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STATE APPROACHES TO HUMAN TRAFFICKING POLICY IN THE U.S.

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STATE APPROACHES TO HUMAN TRAFFICKING POLICY IN THE U.S.

Mary C. Ellison, J.D.
Director of Policy



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FOR A WORLD WITHOUT SLAVERY

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ABOUT US

WHAT WE DO

HUMAN TRAFFICKING

TAKE ACTION

RESOURCES

MEDIA

GIVE



More than 12 Million
people are exploited worldwide for forced
labor and sexual exploitation.
- United Nations

Learn More →

MODERN-DAY
SLAVERY

ABOLITION
MOVEMENT

VICTIM
ASSISTANCE

SYSTEMIC
CHANGE

Featured

Act

News & Updates

Action Alerts



How will you honor women this Women's History Month?
In honor of Women's History Month help support Polaris Project. Start your own peer to peer fundraising campaign today!

NATIONAL HUMAN TRAFFICKING RESOURCE CENTER

The NHTRC is a **confidential, 24-hour, toll-free** hotline. Call from anywhere in the U.S. to report a tip, access resources, request training, or receive referrals.
Interpreters available.



Done



10:29 AM
3/11/2011

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- One of the largest anti-trafficking organizations in the United States
- Offices in Washington, DC; Newark, NJ; and Tokyo, Japan
- Member of the [Alliance to End Slavery and Trafficking](#), a coalition of 11 anti-trafficking organizations

POLARIS PROJECT

Comprehensive approach to combating human trafficking includes:

- Providing social services and transitional housing to victims,
- Operating the National Human Trafficking Resource Center (NHTRC) -- the central national hotline on human trafficking,
- Advocating for stronger state and federal anti-trafficking legislation,
- Training and technical assistance, and
- Engaging community members in local and national grassroots efforts.

STATISTICS FROM THE FIELD

- **Human Trafficking** is one of the fastest growing criminal industries in the world. Traffickers reap \$32-36 billion in profits by using force, fraud or coercion to rob victims of their freedom through labor or commercial sex.
- At the one end of the continuum of exploitation, the United Nations estimates that 12 million people are exploited worldwide for forced labor and sexual exploitation.
- On the other end of the continuum, the U.S. government estimates 2 to 4 million people are trafficked annually.
- Experts at Northeastern University estimated that there are a minimum of approximately 5,100 to 60,500 people trafficked into and within the U.S. each year.
- An estimated 100,000 children at risk of exploitation in prostitution within the U.S. each year -- a brutal form of human trafficking.

WHAT CAN BE DONE TO IMPROVE THE STATE APPROACH TO HUMAN TRAFFICKING?

1. An effective federal and state human trafficking legal framework;
2. Creating a coordinated, comprehensive community response;
 - 24 hour hotline with has designated POC's for all needs, including shelters, services, etc.;
 - Strong referral protocols;
 - Media campaign, awareness raising;
 - Community and direct outreach;

WHAT CAN BE DONE TO IMPROVE THE STATE APPROACH TO HUMAN TRAFFICKING?

3. Collaboration across jurisdictional boundaries to:
 - Identify, assist and protect human trafficking victims;
 - Investigate human traffickers and the related networks;
 - Initiate prosecutions from U.S. Attorney's Offices, State Attorney Generals and County and Local Attorney's Offices;
 - Hold human traffickers accountable and suppress their markets.

1. FEDERAL AND STATE LEGAL FRAMEWORK

- Federal and state laws should complement each other and form a tightly woven net of protection for the victims and prosecution of the traffickers.
- Federal and state law enforcement and prosecutors should communicate and coordinate to ensure that neither trafficking victims nor traffickers slip through this net.

Case
Example:
When laws
work

FEDERAL AND STATE LAW

- **Federal:** Trafficking Victims Protection Act of 2000 (TVPA) (Reauthorized in 2003, 2005, 2008, & currently pending reauthorization in 2011)
- **State:** currently, 47 out of 50 states and the District of Columbia have laws to address human trafficking
- **International:** Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UN Convention Against Transnational Organized Crime)

