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10-2015

# Human Trafficking: Statute Comparisons and Attitudes in Nebraska

Katie Sheets

*Nebraska Wesleyan University*

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Sheets, Katie, "Human Trafficking: Statute Comparisons and Attitudes in Nebraska" (2015). *7th Annual Interdisciplinary Conference on Human Trafficking (2015)*. 2.

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Human Trafficking: Statute Comparisons and Attitudes in Nebraska

Nebraska Wesleyan University

Katie Sheets

### Abstract

Human trafficking has become an issue for global concern. Here in the United States, the Federal government and all fifty states are taking steps to combat the pervasive problem. This study looks at the anti-human trafficking statutes of all fifty states and compares them with each other to see how each state stacks up against the other. Nebraska was the focus of the study as the unicameral has recently been enacting changes to the state's laws against human trafficking. Nebraska was expected to at least be with the majority of states with their human trafficking provisions. The study then looked at the attitudes of Nebraska's law enforcement and the general public towards the issue of human trafficking. Both were expected to believe that human trafficking is not a problem in Nebraska. The statute comparison was accomplished using state law databases, especially the one compiled by the Polaris Project. The language was then entered into excel datasheets for six major categories which are sex trafficking, labor trafficking, tools used by the prosecution, tools used by law enforcement, juvenile provisions, and victim centered provisions. The part of the study designed to look at attitudes was accomplished by an online survey that was distributed by Facebook and e-mail to the public and law enforcement personnel. A total of 150 responses to the survey was collected. The results for both parts of the study were as expected. Nebraska's anti-human trafficking statute was with the majority of states and the public and law enforcement did not view human trafficking as a problem for Nebraska.

*Keywords:* human trafficking, sex trafficking, labor trafficking

## **Introduction**

Human trafficking is a pervasive problem. It has been identified in almost every country and the United States is no exception. Human trafficking has been identified in all fifty states. Within Nebraska human trafficking has been identified along its major highway systems and in such cities as Omaha, Lincoln, and Kearney. The Nebraska state government has taken steps to combat the problem. The Unicameral established a task force to address human trafficking in 2012 and revised the state's human trafficking statutes in 2013. Human trafficking statutes and definitions vary from state to state. So how does Nebraska's revised statute compare to the other forty-nine states? Public education is essential to combat human trafficking and law enforcement serve as the front line in identifying cases of it within Nebraska. So what does Nebraska's public and law enforcement think about the issue of human trafficking? This research project sets out to answer those questions.

## **Literature Review**

### **Defining human trafficking**

The United Nations defined human trafficking in their Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children which is also known as the Palermo Protocol (Parrenas, Hwang, and Lee, 2012). The protocol states that human trafficking in persons is the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (as cited in Gozdziaak & Collett, 2005, p. 104). "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual

exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (as cited in Gozdziaik & Collett, 2005, p.104). The key points of the Protocol are the transportation of a person, the need for force, fraud or coercion, and lastly exploitation (Perrenas, Hwang, and Lee, 2012). Not all definitions agree completely with the United Nations definition of human trafficking.

The European Union defines human trafficking as “the recruitment, transportation, transfer, harbouring, subsequent reception of a person including exchange or transfer of control over that person, where: (a) use is made of coercion, force or threat, including abduction, or (b) use is made of deceit or fraud, or (c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or (d) payments or benefits are given or received to achieve the consent of the person having control over another person, for the purposes of exploitation of that person’s labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography” (as cited in Munro, 2008, p. 257). The European Union definition mostly agrees with the United Nations definition. The United States also has a similar definition.

In the United States the federal definition of human trafficking is stated in the Trafficking Victims Protection Act (TVPA). This definition differs from the United Nations definition in that severe trafficking requires physical abuse or restraint or threat of serious harm (Wilson, Walsh, & Kleuber, 2008). The act defines severe trafficking as “ (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision,

or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (8 U. S. C. 1101 as cited in Clawson, Dutch, Solomon & Grace, 2009, p. 1). Coercion does not just mean physical, it can also be psychological as well (Logan, Walker, & Hunt, 2009). Types of sex trafficking listed in the TVPA include: prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution, and sex tourism (Clawson, Dutch, Solomon, & Grace, 2009). Lastly, the types of labor industries that trafficking can occur in that the TVPA lists include: domestic servitude, restaurants, janitorial work, sweatshop factory work, migrant agricultural work, construction and peddling (Clawson, Dutch, Solomon, & Grace, 2009). All these situations do not become trafficking until the presence of exploitation is present whether in force, fraud, or coercion (Clawson, Dutch, Solomon, & Grace, 2009).

The U. S. Department of State has published a Trafficking in Persons (TIP) Report every year since 2001 since it was mandated by the TVPA. The TIP Report lists a number of instances that are human trafficking such as forced labor of adults, sex trafficking of adults, bonded labor or debt bondage, debt bondage among migrant laborers, involuntary domestic servitude, forced child labor, unlawful recruitment and use of child soldiers, and child sex trafficking (U. S. Department of State, 2010a, 2011a, 2012a & 2013a). Illegal adoptions, human organ trade, forced or child marriages are not human trafficking unless they involve the use of force, fraud, or coercion in order to compel the services of a person (U. S. Department of State, 2010a).

What all of the definitions agree on is that there are at least two different types of human trafficking. The two types are sex and labor trafficking. The United Nations includes organ trafficking as a form of human trafficking as well. Internationally, the initial consent of a person is not relevant after threats, coercion, or the use of force has been applied to exploit someone

while in the United States it is not explicit but implied (Logan, Walker, & Hunt, 2009). All of them agree that trafficking in persons are a set of acts, means, and purposes that use force, fraud, or coercion to obtain the services of another person. All acknowledge that movement is not required and instead focus on the extreme exploitation that characterizes human trafficking (U. S. State Department, 2011a). Overall, the definitions are very similar with only a few differences in wording.

Human trafficking is not to be confused with human smuggling because they are not the same thing. Human smuggling requires the movement of persons across international borders and this movement is performed with the consent of the person. Once in the destination country the relationship of the smuggler to the smuggled ends. Human trafficking may start out the same but once the person is in the country, they would then be entrapped in a human trafficking situation (Logan, Walker, & Hunt, 2009). Overall, smuggling is a short term situation while human trafficking is a long term one.

### **Causes**

Poverty has been listed as a major factor in why human trafficking occurs. Poverty drives parents to sell their children and often this situation ends in the child being taken advantage of. Poverty is also why people decide to migrate illegally putting themselves at risk of being taken advantage of by a human trafficker (Rao & Presenti, 2012). Poverty generally sets people to seek out ways of bettering their situation and opens them up to risky situations.

Strict immigration laws in destination countries are also a key factor in forcing people to seek other means to enter that country which leaves them vulnerable to traffickers (Munro, 2008). People may be willing to risk paying a person to smuggle them into a country but sadly some of those people will end up in human trafficking situations. Along with this situation comes

the need for workers of a certain sort whether skilled or unskilled in a country. Those countries create ways that workers that are needed may enter the country. The guest worker visa programs are often ripe for unscrupulous persons to take advantage of the program and the people that sign up for the visas (Hepburn & Simon, 2013a). The United States is one of the countries that offers guest worker visa program such as the H2 program (Hepburn & Simon, 2013b).

People may be escaping a variety of situations and take a risk that may end up with them in a trafficking situation. Situations that people may seek to escape include wars, economic crises, sexist and ethnic cultural regimes, and political corruption (Clawson, Dutch, Solomon, & Grace, 2009, Shelley 2010). All the previous factors are push factors that send people seeking a way out of their home country (Shelley, 2010).

Globalization is another factor that has impacted human trafficking. It has caused increased economic demographic disparities between developed and developing countries. Tourism has also grown due to globalization. One form of tourism encourages human trafficking and that is sex tourism. Usually men travel from their home country to an Asian country in order to indulge themselves sexually. Pedophiles take advantage of globalization and ease of travel. The United States is one of the countries that prosecutes their citizens for sex tourism with minors. Globalization also increased immigration as well which means that traffickers can hide their activity in amongst the large movement of people that is occurring. International shipping by boat, train, or truck has increased and this can also facilitate trafficking. It also resulted in low-cost, fast, and anonymous communication which traffickers have taken full advantage of. They use the internet to advertise and set up transactions as well as to facilitate movement of their product, their victims. Cell phones have also aided traffickers in their business (Shelley, 2010).



The demand for cheap labor is another cause. Where there is a demand there will be those that will meet that demand and that means in this instance that a person will take advantage of another. Sometimes it is a person seeking a domestic servant who then decides to not pay them and physically abuses them as well. Other times it is a factory owner looking for cheap labor, slave labor in essence. This is a pull factor that pulls people into a country (Shelley, 2010).

So why would someone traffick another person? One of the main reasons is that it is a high profit, low risk crime. There is little chance of the crime being discovered and if it is, the penalties for human trafficking are often minimal (Hepburn & Simon, 2013b). The traffickers can also sell their product over and over again, unlike drugs or guns (Logan, Walker, & Hunt, 2009). They can also minimize costs and maximize profits by not paying victims, housing them in unsanitary and crowded conditions, and making the person work for many hours (Logan, Walker, & Hunt, 2009). In a struggling world economy, human trafficking is a crime that pays well. This is why it is the second largest criminal industry, the fastest growing, and generates billions of dollars each year (Payne, 2009). It involves individuals as well as international criminal organizations. Some organizations are loosely held together, others operate in a hierarchical manner. Traffickers come from every social hierarchy and a variety of professions. Both males and females are capable of becoming traffickers. At the end of the day it's all about the profit to be made (Shelley, 2010).

### **Problems and issues that arise due to human trafficking**

The consequences of human trafficking result in all of society suffering because it undermines the principles of a democratic society and the respect for human rights. Human trafficking destroys the central tenets of democracy by denying individuals' right to protection under the law and their guarantee of freedom. Human rights are violated with each human that is

trafficked, their freedom is taken away and they are abused physically, psychologically and often sexually (Shelley, 2010).

“Human trafficking undermines international security, state control of borders, and the integrity and success of international peacekeeping operations” (Shelley, 2010, p. 301).

Traffickers move their victims through international borders, sometimes with impunity due to corruption in the immigration system. In a world dealing with terrorism, the thought of people walking across international borders with impunity is a threat to national security that no country can ignore. Often traffickers take advantage of turmoil in an area, profiteering on both sides of the conflict. The activities of traffickers may result in a backlash against immigrants resulting in the previously aforementioned strict immigration laws.

The spread of AIDS has encouraged trafficking as well as being one of the problems resulting from it. In some cultures, it is believed that if a man sleeps with a virgin he will rid himself of the disease. Really what is occurring is the further spread of the disease. Younger and younger girls are being taken to supply the demand of these men. Once the girls start showing signs of the disease, they are gotten rid of, either by being released or killed. Other sexually transmitted diseases are being spread in this manner as well (Shelley, 2010). Women and girls that find themselves in sex trafficking will usually always end up with one or more sexually transmitted disease.

Trafficking victims may spread other diseases as well since traffickers would not often allow them to be treated or wait for a long time before treating the victim. If these victims are around others then the disease is allowed to spread. This in turn leads to increased health care costs (Shelley, 2010).

