor, regardless of whether the victim is charged with prostitution. Additionally, the rights of child victims of criminal acts do not accrue until "the time the victim discovers or reasonably should have discovered the elements of the crime." If eligible for crime victims' compensation, a court must also order the offender to pay restitution to the victim. Some victim-friendly court procedures are in place, but closed circuit television testimony is limited to victims under ten years old and the rape shield statute, which reduces the trauma of cross-examination for testifying victims, does not apply in trafficking or CSEC cases. Criminal records of juveniles may be expunged upon application if two years have passed without incident and other conditions are satisfied. Civil remedies can be asserted by victims of human trafficking. Statutes of limitations have not been eliminated for trafficking or CSEC victims. There is a three year statute of limitations on prosecutions of felonies and the time is tolled until a child reaches 18. The initiations of civil proceedings are also subject to a three year statute of limitation period.

Criminal justice tools for investigation and prosecutions

Washington law mandated the development of model policy and training on procedures relating to identifying and responding to victims of domestic minor sex trafficking by January 2011. Single party consent to audio recordings and judicially approved wiretapping is permitted for law enforcement pursuing trafficking and CSEC investigations. No laws expressly authorize the use of a decoy in sex trafficking or CSEC investigations; however, minors may aid investigations in which they are an alleged victim and their participation is limited to telephone or electronic communications with the defendant. Additionally, law enforcement may use the Internet to investigate cases of sex trafficking. Reporting of missing children is mandated within twelve hours and law enforcement must also report when missing children are recovered.

Criminal provisions for facilitators

The state trafficking law includes financially benefitting or receiving anything of value from the trafficking; however, knowledge that force, fraud, or coercion was used is necessary. CSEC laws are also applicable to facilitators and facilitators may be subject to the criminal profiteering laws. Trafficking and promoting commercial sexual abuse of a minor are felonies punishable by imprisonment between 93–318 months and a possible fine up to \$50,000 (\$5,000 is mandatory for promoting commercial sexual abuse of a minor convictions). When trafficking includes a sexual motivation, kidnapping, or results in a death, the crime is punishable by 123–397 months imprisonment. Selling, sending, and bringing images of sexual conduct into the state are felonies generally punishable by 15–116 months imprisonment and a possible fine up to \$20,000. Facilitators are subject to asset and vehicle forfeiture for CSEC crimes. A facilitator may also face civil liability for trafficking convictions and may be ordered to pay restitution. Promoting travel for commercial sexual abuse, which specifically addresses sex tourism by including selling travel for the purpose of engaging commercial sexual abuse with a minor, is a felony punishable by a maximum of 12 months imprisonment and a possible fine up to \$10,000.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.aspx.

APPENDIX B

LEGISLATION

Because the Protected Innocence Initiative (PII) used legislation that is related to minors, the Polaris Project's comprehensive state human trafficking statutes were used to find other sex trafficking legislation that may exist in the states (Polaris Project 2011; Shared Hope International 2011). States are in order according to legislative rank.

Texas:

- 20A.02(a)(8) sex trafficking = includes adults who are performing sexual acts against will, and minors (under age 18) who are performing sexual acts for money or other things of value either willingly or unwillingly
- 21.02(b) continuous sexual abuse of a young child or children
- 43.02 prostitution
- 43.26 possession of child pornography = knowingly possessing or controlling production of pornography of minors under 18 years old

Missouri:

- 566.212 sex trafficking of children = an individual causes a minor to engage in a commercial sex act
- 567.030 patronizing prostitution of minor that is between the ages of 15 – 17
- 567.030 patronizing prostitution of minor that is under the age of 15
- 573.037 possession of child pornography
- 566.209 trafficking for the purpose of sexual exploitation

Illinois: No adult sex trafficking legislation

- 720 Ill. Comp. Stat. Ann. 5/11-18.1(a),(a-5) patronizing a minor engaged in prostitution
- 720 Ill. Comp. Stat. Ann. 5/11-14.1(a) solicitation of a sexual act
- 720 Ill. Comp. Stat. Ann. 5/11-20.1(a)(6) and 5/11-20.1B(a)(6) possessing child pornography

Washington:

- 9.68A.100 commercial sexual abuse of a minor
- 9.68A.070 possession or viewing of child pornography
- 13.40.219 arrest for prostitution or prostitution loitering-alleged offender-victim of severe form of trafficking; commercial sexual abuse of a minor

Minnesota:

- 609.324 soliciting a child for prostitution
- 609.352(2) solicitation of children to engage in sexual conduct
- 617.247(4)(a) possession of child pornography
- 609.284 labor or sex trafficking crimes
- 609.321 prostitution or sex trafficking, definitions = the difference of the two being prostitution is consensual while sex trafficking is not
- 609.322 solicitation, inducement, and promotion of prostitution or sex trafficking

Virginia:

- 9.1-902 offenses require registration = a violation of, attempted violation, or conspiracy to violate the U.S. Code of sex trafficking
- 18.2-47 abduction and kidnapping defined = any person who by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains, or secretes another person with intent to deprive of personal liberty (*this is the only way to prosecute child sex trafficking in this state*)
- 18.2-346 being a prostitute or solicitation of prostitution
- 18.2-347 frequenting a place of prostitution
- 18.2-347.1:1(A) possession of child pornography

California:

- 181 infringement of personal liberty or attempt to assume ownership of persons
- 647(b) disorderly conduct = engaging, or offering or agreeing to engage in a sexual act for money
- 266(e) acquiring prostitute, subdivision of 647(b)= placing any person against his or her will in a place for immoral purposes or prostitution
- 311.11(a) possession of child pornography

Hawaii: No sex trafficking legislation

- 712-12004(a),(b) prostitution
- 707-752 possession of child pornography

West Virginia: No human trafficking or sex trafficking legislation

- 61-3C-14b soliciting of a minor via computer for prostitution
- 62-8-5b houses of ill fame = solicitation of a prostitution
- 61-8C-3 possession of child pornography

Wyoming: No human trafficking or sex trafficking legislation

- 6-4-102 soliciting an act of prostitution
- 6-4-303(b)(iv) possession of child pornography