FEDERAL LAW: TVPA

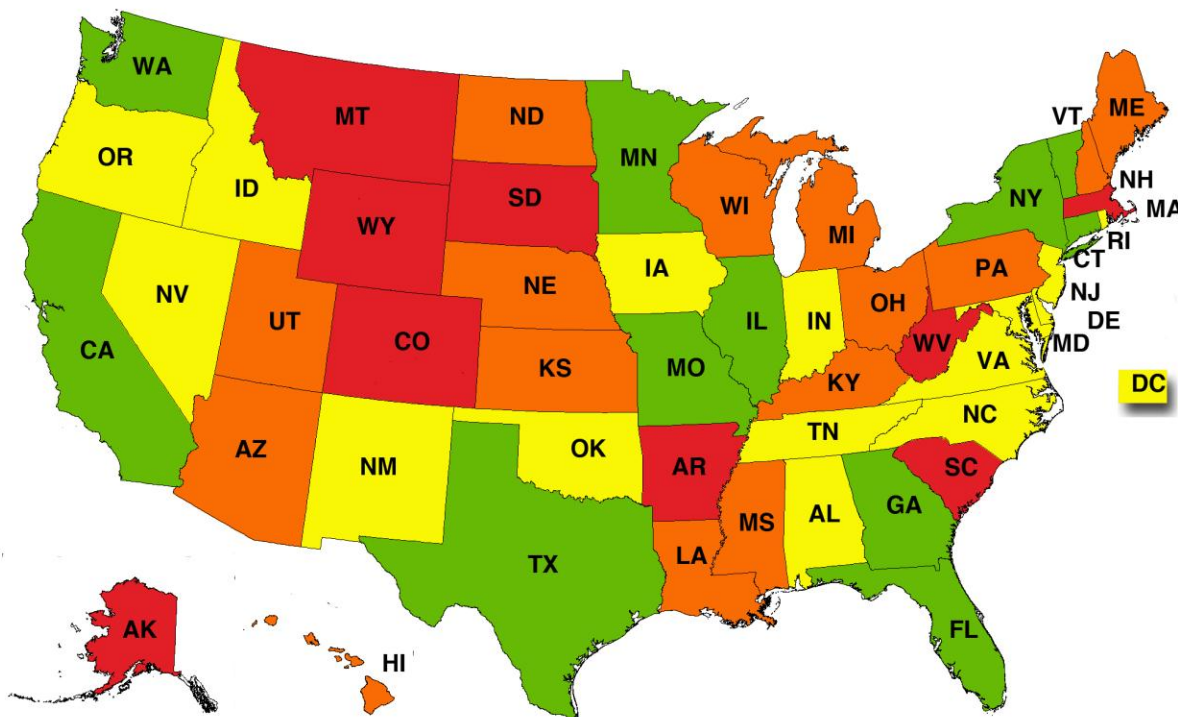
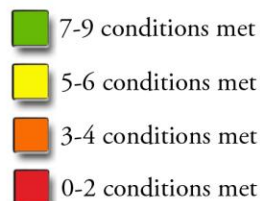
- **2000:**
 - Framework of Three “Ps”
 - TIP Report
 - PITF
- **2003:**
 - Attorney General’s Report
 - SPOG
 - Civil remedy
- **2005:**
 - Preventing trafficking in post-conflict situations
 - USAID Report
 - Access to counsel
- **2008:**
 - Unaccompanied Refugee Minor Program
 - Interim assistance to children
 - Amendments to continued presence
 - Assistance for USCIs and LPRs
 - Fraud in foreign labor contracting offense
 - DOL List of slave made goods
- **2011...**

HOW DOES YOUR STATE RATE ON HUMAN TRAFFICKING LAWS?



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The Polaris Project annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris Project believes are critical to a comprehensive anti-trafficking legal framework: (1) Sex trafficking, (2) Labor trafficking, (3) (a) Asset forfeiture and/or (b) Investigative tools, (4) (a) Training on human trafficking and/or (b) Human trafficking task force, commission, or advisory committee, (5) Posting of a human trafficking hotline, (6) Safe harbor; protecting sex trafficked minors, (7) Lower burden of proof for sex trafficking of minors, (8) Victim assistance, (9) Access to civil damages, and (10) Vacating convictions for sex trafficking victims.



Map is current as of August 2011

NINE LAGGING BEHIND

Alaska
Arkansas
Colorado
Massachusetts
Montana
South Carolina
South Dakota
West Virginia
Wyoming

A state ratings chart, individual state reports, and a methodology document are available on our website at www.Polarisproject.org/2011StateRatings. Polaris Project's U.S. Policy Program provides support to legislators and policy advocates through model state anti-trafficking legislation, analyses of human anti-trafficking bills, and briefings for legislators and policy advocates. For more information, please contact us at Policy@PolarisProject.org, 202-745-1001 x 130 or visit www.PolarisProject.org.