Wages in certain areas and industries become depressed due to trafficking as well. Trafficking victims are either not paid or paid very little. Since the products that are made by trafficked persons or the services that they provide can be sold for cheap, competitors must cut wages to be able to compete in the same field, resulting in depressed wages for non-trafficked workers (Shelley, 2010).

Corruption in government officials can be a problem stemming from human trafficking activities as well as a cause of it. Some officials might be a part of the human trafficking ring or they may only be complicit with the activity. International crime groups are more likely to groom officials in positions that will help facilitate their illegal activities such as immigration officers and officials, labor inspectors, and law enforcement. These government officials then help the traffickers to move their product or protect them from prosecution and receive compensation for the corrupt officials' participation. Overall, corruption allows traffickers to act with impunity. It prohibits countries from effectively combating human trafficking, both the country dealing with the corrupt officials and non-corrupt countries (Shelley, 2010).

### **Combating human trafficking**

The TVPA and Palermo Protocol both set out to establish the '3 P' approach to combating human trafficking. The '3 P' approach involves prevention, prosecution of the perpetrators, and protection for victims. "Through prevention measures, governments can work to forestall the violation of rights. Prosecution efforts seek to punish those whose actions have subjugated the lives of their victims through enslavement. Protection efforts seek to provide appropriate services to the survivors, maximizing their opportunity for comprehensive recovery" (U. S. State Department, 2012a, p. 9). According to experts, the '3 P' philosophy is the best way to approach human trafficking, one that is victim centered, but there is a competing philosophy

out there that hinders the effort to end human trafficking. The '3 D' approach is one of detention, deportation, and disempowerment. The approach affects victims and hinders the country applying this philosophy from effectively dealing with the issue. The three D approach is often the result of immigration policies or other archaic laws that don't take into account the phenomenon that is human trafficking. Governments are either acting in self interest in order to rid themselves of the burden of dealing with victims of human trafficking or acting in the disillusioned belief that they are acting in the best interest of foreign victims. The first two D's lead to the third where detention and deportation often leads to victims feeling disempowered and not willing to work with the government in any further actions against their trafficker. Often sending a foreign victim back to their country of origin leads to retraumatization due to the social stigma of having been a human trafficking victim and exposing them to the risk of being trafficked again. Also nongovernmental organizations are deterred from bringing their clients forward when a government treats victims in this manner. In order to effectively fight human trafficking, governments need to form partnerships with nongovernmental agencies (U. S. Department of State, 2010a).

Governments can also partner with businesses to ensure that products are not produced by victims of human trafficking in any stage of production (U. S. Department of State, 2011a). Products that have had human trafficking victims used to produce the product in some step of the manufacturing process include iron, seafood, lumber, precious gems, rugs, and clothing (Bales & Soodalter, 2009). In this way there is really a fourth P or partnership that is integral to successful anti-trafficking efforts. Governments should partner with the public, businesses, and nongovernmental agencies in order to have the most effective response to trafficking (U. S. State Department of State, 2012a).

## **Human trafficking process**

There are three stages that a person can be in with relation to human trafficking. A person can be at risk of becoming trafficked, be a current victim of trafficking, or a former victim of trafficking (Tyldum & Brunovskis, 2005). People at risk are those that are likely to end up in trafficking situations such as marginalized ethnic minorities, undocumented immigrants, the poor, and persons with disabilities (U. S. Department of State, 2013a). The other three stages are self explanatory where the person is being exploited in a trafficking situation and then after they have been rescued or escaped. Sadly, some never make it to the last stage. Some victims die during their trafficking experience – sometimes from outright violence at the hands of their traffickers or because of illness and neglect.

There seem to be three ways that people end up being trafficked and that is through being born into the trafficking situation; being kidnapped, sold, or physically forced; or being tricked. In some countries, the family debt is passed down to each subsequent generation, resulting in current family members having to work to pay off their grandparents' debt, for example. Some Asian countries still have quite a lot of trouble with traditional debt cultures. The situations of being kidnapped or physically forced are often the situation portrayed in the media such as the movies *Taken* and *The Abduction of Eden*. The situation of being sold into a trafficking situation is one in where the parent or guardian sells the child, usually, to a trafficker in order to pay bills or in the hope of the child going to a better life (Logan, Walker, & Hunt, 2009).

The last way to end up as a victim of human trafficking is to be tricked into the situation. The victim may be offered a lucrative job and then once in the place they are to work, they are actually put into an exploitive environment (Clawson, Dutch, Solomon & Grace, 2009). Some

may even sign contracts which can allow the trafficker to exert more psychological control over the victim (Logan, Walker, & Hunt, 2009). Some victims may be in the destination country legally on visas, such as the H2 visas in the United States or student visas. Once in the country the victims travel documents are seized and the person is exploited. Often a trafficker will allow the victim's documents to expire and make them susceptible to immigration enforcement (Logan, Walker, & Hunt, 2009). Another way to be tricked is that a person offers to get the victim into the destination country but once there the victim is instead trafficked. Pimps offer another way to trick a person into a trafficking situation which is that they either act as a love interest to the victim or as a benefactor (Polaris, 2013b). Then once the pimp has gained the victims trust, he then forces them into trafficking, usually sexual in nature. "Pimps use a variety of psychological methods, sometimes referred to as 'seasoning' or 'grooming' to gain full control. They recruit vulnerable women or girls, pretend to be in love with them, ply them with alcohol or drugs, build their dependencies for basic needs or chemical escapes, place other women in supervisory roles over them and encourage them to compete for affection and favor, use an interlocking system of reward and punishment reminiscent of a battering relationship, and threaten their recruits with the shame of their families and a punitive, rather than protective, law enforcement response" (U. S. Department of State, 2011a, p. 25).

There are a number of ways that a victim can end up at their destination, the place where they are to be trafficked. If they are coming from a foreign country, they may be smuggled in by boats and shipping containers via water. They may also be smuggled by van or truck over land boundaries. Another transportation method is by plane but this requires the trafficker to make more of an effort. The traffickers may use corrupt officials to help them get past immigration checkpoints or fake passports and other traveling documents. As discussed previously, the

victims may facilitate their own passage into the country with legal documents or the traffickers may provide legal papers (Shelley, 2010). Locally, traffickers gain control over their victims then move them by car, van, plane, or truck to their final destination. Overall, there are many ways for victims to be transported to their final destination.

There are four main themes that keep people entrapped in a trafficking situation and those are fear, lack of knowledge about alternatives, isolation, and physical and psychological confinement (Logan, Walker, & Hunt, 2009). The fear a victim feels can be of many different things. Physical violence is a part of keeping the victim in check. Traffickers may beat one of the victims as an example to the others and this ensures that the other victims as well as the one that was physically abused will cooperate. Sometimes death can be an example that traffickers expose their victims to (Bales & Soodalter, 2009). So fear can be of being physically and/or sexually abused. The fear can be for family members that have been threatened by the trafficker (Logan, Walker, & Hunt, 2009). Fear of authorities will be instilled into them, if it's not already present, by their traffickers in order to prevent them from turning to the authorities. In some countries, the police are corrupt and working with traffickers so some foreign victims are already fearful of police (Logan, Walker, & Hunt, 2009). There have even been reported incidents of law enforcement in the United States being complicit in human trafficking rings (U. S. Department of State, 2012b & 2013b). Being compelled to commit crimes, thus the fear of being incarcerated for those crimes, also limits their trust of law enforcement. For those illegally in the country, fear of being deported is another factor that will keep the victim in the trafficking situation and help keep their presence hidden (Logan Walker, & Hunt, 2009).

The second theme provided is that victims lack essential knowledge that could help them escape their situation. This can be that they have no idea that what is being done to them is a

crime, that they have rights in a specific situation such as with the H2 visa violations by employers, or that there are places that they can go to that will help them (Logan, Walker, & Hunt, 2009). This knowledge can be exasperated by the person not being able to speak the language of the destination country or that they lack the ability to read.

Once in the trafficking situation, a person will be isolated from the rest of society and this is the most frequently noted way that people are kept entrapped. It is a vulnerability factor as well as a tactic used by traffickers to control victims. Isolation is accomplished by traffickers limiting the contact the victims have with outsiders and especially monitoring any potential contact to ensure that victims do not try to discuss their situation (Logan, Walker, & Hunt, 2009). Isolation also means keeping family and friends away from victims as well as those from the same culture, religion or ethnicity (Payne, 2009). By doing this, the victim will have no one that they feel comfortable enough to confide in. An important aspect of isolation is that the person cannot speak the native language of those around them, limiting their abilities to communicate with others. Isolation leaves the victim feeling like they have no option but to continue in the trafficking situation.

Lastly, physical and/or psychological confinement relates to some of the previously mentioned themes. Physical confinement involves being chained to a room, being watched by traffickers, or locked in a room (Logan, Walker, & Hunt, 2009). Another part of physical confinement includes malnutrition, sleep deprivation, and injury. If the person is too weak, then they will not be able to escape (Bales & Soodalter, 2009). Psychological confinement is more likely and very powerful. It can come by way of threats to the victim's family; controlling the victim's money, identification, and travel documents; or through the idea of debt bondage (Logan, Walker, & Hunt, 2009). Debt bondage is another psychological way to control their



victims. It deals with when a person feels like they must pay off their debt but their trafficker just keeps increasing the debt for every little thing such as food, lodging, and travel expenses. Soon the person is working for little to nothing for years (Hepburn & Simon, 2013b). Shaming victims is another way traffickers can keep their victims in confinement (Payne, 2009). Another psychological element is that of substance abuse whether of alcohol or drugs. It can be used as a controller by traffickers or put a person at risk of being trafficked. "It is much more efficient for the controllers to subordinate people psychologically rather than having to keep them continually chained up or continually using physical violence" (Logan, Walker, & Hunt, 2009, p. 14). With psychological control, a trafficker can allow his victims some freedom of movement and trust that they will not leave because the victim is too psychologically intimidated to attempt to escape. Sometimes a victim gains loyalty to the trafficker due to the psychological effects of the trafficking situation (Bales & Soodalter, 2009). Overall, psychological and physical confinement are effective at keeping a victim trapped in their situation.

Sadly, all four of the themes will have a person not willing or unable to leave their trafficking situation. So even if a victim gains an opportunity to escape, they often will not take it due to one or all of the main themes of control at work. Overall, it is rare for a victim to escape a trafficking situation under their own power.

The last stage is where the victim has moved beyond the trafficking event and has become a former victim. This means that they have been rescued from their situation and are attempting to move on with their lives. There are multiple ways that they could have been rescued: they themselves came forward to law enforcement, Good Samaritans take them out of the situation or identify them to law enforcement, or law enforcement themselves discover them (Bales & Soodalter, 2009). Good Samaritans include fellow non-trafficked employees, health

care professionals, transportation professionals, education officials, and other government department employees such as labor, immigration, and social services (U. S. Department of State, 2013a). Then once the victim is removed from the trafficking situation, they start the long process of healing from their experiences. Human trafficking victims will often have long lasting physical and psychological ailments from their experiences. Services that all victims will need access to include advocacy, legal, medical, dental, psychological, safety, housing, food, clothing, job training, education, life skills therapy, substance abuse treatment, reunification and transportation services. Foreign victims may also need translation and repatriation services (Clawson, Dutch, Solomon, & Grace, 2009).