STATE RATINGS CHART:

LAWS NEEDED

2011 State Ratings Chart: Key Human Trafficking Provisions
Based on Statutes as of August 24, 2011

State	1. Sex Trafficking Provision	2. Labor Trafficking Provision	3. Asset Forfeiture And/Or Investigative Tools (2)	4. Training Requirement And/Or Human Trafficking Task Force (2)	5. Post HT Hotline	6. Safe Harbor; Protecting Sex Trafficked Minors	7. Lower Burden of Proof for Sex Trafficking of Minors	8. Victim Assistance	9. Access to Civil Damages	10. Vacating Convictions For Sex Trafficking Victims	PENALTY - Failure To Enact Basic Anti-Trafficking Provisions	Total
AL	X	X	X	-	-	-	X	-	X	-	-	5
AK	X	X	-	-	-	-	-	-	-	-	-	2
AZ	X	X	X	-	-	-	X	-	-	-	-	4
AR	X	X	-	-	-	-	-	-	-	-	-	2
CA	X	X	X(2)	X	-	+	+	X	X	-	-	7
CO	-	X	X	X	-	-	-	-	-	-	-1	2
CT	X	X	X(2)	X(2)	-	X	-	X	X	-	-	9
DE	X	X	X(2)	-	-	-	X	+	-	-	-	5
DC	X	X	X	-	-	-	X	X	X	-	-	6
FL	X	X	X(2)	X(2)	-	-	-	X	X	-	-	8
GA	X	X	2011(2)	2011	-	-	X	X	-	-	-	7
HI	2011	2011	2011(2)	-	-	-	-	-	-	-	-	4
ID	X	X	2011	X	-	-	X	+	-	-	-	5
IL	X	X	X(2)	-	-	X	X	X	X	X	-	9

NE	X	X	X	-	-	-	X	-	-	-	-	4
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To download a copy of the 2011 state ratings map, chart, and a methodology document, please visit our Polaris Project [website](#). To download an individual state report please [click here](#).

OVERALL THE PICTURE IS IMPROVING

- In 2004, only 4 states had any type of anti-trafficking law.
- In 2010, only a third of the states (17) were rated in the top two categories.
- In 2011, anti-trafficking criminal statutes exist in most states:
 - 45 with sex trafficking offenses
 - 48 with labor trafficking offenses
- Slightly more than half of the states (27) are rated in the top two categories of green and yellow.
- 24 states still remain in the bottom two categories of orange and red.

STATE LEGAL TRENDS: 2011

- **Human Trafficking** (VT, HI, MA, VA, TX)
Increasing or creating penalties for sex or labor trafficking.
- **Protecting Sex Trafficked Minors/”Safe Harbor”** (AL, AZ, MN, MO, NJ, OR, TN, TX, VT)
Amending the law to ensure that minors in commercial sex are not prosecuted for prostitution, and are provided with specialized services for victims of sex trafficking.
- **Investigations – One Party Wire Tapping** (MD, WA)
Provide law enforcement with an exemption to any prohibition on one-party wire tapping during investigations of human trafficking.
- **Asset Forfeiture** (HI , MD, TN, VT, CA)
Provides courts with the authority to seize assets of convicted human traffickers, which were either gained due to human trafficking crimes or used to conduct human trafficking.

STATE LEGAL TRENDS: 2011

- **Vacating Convictions** (CA, IL, MD, NV, PA)
Legislation to provide a mechanism for victims of human trafficking to have arrests or convictions for prostitution related crimes which occurred during the time of the trafficking, completely removed from their record.
- **Hotline Posting** (AL, CA, MD, NV, NY, PA, VT, TN)
To require or encourage the posting of the National Human Trafficking Resource Center hotline (888-3737-888) or a state run hotline in certain targeted locations to ensure that victims are identified and served.
- **Demand** (AZ, HI, NV, OR, NY, VT, CA, CO, GA, TN, NY)
Increasing penalties for purchasing sex from minors or adults to address the underlying demand for the sale of human beings for sex.

NEBRASKA STATUS REPORT

- **Laws: 4 of 10 on Polaris Project State Ratings**
 - Sex trafficking 28-830
 - Labor Trafficking 28-830, 28-831
 - Investigative Tools 28-1354
 - Lower Burden of Proof for Sex Trafficking of Minors
- **Legislation in the 2011-2012 Session**
 - LB 513: Escort Services Accountability and Permit Act
 - Requires a permit to operate an escort agency and/or to work as an escort
 - Makes it unlawful to advertise as an escort or escort agency without a permit
 - LB 689: Provisions relating to human trafficking
 - Proposed amendments to 28-830 to enhance services and protections for victims
 - Adds abusing or threatening to abuse the law or legal process into the definition of trafficking
 - LR 243: Interim Study
 - Study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking

LAWS STILL NEEDED: 2012

- 43 states need to pass laws to protect minors sold for the purposes of commercial sex often known as "safe harbor" laws.
- 40 states need to pass laws to create or extend state human trafficking task forces.
- 36 states need to pass a civil remedy to enable human trafficking victims with the ability to seek civil damages from their traffickers.
- 32 states need to pass a law requiring the posting of a human trafficking hotline, such as the National Human Trafficking Resource Center or a state human trafficking hotline, with the ability to provide crisis intervention, resources and referral.

2. A COORDINATED, COMPREHENSIVE COMMUNITY RESPONSE

- 24 hour hotline with has designated POC's for all needs, including shelters, services, etc.;
- Strong referral protocols;
- Media campaign, awareness raising;
- Community and direct outreach.



Case
Example:
When CCR
works

NHTRC FUNCTIONS

- Nationwide 9-11
- Afterhours LE Contacts
- 3500+ Organizations & Service Providers