### **Human trafficking in the United States**

The United States has been listed as a primary destination country for traffickers and has taken steps to combat it domestically and internationally. A destination country is one that is the final place that the trafficked person is taken to after having been taken through a number of other countries. The U. S. has also been identified as a source country, where citizens from that country are taken and trafficked, as well as a transit country, where citizens from another country are trafficked through the country in order to reach another nation (Wight, 2011). Human trafficking in the United States includes both labor and sex trafficking and affects both U. S. and foreign citizens. Victims in the U. S. include men, women, and children of all ages. It has also been identified in all fifty states and almost all of the US territories. Human trafficking has also been identified in rural, suburban and urban settings as well as along the nation's highways (Shelley, 2010).

Guest worker programs in the United States offer ways for unscrupulous sorts to take advantage of people, especially the H2-B visa. The H2-B visa is one offered "for the hire of

temporary nonimmigrant workers to perform nonagricultural labor on a onetime, seasonal, peak-load, or intermittent basis” (as cited in Hepburn & Simon, 2013b). A victim is brought into the United States on the visa and then is subjected to harsh labor conditions with little to no compensation. Often victims feel they have no way to escape this situation because their visa is sponsored by their trafficker, so they cannot seek other employment without violating the terms of their visa. Other visas are taken advantage of as well such as the student visas, nanny visas, other labor visas, and domesticated servants for foreign consulate personnel (Hepburn & Simon, 2013b).

It is difficult to identify victims in the United States. Law enforcement are on the frontline in identifying victims. Many times victims are not identified as having been trafficked until a police investigation is already underway (Wight, 2011). Trafficked persons are often involved in illegal activities while they are being trafficked such as prostitution while other victims are illegally in the country that they are being trafficked in (Clawson, Dutch, Solomon, & Grace, 2009). There is an issue in the U. S. in that often victims are charged with crimes that they are forced to commit due to their trafficking circumstances, especially prostitution, or deported back to their home country without them being identified as victims (U. S. Department of State, 2013b, 2012b, 2011b & 2010b). This is one reason why it is so hard to identify victims because, often, they do not want to come forward since they may be illegally in the country or are being forced to commit crimes. In essence this makes victims and traffickers collude in order to keep the crime hidden. Often police do not look past the obvious crimes to see the more complex crime behind it (Logan, Walker, & Hunt, 2009). That is why training for law enforcement to recognize the signs of human trafficking is very important. Victims need to be identified and traffickers prosecuted (Payne, 2009).

Victims in the United States are also identified by regular citizens such as neighbors, customers, coworkers, or other community members. Since the public will often interact with human trafficking victims it is important that they are educated about the signs of human trafficking as well. Victims have been identified when they sought social, medical, or employment dispute services and subsequently identified as being victims of human trafficking. It is rare when victims self-identify as human trafficking victims but there are some indicators that can help others to identify them (Logan, Walker, & Hunt, 2009).

The indicators fall into three categories: situational, story, and demeanor. Situational includes lots of individuals living in a private residence, someone seeming to watch the person, or people living where they work. Listening to an individual's story may also give away that they are in a trafficking situation. Asking about how they got to the United States, how they are treated by their employers, whether there is any form of abuse, are they free to do what they want, and other questions could cue a person listening that the story teller is a human trafficking victim. Lastly, is the person's demeanor which can indicate that they are in a human trafficking situation. Signs that they may be victims of human trafficking include nervousness, fearfulness, and evasiveness in answering questions (Logan, Walker, & Hunt, 2009). Once a victim has been identified then they need access to services to help them move on from their experiences.

Services in the United States for victims have been growing and these services have also learned through the years since the TVPA was implemented and federal funding was first received. Federally funded services include "case management and referrals, medical care, dental care, mental health treatment, sustenance and shelter, translation and interpretation services, substance abuse treatment, immigration and legal assistance, employment and training services, transportation assistance, and other essential services" (U. S. Department of State, 2013b). Yet

there are still a number of issues with the services offered to victims. Some issues are that the T and U visa programs offered to foreign victims are underutilized, the need for victims to aid in law enforcement investigations, and victims are being detained while decisions are made. There also may be a stumbling stone between state law language and federal language that would prevent victims from getting access to services that they need such as services mentioned earlier (Hepburn & Simon, 2013b). There are other issues with human trafficking in the United States which include: funding issues for victim services; training needed in not only the law enforcement sector but other aspects of state and federal government programs such as labor, immigration, and social services; victims not understanding what services are available to them; restrictions on services; and reluctance of government officials to identify people as victims of human trafficking (U. S. Department of State, 2010b, 2011b, 2012b & 2013b). Overall, the United States has made great strides to combat human trafficking but there are still areas that need to be worked on.

Even with these difficulties in identifying human trafficking there has been some research done about the issue in the United States. Sex trafficking victims have been identified in pimp-controlled rings which are often street prostitution, commercial front or residential brothels, escort services, strip clubs, and pornography. Labor trafficking victims have been found in domestic servitude, food service, agriculture, construction, hotels, sweatshop factory work, and health and beauty salons (Polaris, 2013b). Sex trafficking is identified more often than labor trafficking and this could be due to a number of issues. These include that sex workers are more interactive with the public and more media attention has focused on it (Logan, Walker, & Hunt, 2009). Another reason may be that law enforcement are relying on pre-existing vice units to handle human trafficking cases (U. S. Department of State, 2010b). Vice squads will more easily

identify sexual trafficking than labor because they are more familiar with the related offenses.

There are a number of factors that put people at risk in the United States to becoming victims of human trafficking and this includes runaways, being homeless, having been sexually or physically abused, substance abuse, and having a broken family (Clawson, Dutch, Solomon, & Grace, 2009).

Sex trafficking in the United States is dominated by pimp controlled operations. Most victims of sex trafficking in the US are women with a few men and transgender victims. Labor trafficking most often involves men and foreign nationals. Overall, there have been more female victims identified. Victims are a variety of ages from children to adults (Polaris, 2013b). Labor trafficking often involves more victims than sex trafficking cases (U. S. Department of State, 2010b & 2011b). These are the traits most often observed in human trafficking in the United States. All of the ways listed before for how people end up victims of trafficking and how they are kept in the situation also apply to the United States with the exception of being born into the situation. Overall, this is the state of human trafficking in the U. S. today.

### **TVPA and other relevant federal laws**

In 2000, the United States defined and criminalized human trafficking with the passage of the TVPA (Torg, 2006). The TVPA declared the assistance that foreign victims had access to as well as raising the maximum sentence for criminals, criminalizing the confiscation of travel documents, allowing victims to sue their traffickers, allowing those that facilitated the trafficking to be charged, a charge for conspiracy to commit human trafficking, charging those that obstructed human trafficking enforcement, and putting in aggravating circumstance to the crime (Bales & Soodalter 2009, Payne 2009, Torg 2006, Wight 2011, Wilson, Walsh, & Kleuber 2008). The aggravating circumstance include if the victim was under fourteen or where force,

fraud or coercion were used (Torg, 2006). It established the T visa program which allows foreign victims to eventually become citizens of the United States. Victims also don't have to aid the investigation, if they are deemed unable to do so due to trauma, in order to receive benefits. Foreign victims may apply to have family brought over to the United States as well (Payne, 2009). The act was reauthorized in 2003, 2005, 2008, and 2013 showing that the United States government has committed to combat human trafficking.

There are a number of other federal laws that help take on the problem of human trafficking. The prohibition against sex trafficking can be found in 18 United States Code (U. S. C.) 1591 while labor trafficking is prohibited in 18 U. S. C. 1589. 1589 expands the definition of coercion to include psychological forms and asset forfeiture. 18 U. S. C. 1584 prohibits involuntary servitude perpetrated by force – actual or threat or threat of legal coercion. 18 U. S. C. 1589 proscribes that peonage or holding someone in debt bondage, is illegal as well (Torg, 2006).

To combat sex trafficking there are a number of tools that federal prosecutors can take advantage of including 18 U. S. C. 1591. The Mann Act prohibits the transportation of individuals across state lines for the purpose of prostitution. 18 U. S. C. 2423 criminalizes the interstate or international transportation of minors, those under 18, for the purpose of illegal sexual activity. This statute was amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (Torg, 2006). The PROTECT Act allows US law enforcement and prosecutors to charge US citizens when they travel abroad to engage in illicit sexual conduct or sex tourism (Wight, 2011). The act also gives law enforcement and prosecutors tools to combat sexual trafficking of children (Torg, 2006).

Racketeer Influenced and Corrupt Organizations Act (RICO) can also be utilized to take down a human trafficking organization. Money laundering and other conspiracy statutes may be utilized as well (Torg, 2006). All of these statutes allow the federal government to fight human trafficking to the fullest extent possible.

### **State laws**

The Department of Justice in 2004 created a model anti-trafficking statute in order to aid states in passing their own laws (Payne, 2009). Polaris and the Freedom Network also published model anti-trafficking statutes that year (Bales & Soodalter, 2009). The state of Washington was the first state to pass anti-trafficking legislation (Gozdziak & Collett, 2005). Now all fifty states have laws that outlaw human trafficking (Polaris, 2013a). Sadly, there are issues with this. Not all fifty states have the same level of the '3 Ps' applied. Not all definitions are the same for defining what human trafficking is and is not and labor and sex trafficking are treated differently. Services for victims also vary greatly from state to state (Bales & Soodalter, 2009). This can be a problem when forming a multi-state task force. Definitional issues plague many other law enforcement centered issues such as organized crime and gangs, as well. Basically some state laws are incompatible with each other and worse yet with the federal law (Bales & Soodalter, 2009). That leads to the research questions of how different are the state laws and where does Nebraska fit on the sliding scale of meeting the standards set by the TVPA. These are two questions the research project sets out to answer.

### **Research**

Human trafficking is a phenomenon hidden by nature. First, it is a crime which means that those perpetuating the crime will try to keep it hidden using any means necessary to do so. It is really hard for reliable studies, especially empirical studies to establish reliable statistics and



this is due to the hidden population that is to be counted (Tyldum & Brunovskis, 2005). Some studies look at just one aspect whether sex trafficking or labor while others attempt to find why human trafficking is occurring (Parrenas, Hwang, & Lee, 2012). Each step of the human trafficking process needs to be studied in order to understand the phenomenon fully but yet again this is difficult due to the nature of the crime (Tyldum & Brunovskis, 2005). More research is needed, especially research that stays up to date with what is happening with human trafficking. This study seeks to do just that, look at similar yet different aspects of the human trafficking issue and to keep the information up to date.

### **Similar studies**

One related study is the one that Vanessa Bouche and Dana Wittmer performed. The study looked at some of the same variables that this study will examine. Bouche and Wittmer (2009) looked at the factors that affect the comprehensiveness of human trafficking legislation at the state level (p.1). The factors they focused on were (1) gender makeup of the state legislature, (2) the partisan makeup of the legislature, and (3) policy diffusion based on geographic proximity. The study found that the increased presence of women in legislatures increased the comprehensiveness of anti-trafficking laws. Bi-partisanship also increased comprehensiveness along with diffusion which relates to states influencing each other. To determine comprehensiveness of human trafficking legislation they looked at three different areas. The areas were (1) state investment, (2) civil penalties and (3) criminalization. State investment was broken down into the presence of victim assistance, the creation of a task force, mandatory training for law enforcement, and commissioned reports of human trafficking. Civil penalties were restitution for victims, asset forfeiture, civil action available to victims, and affirmative defense for victims. Lastly, the criminalization area dealt with if both labor and sex trafficking

were criminalized, maximum and minimum sentences, and if there was an increase for having trafficked a minor. Bouche and Wittmer looked at all of those areas and assessed all 50 states based on them. Their results were entered into a table evaluating each area (Bouche & Wittmer, 2009). Many of the areas of comprehensiveness that Bouche and Wittmer looked at are also variables that will be considered in this study.

Polaris Project completed a related study as well. The research analyzed the 50 state's human trafficking laws in 12 categories. The 12 categories include: statutes for (1) sex trafficking and (2) labor trafficking, (3) asset forfeiture, (4) investigative tools, (5) mandatory/encouraging law enforcement training, (6) creating a task force, (7) posting a human trafficking hotline, (8) safe harbor for sexually exploited minors, (9) a lower burden of proof for sex trafficking of minors, (10) victim assistance, (11) access to civil damages, and (12) vacating convictions for sex trafficking victims. The study looked at each of the 50 states statutory laws and gave them points depending on whether or not they had the 12 categories listed within their law which resulted in a total of 10 points. The study placed asset forfeiture and investigative tools into the same point category. Law enforcement training and creating a task force were also placed in the same point pool. Then based on the amount of points that the states received they were placed into tiers. Nebraska received nine points and was placed in Tier One (Polaris, 2013a). Many of the categories that the Polaris study looked at will also be looked at in this study.

The Center for Women Policy Studies published research that is similar to the study to be undertaken here. The five main areas that they looked at in the study was at (1) whether trafficking was criminalized, (2) whether protections and assistance for trafficking victims was provided, (3) creation of a statewide interagency task force, (4) regulation of international

marriage brokers, and (5) regulation of travel agencies that facilitate sex tourism. Letter grades were then assigned to each of these areas for each state. Nebraska received a B-, F, B, F, and F for each category respectively (Center for Women Policy Studies, 2007). This study will look at the first three variables as well.

A study conducted by Heather J. Clawson, Nicole Dutch, and Megan Cummings relates to the research to be completed. In this study, they examined the understanding of human trafficking among law enforcement who had worked on cases as well as their response to the crime. The study discovered this by phone surveys as well as reviews of human trafficking cases and discussion forums. A total of 121 phone surveys were completed and 9 cases were reviewed. They found that 36% indicated that human trafficking was a serious or very serious problem and 58% indicated that human trafficking was a priority for their department. Also 71% indicated that they had formal protocols in place or were creating protocols to address human trafficking. The study learned that there needed to be increases in understanding of human trafficking and the role that law enforcement has in those cases. Protocols also needed to be created for human trafficking and increase collaboration between law enforcement, service providers, and prosecutors (Clawson, Dutch, & Cummings, 2006). Other studies to follow would find that the majority of respondents indicated that human trafficking wasn't a serious problem, while they would disagree with how many had protocols. The research to be completed will look at some of the same variables as this one such as what law enforcement think about human trafficking and whether they have protocols in place.

Another study that relates is the one conducted by Deborah G. Wilson, William F. Walsh, and Sherilyn Kleuber. The study was looking at local law enforcement responses to trafficking in the United States. It was meant to raise awareness of any issues and to prompt future research.

The study wanted to look at attitudes and perceptions of trafficking in human beings in the U. S. by law enforcement as well as training and investigative activities of law enforcement. The information was collected by way of a mailed survey to select law enforcement agencies in the U. S. followed up by a phone interview to those agencies that indicated they were open to one. Selected agencies were drawn from municipal and county police departments with a jurisdiction population of 150,000 or more which were listed in the National Public Safety Information Bureau Directory Data Set for 2001-2002. A total of 163 agencies were included in the sample. Of those 163 agencies that were contacted, 85 responded to the surveys. Of those 85, 63 (76%) were municipal, 16 (19%) county agencies, and 6 (5%) were merged city/county agencies. Of the 85 agencies that responded, 19 indicated they would be open to a follow-up interview. Of those 19, 11 were surveyed. The findings of the survey and interviews were that most police agencies believed that human trafficking was not a problem in their area and that such crimes were best handled by federal law enforcement agencies. The respondents also believed that most human trafficking was committed by transnational organized criminal groups rather than those without organized crime connections. Very few of the departments reported having human trafficking training while 23% reported having investigated human trafficking crimes in the last 3 years. Most agencies also responded to not having a dedicated unit to investigate human trafficking crimes and there was no written policy on how to investigate said crimes. The study also found that training increased the awareness of the crime. Another factor that increased the awareness of human trafficking was having participated in investigations and arrests related to it (Wilson, Walsh, and Kleuber, 2008). Wilson, Walsh, and Kleuber's research closely relates to some of the goals of this research project which are the attitude of law enforcement towards the crime of

human trafficking. The survey questions of their survey will be used as a starting point for the survey used in this research project.

Amy Farrell, Jack McDevitt, and Stephanie Fahy undertook research that covers similar ground to this research project. Farrell, McDevitt, and Fahy (2008) set out to look at four main areas: (1) the perceptions of trafficking held by law enforcement and the preparation agencies have taken to address the problem, (2) the frequency in which law enforcement identifies and investigates cases of human trafficking, (3) the characteristics of those cases investigated by law enforcement, and (4) the investigation and prosecution of human trafficking cases (p. 2). A random sample of 2,891 law enforcement agencies was generated from all of the agencies in the United States. Then that number was supplemented with all of the remaining agencies that serve populations over 75,000 and all law enforcement agencies serving in federally funded human trafficking task forces. The total number of surveys sent out was 3,191 and had a total of 1,903 responses returned which is a 60% response rate. The study had very similar results to the Wilson, Walsh, and Kleuber study. They found that “local law enforcement perceive human trafficking as rare or nonexistent in their local communities” (Farrell, McDevitt, & Fahy, 2008, p. 2). Larger agencies are more likely to identify human trafficking as a problem, especially sex trafficking. Large and task force agencies also perceive foreign victims to be more often exploited over domestic ones. A significant indicator of whether an agency identified and investigated a human trafficking case was how well prepared law enforcement was for instances of human trafficking. Preparedness includes (1) training, (2) the presence of a specialized unit or personnel, and (3) having a policy or protocol in place to deal with human trafficking cases. Though preparedness aids in identifying the presence of human trafficking, very few agencies actually have implemented any of the preparedness areas. The study also found that human

trafficking cases are increasingly being identified by law enforcement. Many of the other results from the study support previous studies such as that the majority of victims are female and the perpetrators are male (Farrell, McDevitt, & Fahy, 2008). This study is another that will be used as a starting point for the study to be undertaken. The research to be completed hopes to identify law enforcement attitudes in Nebraska about this issue along with the public's view.

### **Methodology**

In order to evaluate the anti-human trafficking statutes of all 50 states, they were first found using online resources such as Polaris' database and other state law databases such as LAW.com. The language of the statutes were assessed and entered into Excel spreadsheets, the template of which can be found in Appendix A. Looking at language was broken down into language dealing with (1) sex trafficking, (2) labor trafficking, (3) tools used by the prosecution, (4) tools used by law enforcement, (5) provisions made for juvenile victims, and lastly (6) provisions that focus on helping victims. The language dealing with sex trafficking was further broken down into the following categories: (1) whether a sex trafficking provision is present, (2) the words used in a sex trafficking definition, (4) the minimum sentence for sex trafficking, and (5) the maximum sentence for sex trafficking. The language dealing with labor trafficking was broken down into the following categories: (1) whether a labor trafficking provision was present, (2) the words used in a labor trafficking definition, (3) the minimum sentence for labor trafficking, and (4) the maximum sentence for labor trafficking. The tools for prosecutors include: (1) the presence of aggravating circumstances denoted by what they are, (2) if asset forfeiture provisions are in place for when criminals are convicted of human trafficking, (3) where the asset forfeiture funds go to, (4) whether benefitting from human trafficking is a crime, (5) whether participating in any stage of human trafficking is a crime, (6) what is forfeited if an

asset forfeiture provision is present, (7) whether the forfeiture provision applies to both labor or sex or just one, and lastly (8) if the taking away of legal identification papers is a crime or a part of the definition of human trafficking. The tools for law enforcement are (1) the available investigative tools for human trafficking investigations, (2) whether mandatory training is required for law enforcement, (3) whether a task force was established, (4) whether that task force was a multi-agency one, and (5) whether a state has a state-wide coordinator for human trafficking cases. The juvenile provisions include: (1) the state's definition of what a juvenile/minor is; (2) if there is a 'safe harbor' provision in place for minors; (3) if trafficking a juvenile is an aggravating circumstance; and (4) whether a state has no requirement for force, fraud, or coercion when a juvenile is subjected to sex trafficking. The victim centered provisions are (1) whether victim assistance is available in the state, (2) whether there is restitution set out for victims, (3) whether victims have access to civil law to sue their traffickers, (4) whether victims have access to an affirmative defense for their activities during the trafficking event, (4) whether previous convictions that occurred during the trafficking event can be vacated, (5) whether police are required to notify the victim about services that are available to them, (6) whether there is language requiring that the victim not be detained by law enforcement, and (7) whether the confidentiality between a caseworker and the victim is legally protected. All 50 states were compared based on the language of their laws. Nebraska was compared to the other 49 states to determine if it was on par with the rest of the United States in their anti-trafficking effort.

The public and law enforcement view of human trafficking was assessed through an online survey. The questions for law enforcement were based off of the surveys conducted by Clawson, Dutch, and Cummings as well as Wilson, Walsh, and Kleuber and Farrell, McDevitt,

and Fahy. The information page that was at the beginning of the survey is located in Appendix B. The survey questions can be found in Appendix C. The survey was created online using the online survey site, SurveyMonkey. The first four questions of the survey were shared. Then after a respondent selected whether they were a civilian or law enforcement, the survey split into two based on the response given. The next 10 questions were shared between both survey paths, civilians were then done with the survey while law enforcement had 8 more questions to complete in order to finish it. The survey was distributed through e-mail to law enforcement personnel by contacting the public relations officer of the agency who then forwarded it to the officers. A total of 13 local agencies were contacted as well as most county agencies and the Nebraska State Patrol. Social media and e-mail was used to distribute the survey to the public of Nebraska. E-mail addresses from the researcher's address book were utilized to send out the survey. The survey was then placed online for a period of one month after which time the results were analyzed.

### **Results and Discussion**

The statutory review showed that the state of anti-human trafficking laws in the United States needs some uniformity. A couple states lack anything that can be called a statute concerning sex trafficking and others don't even refer to it as human, sex, or labor trafficking. Overall, Nebraska is with the majority of states in its language and other provisions. The completed tables can be found in Appendix D.