Crisis Calls

- Local and Federal Law Enforcement
- Specialized Task Forces
HTPU, NCMEC

Tip Reporting

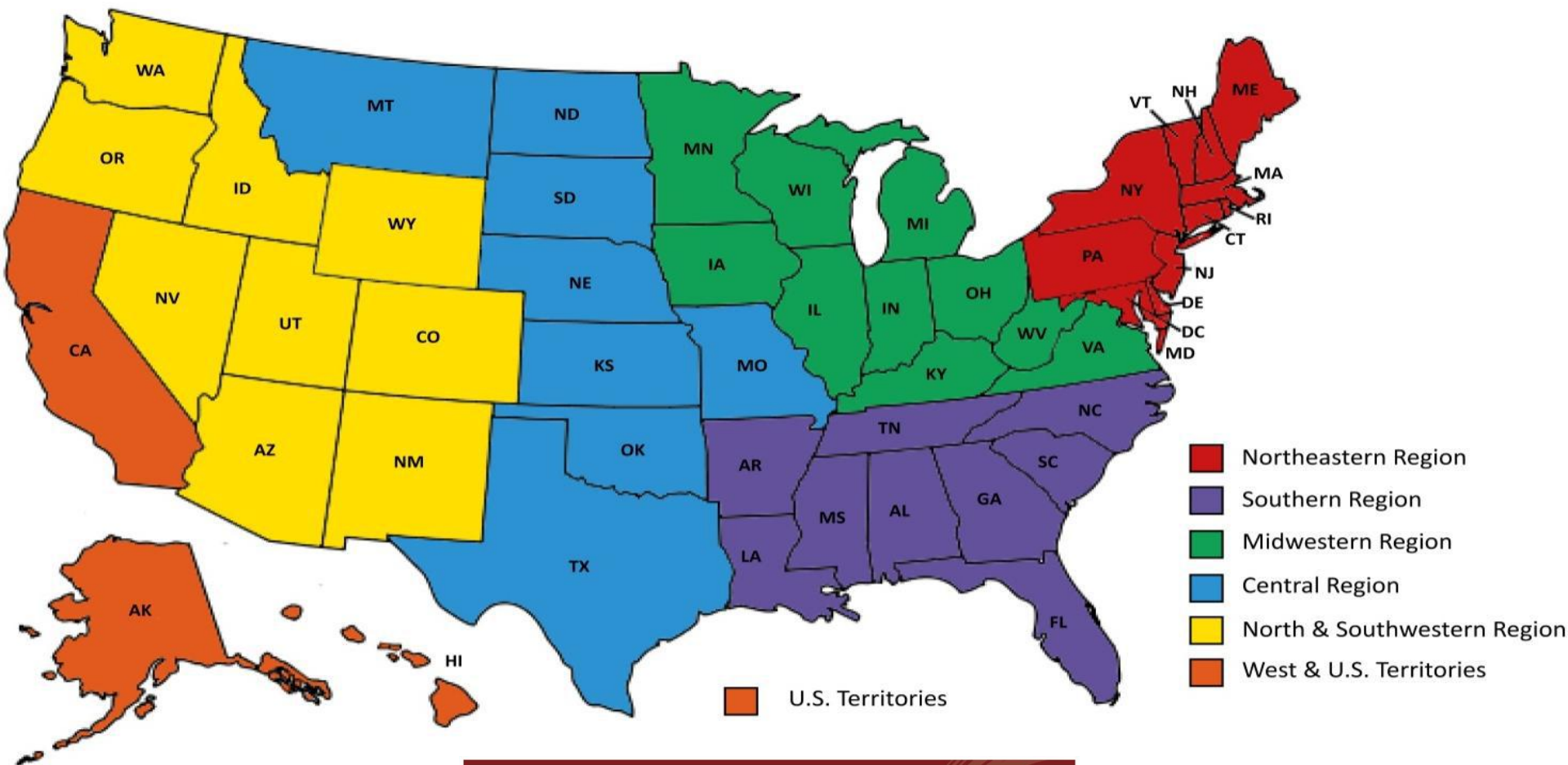
Training & Technical Assistance

- Trainings/Gen Info
- Phone Consultations
- Review of Materials
- Peer-to-Peer Support

Referrals

- Shelter
- Case Management
- Legal Services
- Related Hotlines

REGIONAL BREAKDOWN



National Human Trafficking
Resource Center (NHTRC)