Anti-sex trafficking statutes were not present in all 50 states. Colorado and Pennsylvania both lack any form of language that could be construed as anti-sex trafficking. Virginia placed sex trafficking under abduction, which means that for statistics purposes the crime would not show as human or sex trafficking. A number of states grouped sex and labor trafficking together



under the general term human trafficking. Nine states subsumed sex as being a part of services. Nebraska is one of those states. Arizona and New Hampshire both placed sex trafficking under involuntary servitude. Texas placed it under forced labor or services. As for the language itself a number of words were used. The most common words were a variation on ‘commercial sexual conduct’ including ‘commercial sexual activity’, ‘commercial sex act’, or ‘commercial sex acts’. A total of 24 states used some form of these words. Nebraska is one of them. A reference to prostitution was the next most common language and included 21 states. ‘Sexually explicit performance’ was used by 17 states and Washington used ‘sexually explicit act’. ‘Sex trafficking’ was used by eight states. ‘Production of pornography’ was used by five states while four states used ‘sexual servitude’. Two states used ‘performance in strip clubs, exotic dancing, or display’ while Iowa used ‘performance in strip clubs’. Kansas used the language of ‘sexual gratification of defendant or another’. Connecticut used ‘sexual contact with one or more third persons’ while Missouri used ‘sexual exploitation which included sexual conduct, sexual performance, and production of explicit sexual material’. New Jersey used just ‘sexual activity’ and Ohio used ‘sexual activity’ as well as ‘performance that is obscene, sexually oriented, or nudity oriented and model or participant in the production of material that is obscene, sexually oriented, or nudity oriented’. Virginia was one of the states that used the word prostitution as well as ‘cocubinage and the manufacture of any obscene material or child pornography’. Many states used more than one of the words listed in their definition of anti-sex trafficking statutes.

As for the sentences for committing the crime of sex trafficking, there is a wide variability between states. Some punish offenders harshly and others do not. The lowest minimum sentence is that the offender serves no time for the crime and in a total of six states that is a possibility. Nebraska is one of those states. Most states do have a fine in place if someone is

convicted of the crime which means the offender would face some form of punishment. The most common minimum was 1 year in prison with a total of 21 states having this minimum. The range of minimum for sex trafficking was from 0 time spent in prison to 20 years in prison. Only two states, Virginia and New Jersey, have the highest minimum. The average minimum sentence was 3.40 years. In this instance, Nebraska's minimum sentence is below the majority of states and less than the average. The maximum sentences for sex trafficking also vary widely. Oklahoma has no maximum sentence in its statute. The lowest maximum is that of New Mexico with only 3 years. The highest is life in prison and five states has this as their maximum sentence. The most common maximum sentence for sex trafficking was 20 years in prison with 14 states having this sentence. Nebraska was one of these states. In order to determine the average sentence, life was considered to be a 100 year sentence. The average maximum sentence for sex trafficking is 27.29 years to be served in prison. In the instance of maximum sentences, Nebraska is with the majority of states but under the average sentence. Overall, sentences for sex trafficking vary by state.

Anti-labor trafficking statutes were present in all 50 states. There are three states that placed labor trafficking under different crimes. Again, this complicates collecting statistics on the crime because the crime isn't called human or labor trafficking. Virginia placed it under abduction, Maryland placed it under extortion and Maine placed it under kidnapping or criminal restraint. Maine further complicated the issue by having not just one crime qualify but two. The language used, though, was relatively consistent with 33 states using some form of language dealing with 'labor or services' or 'forced labor or services'. Nebraska is one of the states. A total of 19 states used 'involuntary servitude' while 14 states used 'labor' or 'forced labor'. Six states used 'debt bondage' and six used 'slavery'. Four states each used 'services' or 'forced

services', 'labor trafficking', and 'peonage'. Three states used 'labor servitude' and two used 'removal of organs'. Alaska used 'labor' as well as 'sexual conduct' and 'adult entertainment' which include definitions of stripping and sex shows. Florida had 'labor' and 'services' which included 'forced marriage', 'servitude' and 'removal of organs' under it. Utah used 'forced labor' in its definition and included a list of places that it could be found at such as 'facilities, sweatshops, households, agricultural enterprises, and any other workplace'.

The sentences for being convicted of labor trafficking vary widely just like sex trafficking. Much like sex trafficking the lowest minimum is zero time spent in prison, a total of seven states have this minimum. Nebraska is one of those states. The most common low is again, 1 year in prison with a total of 21 states having this minimum. The highest minimum is 20 years in prison and the only state to have this minimum is New Jersey. The average for the minimum for labor trafficking is lower than sex trafficking at 2.74 years in prison. Again, Nebraska is under the majority and average when dealing with the minimum sentence. The maximum sentence is similar to sex trafficking again. Oklahoma doesn't have a maximum sentence given in the statutes. The most common is a 20 year prison term and 12 states have this particular one. Nebraska is one of those states. The lowest maximum is lower than sex trafficking, at a 1 year prison term. The highest is life with four states having this maximum sentence. To figure out the average sentence, a life sentence was considered to be 100 years. The average maximum sentence is lower than for sex trafficking at 22.99 years in prison. Nebraska had the same maximum sentence as the majority but was slightly under the average sentence. Overall, again the sentences vary from state to state.

Tools that the prosecution can use against human trafficking offenders vary widely from state to state, at least when it comes to minute details. Thirty-two states have made benefiting

from trafficking of human beings a crime. This means that even if you don't participate but receive money from the crime then you could still be charged with human trafficking. In some states benefitting is considered to be a lesser crime with a lesser sentence ascribed to it but in other states it is the same as being the trafficker. Nebraska has criminalized benefitting from human trafficking. A total of 36 states have made participating in the chain of human trafficking a crime. This includes those that recruit, transport, and harbor victims. Again, like benefitting, some states consider it a lesser crime and others consider it the same. Nebraska is one of the states that has criminalized participating in human trafficking. A total of 40 states have criminalized, in some form, the taking of government issued identification papers. Some states include it in their definition of human trafficking, others use it as a form of coercion or duress, and lastly some made it a crime of its own accord. Nebraska is one of the states that made the taking of identification papers a separate crime. Some states only apply these crimes, of benefitting or participating, to either sex or labor trafficking while others apply it to both. Fourteen states have aggravating circumstances that increase the sentence that the convicted trafficker will serve. Aggravating circumstances include whether the victim was a minor, if the trafficking resulted in severe injury or death to the victim, or if the victim was held for longer than a certain time. Aggravating circumstances may also apply to only labor or sex trafficking. In the case of Nebraska, a minor under 15 years of age and when the threat of force is used on a minor, are aggravating circumstances only when applied to sex trafficking. A total of 35 states have asset forfeiture available for when an offender is convicted of human trafficking. This means that the assets of the offender are seized and if they are convicted then those assets are sold. The money from the sale is used in a variety of ways. Three states only apply asset forfeiture to labor and three apply it to only sex. The 29 others apply it to both. Nebraska has no

asset forfeiture for human trafficking crimes. As for what is seized, it varies by state. All of the states that have asset forfeiture specify what can be seized. Most states allow seizure of property such as real estate: land and buildings. As well as personal property which is pretty much anything other than property listed above. Some states list other personal property to be seized such as conveyances, computers, and money. Only 13 of the 35 states specify where the money that is made from the sale of the assets is to go. Some go to a human trafficking or general victims fund while others go to fund the law enforcement agency or county attorney's office. Overall, prosecutorial tools vary between states when looking at the finer details but in the general view they are pretty consistent.

The tools for law enforcement are generally consistent across the states, consistently not present. Thirty-six states have no investigative tools available for law enforcement to utilize in a human trafficking investigation. The tools were the ability to intercept communications such as e-mail or phone made by and to the trafficker. Nebraska is one of the states that does not have a statute allowing police to intercept communications. A total of 38 states do not have mandatory training for law enforcement. The training would be how to identify and investigate cases of human trafficking. Nebraska does have mandatory training for law enforcement. Thirty-four states do not have a human trafficking task force in place. Nebraska is one of the states that do have a task force in place and it is multi-agency, meaning that it not only has law enforcement on it but include other agencies such as non-profits and Health and Human Services. All the states that do have a task force have a multi-agency one. Overall, the states have not initiated many law enforcement tools within their anti-human trafficking statutes.

Juvenile provisions are either present or not. A total of 46 states define a juvenile or minor as a person under the age of 18. Colorado and Connecticut do not have the word juvenile

in their definitions of human trafficking. South Dakota defines it as under 16 and Alaska defines it as under 20. Thirty states have no form of safe harbor for juveniles. Safe harbor allows juveniles to not be charged with prostitution when they are caught up in a sex trafficking situation. Nebraska is one of these states. Some states instead send the juvenile into rehabilitation programs. Some states limit the scope of safe harbor and apply it to juveniles under a certain age. Thirty-four states have the requirement that a crime that involves a minor victim results in a harsher sentence, thusly thirty-four states have it as an aggravating circumstance. A total of 42 states have in their definition of human trafficking that there is no requirement of force, fraud, or coercion for sex trafficking. Nebraska is one of these states. Overall, juvenile provisions are present in the majority of states except for safe harbor.

Of the seven victim centered provisions looked at, most are not present in the majority of states. A total of 32 states have some form of victim assistance in their statutes. Nebraska is one of those states and they are currently working on establishing the program. Thirty-five states have no required restitution to be paid to the victim by the trafficker in their statute. Nebraska is one of those states. One state that requires restitution be paid to the victim applies it to only labor trafficking and that is Tennessee. There are 21 states with no civil action available to victims in order to sue their traffickers to try to recover monetary compensation. Nebraska is again, one of the states that has no civil action in their statute. Colorado and Minnesota apply it to victims of labor trafficking and Hawaii and Illinois only apply it to victims of sex trafficking. There are a total of 46 states that do not have an affirmative defense available for victims for crimes that they may be charged with. Nebraska does not have an affirmative defense available for victims. Two states, Vermont and Oklahoma, apply affirmative defense to all crimes while two states, New Jersey and Connecticut, only apply the affirmative defense to prostitution. Thirty-six states do

not have a provision in their statute that allows for victims of human trafficking to have their conviction vacated. Nebraska does not allow victims to vacate their convictions. Eleven of the fourteen states that do allow vacating of convictions, only apply it to prostitution convictions. Florida applies it to all but violent crimes, while Mississippi and Wyoming apply it to all crimes. Six states only vacate a conviction for a victim of human trafficking while Maryland allows the judge to decide whether to vacate, grant a new trial, or modify the sentence. North Carolina, Nevada, and Illinois allow a judge to take further action if they deem necessary as well as vacating the conviction. Vermont, New Jersey, and Florida vacate and expunge, meaning that the record of the victim is cleared of any conviction. Montana vacates as well as seals the records of the conviction so that only law enforcement and those with court mandated permission may see the convictions. Only nine states require that police notify the victim about services that are available to them. Nebraska is not one of them. Oklahoma, Kentucky, and Indiana are the only states that require that victims not be detained by law enforcement but sent to an appropriate facility. Kentucky is the only state that legally protects the confidentiality between a human trafficking case worker and victim. The most common amount of victim centered provisions is just 1 with 17 states having this. The average number of provisions is 2. The most victim centered state is Oklahoma with six provisions present in their human trafficking statute. Overall, victim centered provisions have not been consistently applied across the 50 states.

For the statute review, Nebraska stacks up pretty well compared to the rest of the United States. There are a few areas that Nebraska could work on in order to improve their human trafficking response. First, Nebraska could raise their minimum to be more in line with the majority of states. Second, they could implement a statute addendum to allow for asset forfeiture for when a person is convicted of human trafficking. Third, the Nebraska unicameral could also

put into the statute at least one more victim centered provision in order to match the average, though they are with the majority of states in that area. Really the entire 50 states could add more victim centered provisions except for perhaps Oklahoma, who has six, and Illinois, New Jersey, and Vermont, who have five. Arizona, Delaware, Rhode Island, South Dakota, and Utah do not have any victim centered provisions in their statute. Overall, Nebraska's anti-human trafficking statute is on par with the majority of states except for in a few areas.

The survey had a total of 155 responses, some of which were incomplete. The incomplete surveys were removed and that left a total of 150 survey responses. The first question dealt with the gender of the responders: 71 were male and 78 were female. One respondent skipped the question. The second question asked the age range of the respondent: four were 19 to 24, 42 were 25 to 34, 39 were 35 to 44, 35 were 45 to 54, and 29 were 55 and over. One respondent skipped the question. The next question dealt with what area of Nebraska the person lived in. A total of 3 were from the Northeast (1) section, 104 were from the Southeast (2), 7 were from Central Nebraska (3), 32 were from the West section of the state (4), and 4 were from the Panhandle (5). The map can be found in Appendix C Question 3. The fourth question asked whether the survey taker was a civilian or law enforcement personnel. Out of 150 responses, 65 were civilian and 85 were law enforcement. The survey then split into civilian and law enforcement, they shared questions and only the law enforcement had specific questions to answer.

The next section of questions will be out of a possible 65 civilian responses. The first question asked whether civilian respondents had served in the military and only four responded that yes they had. Of those four, three had been stationed or deployed overseas. The next question asked if they had traveled outside of the United States and 45 said that they had



while 20 said that they had not. Of the 45 that had been overseas, only 2 had traveled outside of the United States as a part of a humanitarian group. All 65 of the civilian survey takers had heard the term human trafficking. A total of 45 of them learned the term from the news whether television, newspaper, or online. Six of the respondents learned about human trafficking from a college course. One of them learned about it from classes given as part of military training. Five of them received training at work where they learned about human trafficking and the last eight learned about it from random sources. Six of the other responses indicated that they learned about human trafficking in a religious setting such as at a class given at church. One researched the subject to teach a lesson and the other learned about it from friends. The next question asked how the respondent would rate the problem of human trafficking in the United States: 15 said very serious, 35 said serious, 14 said somewhat serious, and 1 said not serious. The next asked how they would rate the problem of human trafficking in Nebraska: 4 said very serious, 22 said serious, 28 said somewhat serious, and 11 said not serious. As for the issue of human trafficking in their area respondents stated that: 2 said that it is very serious, 12 said serious, 28 said somewhat serious, and 23 said not serious. The last question asked if the respondent knew if Nebraska had an anti-human trafficking law and 13 said yes they did, 9 said no, and 43 said they did not know.

The next set of questions will be from the law enforcement responses and be out of a total of 85 responses. The first question asked the law enforcement personnel if they had served in the military. A total of 13 said yes they had while the other 72 said no. Of the 13 that had served in the military 10 indicated that they had been deployed or stationed overseas. The next question asked if the personnel had traveled outside of the United States and 72 indicated that yes they had while 13 said no. Of the 72 that traveled outside of the US, only 4 had traveled as part of a

humanitarian organization. The next question asked if the respondent had heard the term human trafficking. A total of 84 responded yes they had heard the term and 1 skipped the question. The question that followed asked where they had heard the term and 33 indicated that it was from a news piece whether TV, newspaper, or online. Another 5 indicated that they heard of human trafficking in a college course, 3 as part of the military, 38 as training at work and 6 indicated other sources. Of the other sources: two indicated their church, one during work, another heard the term from several sources, one interned for an anti-trafficking non-profit organization, and the last one stated firsthand knowledge from Argentina. The next question asked how the law enforcement personnel would rate the problem of human trafficking in the United States. A total of 8 respondents indicated very serious, 39 serious, 32 somewhat serious, and 6 not serious. The question that followed asked how they would rate the problem of human trafficking in Nebraska. A total of 3 respondents indicated very serious, 16 serious, 39 somewhat serious and 27 not serious. The next question asked how they would rate the problem of human trafficking in their area. Only 2 indicated very serious while 10 serious, 32 somewhat serious, and 41 not serious. The last shared question asked if they knew if Nebraska had an anti-human trafficking legislation. A total of 51 responded yes Nebraska has one, 9 said no, and 25 did not know if Nebraska had anti-human trafficking legislation.

The following questions were specifically for law enforcement personnel and will again be only out of 85 respondents. The first question asked what law enforcement level the respondent worked in and all 85 responded that they worked at the local level. The second question asked what the size of the population was that the law enforcement agency served. Two respondents indicated 5,000 and under as their population, eight stated 5,001 to 25,000 and ten indicated 25,001 to 50,000. The majority of respondents indicated 100,000 and above as their

population size with a total of 65 indicating this. The next question asked if the personnel had received training in how to identify and respond to human trafficking cases. A total of 37 indicated that they had while 47 said no and 1 skipped the question. The fourth question asked if there was a specialized human trafficking unit or individual that oversees human trafficking cases. Of the 85 respondents, 10 said that yes there was one present in their department, 55 said no there was not, and 20 did not know if there was one present in their department. The next question asked whether the law enforcement personnel knew if there was a standard operating procedure in place in their department on how to identify and respond to human trafficking cases as well as who to contact for victim assistance. A total of 14 said yes there was a standard operating procedure in place, 48 said no and 23 did not know if there was one in place. The question that followed asked how much of a priority human trafficking is for the respondent's agency. Only 1 indicated that it is a high priority while 12 indicated a priority, 20 somewhat a priority, and 52 indicated that human trafficking was not a priority for their department. The next question asked if they had taken part in a human trafficking investigation. Of the 85 respondents, 7 responded yes they had, 77 said they had not, and 1 skipped the question. The last question asked if they knew if their agency had undertaken a human trafficking investigation. A total of 26 said yes their agency had undertaken a human trafficking investigation, 14 indicated no it had not, and 45 did not know if their agency had or not.

Overall, the responses were as expected. All 150 of the survey takers have heard of human trafficking which is good since it will help them be aware and able to identify it easier. The education of everyone is a tool that research has shown increases the identification of the crime and it is a goal of Nebraska's task force. Over the next couple of years, as the requirement for training is furthered, more and more law enforcement personnel will be trained in how to

identify and investigate such a crime. The survey shows that almost half of the personnel had training, 43.5%, which should increase over the years to come. The responses to the problem of human trafficking were higher than what was expected for the national level. Civilians stated that they thought it was a serious problem or very serious with 50 out of 65 or 77%. The expectation was for the percentage to be closer to 50%. The law enforcement personnel response of 47 responses of serious or very serious or 55% were much more in line with what was expected. The expectation for identifying the problem as serious or very serious at the state and local areas were to be lower than 50%. At the state level, 26 or 40% of civilians believed it to be a serious or very serious problem for Nebraska. Law enforcement personnel only believe it is, 19 or 22% of the time. As for their local area and it being a serious or very serious problem, only 14 or 21.5% of civilians thought it was and 12 or 14% of law enforcement personnel. Overall, the pattern expected was that as the survey got closer to the respondent's area that recognition of human trafficking as a serious or very serious problem would decrease is seen in the previous numbers. It was expected that more law enforcement personnel would know about Nebraska's anti-trafficking law than civilians would. The percentages do agree: with only 20% of civilians aware of the law and 60% of law enforcement aware of it. Overall, the results were as expected.

In comparing the law enforcement personnel responses with previous studies, varying results of similarity were found with the current study. The response to the crime in Nebraska was smaller than Wilson, Walsh, and Kleuber's finding of 40% for the state level. Only 22% identified it as serious or very serious in the current study. The response for in their area was even lower, 14% indicated serious or very serious, very similar to Wilson, Walsh, and Kleuber findings of 18% and the study by Farrell, McDevitt, and Fahy. The response about standard operating procedures was lower than indicated by Clawson, Dutch, and Cummings' 71% at

16.5% saying that they did have one in place. The differences can be attributed to that Clawson, Dutch, and Cummings focused on agencies that had investigated human trafficking crimes. It was higher than what Wilson, Walsh, and Kleuber found at only 2% and Ferrell, McDevitt, and Fahy at 9%. Another difference was that only 13 or 15% indicated that human trafficking was very high priority or a priority for their department while in Clawson, Dutch, and Cummings found that 58% indicated that it was a priority. Again this could be due to the difference in the respondents; in the current study 26 or 30.5% stated that their agency had investigated a human trafficking case while Clawson, Dutch and Cummings focused on agencies that had investigated a case. In Wilson, Walsh, and Kleuber's study they found only 8% and in Farrell, McDevitt, and Fahy found 9% had training in human trafficking while the current study had 37 or 43.5% indicated they had received training on human trafficking. The difference could be due to Nebraska having a clause in their statute that requires training in human trafficking crimes for law enforcement. It could be also that Wilson, Walsh, and Kleuber and Farrell, McDevitt, and Fahy asked departments rather than individual officers. As for having investigated a human trafficking case 30.5% or 26 indicated that their agency had investigated a case while in Wilson, Walsh, and Kleuber's study 23% indicated that their agency had. A similar finding though the current study does not differentiate between agencies. Farrell, McDevitt, and Fahy report an even smaller number with 7%. The findings on having a dedicated person or unit were lower at 10 or 12% while Wilson, Walsh, and Kleuber found that 37% indicated they did but higher than Farrell, McDevitt, and Fahy's 4%. Though the methods to collect information were different, the studies do show some similar results.

### **Summary**

Human trafficking occurs in Nebraska just like every other state in the United States. Recently the Nebraska unicameral took steps to combat this pervasive problem. The current research project sets out to see how the new law compares to the rest of the states as well as how law enforcement and the public view the problem. Nebraska is on the same level as the majority of states though it is not a trendsetter. The views of human trafficking were as expected with under 50% saying it was a serious or very serious problem for Nebraska and their area. Just as Nebraska has responsibilities to learn about human trafficking, researchers have a responsibility to continue doing research.