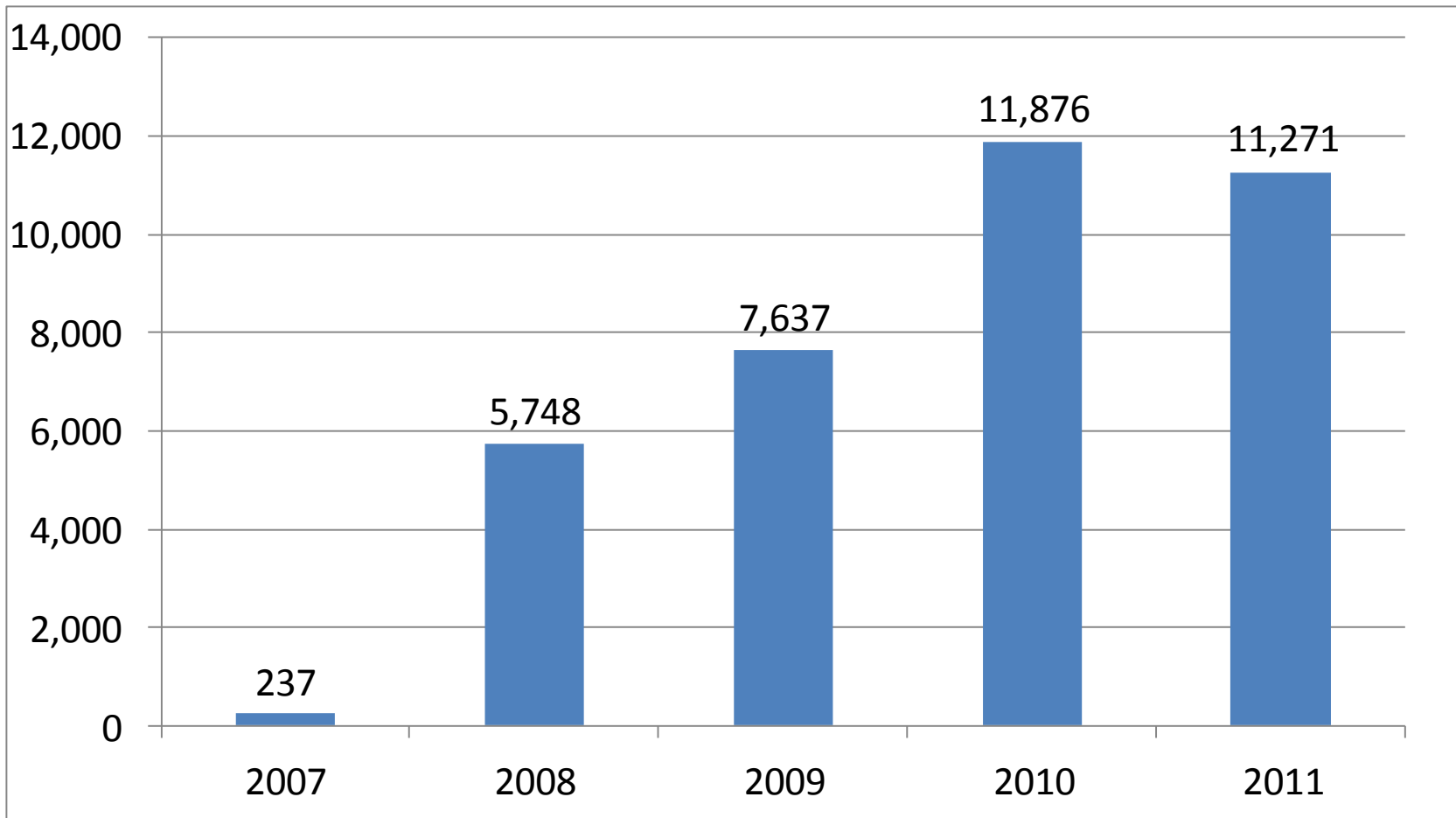
1-888-3737-888

www.TraffickingResourceCenter.org

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TOTAL CALL VOLUME – 36,767

DEC 7, 2007 – AUG 31, 2011



*(December 7 –
December 31, 2007)*

*(January 1 – August
31, 2011)*

KEY NATIONAL STATISTICS

12/7/2007 – 8/31/2011

Total number of potential victims referenced in calls: 4,904

Number of total calls: 36,767

Languages: English 88%; Spanish 11%; Other 1%

Top call volume states: CA, TX, FL, IL, NY

Most frequently reported: Domestic pimp control trafficking/Domestic servitude

Citizenship/Nationality

Foreign Nationals: **37%**

US Citizens/LPRs: **29%**

Citizenship/Nationality
Unknown: **34%**

Type of Trafficking

Sex: **60.1%**

Labor: **23.6%**

Sex and Labor: **3%**

Other: **11.3%**

Age of Potential Victim

Adults: **49%**

Minors: **25%**

Age Unknown: **26%**

NATIONAL TRENDS

**Factories/
Plants**

**Domestic
Servitude**

Agriculture

Cantina Bars

Carnivals

**H2-A, H2-B, A3,
G5, J-1**

**Chinese & Indian
Restaurants**

**Peddling &
Begging**

**Craigslist,
Backpage, &
Other Sites**

**Latino Brothels
& Delivery
Services**

**Forced Street &
Hotel
Prostitution**

**Asian Massage
Parlors**

**Interfamilial &
Intimate Partner**

Strip Clubs

**Ransom
Schemes**

**Foreign Labor
Schemes**

3. COLLABORATION ACROSS JURISDICTIONS

- Identify, assist and protect human trafficking victims;
- Investigate human traffickers and the related networks;
- Initiate prosecutions from U.S. Attorney's Offices, State Attorney Generals and County and Local Attorney's Offices;
- Hold human traffickers accountable & suppress their markets.

Case Example:
When
collaboration
works

WHAT YOU CAN DO...AS A SCHOLAR, ADVOCATE, LAWYER...

- Publicize the NHTRC Hotline
- Develop a Human Trafficking Clinical Program at a Law School
 - [Bridgette Carr at the University of Michigan](#)
- Take on pro bono cases and encourage law firms
 - [Martina Vandenberg at Jenner & Block](#)
- Write legal guides for representing trafficking victims
 - [Kathleen Kim & Daniel Werner – Civil Litigation Guide](#)
- Research on effective strategies for protection, prosecution, prevention and partnership

WHAT YOU CAN DO...AS AN INDIVIDUAL

- Join our Social Network: follow Polaris Project on **Facebook**, **Twitter** and **Change.org**
(Activist Tip a Day – tweeted every morning)
- Join our **Grassroots Network**
(Action alerts)
- Go to our Policy page and support local and federal legislation www.polarisproject.org

CONTACT INFORMATION:

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National Human Trafficking Resource Center (NHTRC)

1-888-3737-888

www.TraffickingResourceCenter.org

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For more information, resources, referrals, or to report a potential case of human trafficking please call us toll-free, 24 hours/day at **1.888.3737.888** or email us at **NHTRC@polarisproject.org**.



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