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### Appendix A

	Sex Trafficking			
	Provision Present	Definition	Minimum	Maximum
Alabama				
Alaska				
Arizona				
Arkansas				
California				
Colorado				
Connecticut				
Delaware				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana				
Iowa				
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina				
North Dakota				
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				
Wyoming				

	Labor Trafficking			
	Provision Present	Definition	Minimum	Maximum
Alabama				
Alaska				
Arizona				
Arkansas				
California				
Colorado				
Connecticut				
Delaware				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana				
Iowa				
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina				
North Dakota				
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				
Wyoming				



	Law Enforcement Tools				
	Investigative Tools	Mandatory Training	Task Force Established	Task Force Multiagency	Human Trafficking Coordinator
Alabama					
Alaska					
Arizona					
Arkansas					
California					
Colorado					
Connecticut					
Delaware					
Florida					
Georgia					
Hawaii					
Idaho					
Illinois					
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana					
Maine					
Maryland					
Massachusetts					
Michigan					
Minnesota					
Mississippi					
Missouri					
Montana					
Nebraska					
Nevada					
New Hampshire					
New Jersey					
New Mexico					
New York					
North Carolina					
North Dakota					
Ohio					
Oklahoma					
Oregon					
Pennsylvania					
Rhode Island					
South Carolina					
South Dakota					
Tennessee					
Texas					
Utah					
Vermont					
Virginia					
Washington					
West Virginia					
Wisconsin					
Wyoming					

	Juvenile Provisions			
	Definition	Safe Harbor	Aggravating Circumstance	No Requirement of Force, Fraud, or Coercion for Sex Trafficking
Alabama				
Alaska				
Arizona				
Arkansas				
California				
Colorado				
Connecticut				
Delaware				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana				
Iowa				
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina				
North Dakota				
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				
Wyoming				





## Appendix B

Nebraska Wesleyan University - University College Research Review Board  
Protocol # FS KS 01 0414 A, "Human Trafficking in Nebraska"  
Researcher: Katie Sheets

Approved: 04/14/14

### Human Trafficking In Nebraska

**Introduction:** You are invited to participate in a research project being conducted by Katie Sheets, a student in the Masters of Forensic Science program, at Nebraska Wesleyan University.

**Purpose:** The research project sets out to find out what you think about human trafficking as a resident of Nebraska. Human trafficking has recently become a recognized social issue. The project sets out to establish a baseline of Nebraskan's attitudes towards this issue. The project hopes to reach as many residents of Nebraska as possible, hopefully in the hundreds.

**Procedures:** The survey contains general demographic questions followed about questions concerning human trafficking. Overall the survey will take about 15 minutes.

**Exclusions:** Please only complete this survey if you are over the age of 18 and have lived in Nebraska for at least the past two years.

**Risks and Discomforts:** There is minimal risk in completing the survey.

**Benefits:** You will receive no direct benefit from your participation in the study, but your participation may help us better understand human trafficking in Nebraska.

**Right to Refuse or Withdraw:** Your participation in this research is voluntary and you may refuse to participate. By clicking to continue with the survey you are agreeing to participate but may quit at any time.

**Anonymous Data Collection:** The survey is anonymous and your identity will not be connected with your questions once they have been submitted.

**Who to Contact with Questions:** If you have any questions about this study, you may e-mail Katie Sheets at [ksheets@nebrowesleyan.edu](mailto:ksheets@nebrowesleyan.edu) or call the faculty advisor Gary Plank at 402-465-7541. This project has been reviewed and approved by Nebraska Wesleyan University - University College Research Review Board. If you have any questions about your rights as a research participant, you may call Nancy Wehrbein at (402) 465-2488.

**Acceptance:** I have read the information provided above and all of my questions have been answered. I voluntarily agree to participate in this study. My completion and submittal of this survey will serve as my consent. I have not been given a copy of this consent form for future reference.

If you would like to know more about this issue you can check out these sites:

<http://www.polarisproject.org/>

[http://www.fbi.gov/about-us/investigate/civilrights/human\\_trafficking](http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking)

<http://www.state.gov/j/tip/>

These links can also be found at the end of the survey.

## Appendix C

### Human Trafficking Survey: Public and Law Enforcement

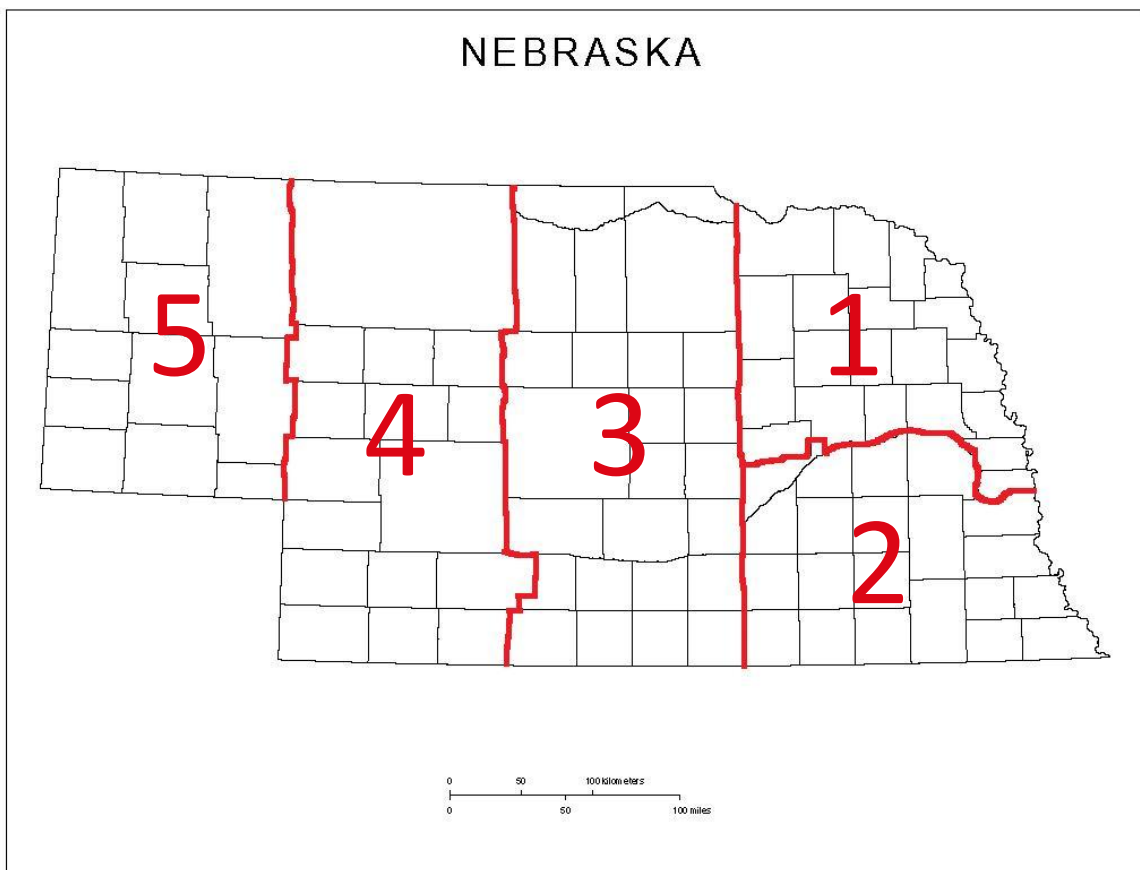
1. Please select the one that applies:

- Male
- Female

2. Please select your age range:

- 19 – 24
- 25 – 34
- 35 – 44
- 45 – 54
- 55 & Over

3. Please select the part of Nebraska you reside in:



4. Please select the one that applies:

- Civilian
- Law enforcement personnel

5. Have you served/are serving in the military?

- Yes
- No

5a. (If yes) While in the military, were you deployed/stationed overseas?

- Yes
- No

6. Have you traveled outside of the United States?

- Yes
- No

6a. (If yes) Did you travel as a part of a humanitarian organization?

- Yes
- No

7. Have you heard the term human trafficking before?

- Yes
- No

7a. (If yes) Where did you hear the term human trafficking?

- In a news piece (TV, paper, or online)
- In a college course
- As a part of the military
- Training at work
- Other \_\_\_\_\_

United States legislation has defined severe human trafficking as: (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or (b) in which the person induced to perform such act has not attained 18 years of age; or (c) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. This is the definition to think of as you answer the next three questions.

8. How would you rate the problem of human trafficking in the United States?

- Very serious
- Serious
- Somewhat serious
- Not serious

9. How would you rate the problem of human trafficking in Nebraska?

- Very serious
- Serious
- Somewhat serious
- Not serious

10. How would you rate the problem of human trafficking in your area?

- Very serious
- Serious
- Somewhat serious
- Not serious

11. Do you know if Nebraska has an anti-human trafficking legislation?

- Yes
- No
- Don't know

**The next questions are for law enforcement only.**

12. Please mark the law enforcement agency type you work in:

- Local
- County
- State

13. What is the size of the population that your agency serves?

- 5,000 & under
- 5,001 – 25,000
- 25,001 – 50,000
- 50,000 – 99,999
- 100,000 & above

14. Have you received training on how to identify and respond to human trafficking cases?

- Yes
- No

15. Is there a specialized human trafficking unit/individual within your agency that is assigned to oversee trafficking investigations?

- Yes
- No
- Don't know

16. Does your agency have a standard operating procedure in place that provides instructions for law enforcement on how to identify and respond to human trafficking cases as well as who to contact for victim assistance?

- Yes
- No
- Don't know

17. How much of a priority is human trafficking in your agency?

- Very high priority
- A priority
- Somewhat a priority
- Not a priority

18. Have you taken part in a human trafficking investigation?

- Yes
- No

19. Has your agency undertaken a human trafficking investigation?

- Yes
- No
- Don't know

If you would like to learn more you can check out the links below.

<http://www.polarisproject.org/>

[http://www.fbi.gov/about-us/investigate/civilrights/human\\_trafficking](http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking)

<http://www.state.gov/j/tip/>

<http://www.acf.hhs.gov/programs/orr/programs/anti-trafficking>

### Appendix D

Sex Trafficking 1				
	Provision Present	Definition	Minimum	Maximum
Alabama	Yes	sexual servitude	10	Life/99
Alaska	Yes	sex trafficking (prostitution, commercial sexual conduct)	5	20
Arizona	Yes	prostitution, sexually explicit performance	4	10
Arkansas	Under involuntary servitude	commercial sexual activity	6	30
California	Yes	commercial sex act, prostitution	8	20
Colorado	No	N/A	N/A	N/A
Connecticut	Yes	sexual contact with one or more third persons	1	20
Delaware	Under services	commercial sexual activity, sexually explicit performances	1	25
Florida	Yes	commercial sexual activity (sexually explicit performance, production of pornography, prostitution)	1	30
Georgia	Yes	sexual servitude (sexual explicit conduct)	1	20
Hawaii	Yes	promoting prostitution	1	20
Idaho	Yes	sex trafficking (commercial sex act)	0	25
Illinois	Under services	commercial sexual activity, sexually explicit performance	1	30
Indiana	Yes	marriage, prostitution, participating in sexual conduct	6	20
Iowa	Under services	commercial sexual activity (prostitution, participation in the production of pornography, performance in strip clubs), sexually explicit performance	1	10
Kansas	Yes	sexual gratification of defendant or another	1	21.08
Kentucky	Yes	commercial sexual activity (prostitution, production of obscene material, sexually explicit performance)	5	10

	Sex Trafficking 2			
	Provision Present	Definition	Minimum	Maximum
Louisiana	Under services	commercial sexual activity or any sexual conduct constituting a crime	0	20
Maine	Yes	promotion of prostitution, sex trafficking	1	10
Maryland	Yes	prostitution, sexually explicit performance; minor = marry, sexual act, sexual conduct, or vaginal intercourse	1	10
Massachusetts	Yes	commercial sexual activity, sexually-explicit performance, production of unlawful pornography	5	20
Michigan	Under services	commercial sexual activity, sexually explicit performances	1	15
Minnesota	Yes	sex trafficking, prostitution	0	15
Mississippi	Under services	commercial sexual activity, sexually-explicit performances	2	20
Missouri	Yes	sexual exploitation (sexual conduct, sexual performance, production of explicit sexual material)	5	20
Montana	Under services	commercial sexual activity, sexually explicit performances	0	10
Nebraska	Under services	commercial sexual activity, sexually-explicit performances	0	20
Nevada	Yes	sex trafficking (prostitution)	1	5
New Hampshire	Under involuntary servitude	commercial sex acts, sexually explicit performance	7.5	15
New Jersey	Yes	sexual activity	20	Life
New Mexico	Yes	commercial sexual activity (sexual act, sexually explicit exhibition)	1	3
New York	Yes	sex trafficking (prostitution)	5	25
North Carolina	Yes	sexual servitude (sexual activity, prostitution)	0.83	3.42

Sex Trafficking 3				
	Provision Present	Definition	Minimum	Maximum
North Dakota	Yes	sex trafficking (sexual acts, sexual conduct, sexual performance, prostitution)	1	20
Ohio	Yes	sexual activity; performance that is obscene, sexually oriented, or nudity oriented; model or participant in the production of material that is obscene, sexually oriented, or nudity oriented	10	15
Oklahoma	Yes	commercial sex (commercial sexual activity, sexually explicit performances, prostitution, participation in the production in pornography, performance in a strip club, or exotic dancing or display)	5	N/A
Oregon	Yes	compelling prostitution	1	10
Pennsylvania	No	N/A	N/A	N/A
Rhode Island	Yes	commercial sexual activity	1	20
South Carolina	Yes	sex trafficking (sexual conduct, sexual performance, sexual battery)	1	15
South Dakota	Yes	prostitution	1	25
Tennessee	Yes	commercial sex act	8	30
Texas	Under forced labor or services	prostitution	2	20
Utah	Yes	forced sexual exploitation = (forced) commercial sexual activity, sexually explicit performance, prostitution, participation in the production of pornography, performance in strip clubs, exotic dancing or display	1	15
Vermont	Yes	commercial sex act (sex act, sexually explicit performance), sexual conduct	0	Life
Virginia	Under abduction	prostitution, cocubinage, manufacture of any obscene material or child pornography	20	Life
Washington	Yes	sexually explicit act, commercial sex act	1	Life
West Virginia	Yes	sex trafficking (prostitution)	3	15
Wisconsin	Yes	commercial sex act	1	25
Wyoming	Under services	sexual servitude	5	50



	Labor Trafficking 1			
	Provision Present	Definition	Minimum	Maximum
Alabama	Yes	labor servitude	10	Life/99
Alaska	Yes	sexual conduct, adult entertainment (stripping, sex shows), labor	5	20
Arizona	Yes	labor or services	1.5	3
Arkansas	Yes	involuntary servitude (labor or services)	6	30
California	Yes	forced labor or services	5	12
Colorado	Yes	involuntary servitude (labor or services)	1	1.5
Connecticut	Yes	labor or services	1	20
Delaware	Yes	involuntary servitude (forced labor or services)	1	25
Florida	Yes	labor, services (forced marriage, servitude, removal of organs)	1	30
Georgia	Yes	labor servitude	1	20
Hawaii	Yes	labor trafficking (labor or services)	1	20
Idaho	Yes	labor or services, involuntary servitude, peonage, debt bondage, slavery	0	25
Illinois	Yes	involuntary servitude (forced labor or services)	1	30
Indiana	Yes	forced labor, involuntary servitude	6	20
Iowa	Yes	forced labor or services (involuntary servitude, peonage, debt bondage, slavery)	1	10
Kansas	Yes	labor or services (involuntary servitude, forced labor), peonage	1	15.83
Kentucky	Yes	forced labor or services	5	10

Labor Trafficking 2				
	Provision Present	Definition	Minimum	Maximum
Louisiana	Yes	services or labor	0	10
Maine	Under kidnapping or criminal restraint	labor or services	0	1
Maryland	Under extortion	labor, services	1	10
Massachusetts	Yes	forced services	5	20
Michigan	Yes	forced labor or services	1	15
Minnesota	Yes	forced labor or services (debt bondage, slavery, removal of organs through the use of coercion or intimidation)	0	15
Mississippi	Yes	forced labor or services	2	20
Missouri	Yes	forced labor, salvery, involuntary servitude, peonage	5	15
Montana	Yes	involuntary servitude (forced labor or services)	0	10
Nebraska	Yes	forced labor or services	0	20
Nevada	Yes	forced labor or services, involuntary servitude	5	20
New Hampshire	Yes	involuntary servitude (labor or services)	7.5	15
New Jersey	Yes	labor or services	20	Life
New Mexico	Yes	labor, services	1	3
New York	Yes	labor trafficking (labor)	2	7
North Carolina	Yes	involuntary servitude (labor)	0.83	3.42

Labor Trafficking 3				
	Provision Present	Definition	Minimum	Maximum
North Dakota	Yes	labor trafficking (debt bondage, forced labor or services, slavery, removal of organs using force/coercion)	1	20
Ohio	Yes	involuntary servitude (labor or services)	10	15
Oklahoma	Yes	labor	5	N/A
Oregon	Yes	involuntary servitude	1	10
Pennsylvania	Yes	forced labor or services	1	10
Rhode Island	Yes	forced labor	1	20
South Carolina	Yes	forced labor or services, involuntary servitude, debt bondage	1	15
South Dakota	Yes	forced labor, involuntary servitude	1	10
Tennessee	Yes	involuntary labor servitude, forced labor or services	3	15
Texas	Yes	forced labor or services	2	20
Utah	Yes	forced labor = facilities, sweatshops, households, agricultural enterprises, any other workplace	1	15
Vermont	Yes	labor servitude (labor or services)	0	Life
Virginia	Under abduction	forced labor or services	2	10
Washington	Yes	forced labor, involuntary servitude	1	Life
West Virginia	Yes	labor trafficking (debt bondage, forced labor or services, slavery or similar to slavery)	3	15
Wisconsin	Yes	labor or services	1	25
Wyoming	Yes	forced labor or servitude	5	50

Prosecution Tools 1.1			
	Aggravating Circumstances	Asset Forfeiture	Forfeiture Goes To
Alabama	None	Yes	1. victim (restitution then civil action) 2. cost of investigation/prosecution 3. Alabama Crime Victims Compensation Fund
Alaska	None	Yes	N/A
Arizona	Minor (under 15, sex)	No	N/A
Arkansas	Minor (both), Criminal Gang/ Organization/Enterprise	Yes	N/A
California	Minor (sex) + force	Yes	N/A
Colorado	None	Yes	N/A
Connecticut	None	Yes	1. pay outstanding debt on property 2. cost to store/care for property 3. court costs 4. General Fund
Delaware	Minor + force (sex)	No	N/A
Florida	Minor (under 15, sex)	Yes	N/A
Georgia	Minor	Yes	N/A
Hawaii	None	Yes	N/A
Idaho	None	Yes	N/A
Illinois	Bodily injury, Victim held for more than 180 days, More than 1 victim (especially more than 10)	Yes	N/A

	Prosecution Tools 1.2				
	Benefit Crime	Participate	What Forfeit	Crime=Forfeit	ID Papers Taken Crime
Alabama	Yes	Yes	profits/proceeds, property	Both	Part of Coercion
Alaska	Yes	Yes (sex)	property	Sex	No
Arizona	Yes (labor)	Yes (labor)	N/A	N/A	Part of coercion (sex) Part of definition (labor)
Arkansas	Yes	Yes	Conveyance (vehicle, plane, boat)	Both	Part of definition
California	No	No	property	Both	Part of duress
Colorado	No	No	property, buildings, currency, vehicles, fixtures in buildings, other personal property used to commit crime	Labor	Part of definition (labor)
Connecticut	No	No	moneys, property	Both	No
Delaware	Yes	Yes	N/A	N/A	Yes (Class E felony)
Florida	Yes	No	property, personal property	Both	Part of coercion
Georgia	No	Yes	property, personal property	Both	Part of coercion
Hawaii	Yes	Yes (sex)	property	Both	Part of definition (labor)
Idaho	No	Yes (labor)	property	Both	No
Illinois	Yes	Yes	property	Both	Part of definition

	Prosecution Tools 2.1		
	Aggravating Circumstances	Asset Forfeiture	Forfeiture Goes To
Indiana	None	Yes	N/A
Iowa	Minor	Yes	N/A
Kansas	Minor (especially under 14), Involves kidnapping or death, For the purpose of sexual gratification of the defendant or another	Yes	N/A
Kentucky	Involves serious physical injury, Minor, Engaging in organized crime	Yes	1. 50% human trafficking victims fund 2. 42.5% law enforcement that seized 3. 7.5% attorney general office that run forfeiture proceedings
Louisiana	Minor, Minor + Sex + Previous Sex Offense	Yes	1. costs of sale (any remaining: 1. 60% agencies that seize 2. 20% prosecuting agency 3. 20% prosecuting court fund)
Maine	Minor (Under 8, labor)	Yes	N/A
Maryland	Minor	Yes	N/A
Massachusetts	Minor	Yes	Victims of Human Trafficking Trust Fund
Michigan	Involves death	Yes	N/A
Minnesota	Minor; Sex=Prior human trafficking-related offense, Bodily harm to victim, More than 180 days, More than one victim	Yes	1. expense of seizure 2. 40% arresting agency, 20% forfeiture prosecuting office, 40% victim services
Mississippi	Minor	Yes	N/A
Missouri	Sex + Force/Abduction/ Coercion, Minor	Yes	N/A

	Prosecution Tools 2.2				
	Benefit Crime	Participate	What Forfeit	Crime=Forfeit	ID Papers Taken Crime
Indiana	No	Yes	property, personal property	Both	No
Iowa	Yes	Yes	property, proceeds, personal property	Both	Yes (Class D felony)
Kansas	Yes	Yes	N/A	Both	Part of definition
Kentucky	Yes	Yes	property	Both	No
Louisiana	Yes	Yes	personal property- electronic communication devices, computers and accompanying equipment, vehicles, cameras (still and video)	Both	Part of fraud, force, or coercion
Maine	No	No	money instruments, property, personal property	Sex	Part of compelling (sex)
Maryland	Yes (sex)	Yes (sex)	vehicle, money, property	Sex	Part of definition (sex)
Massachusetts	Yes	Yes	conveyance (vehicle, plane, boat), property, negotiable instruments, securities	Both	No
Michigan	Yes	Yes	personal property, property	Both	Yes
Minnesota	Yes	Yes	property	Both	Part of definition (labor)
Mississippi	Yes	Yes	conveyance (vehicle, plane, boat), property, money, weapons, negotiable instruments/securities, computers, telecommunications equipment	Both	Yes
Missouri	No	Yes	all property (cash/negotiable instruments)	Both	No

	Prosecution Tools 3.1		
	Aggravating Circumstances	Asset Forfeiture	Forfeiture Goes To
Montana	Kidnapping, Rape, Murder, Minor (sex)	No	N/A
Nebraska	Minor (under 15,sex), Minor+threat/force (sex)	No	N/A
Nevada	Minor (sex), Serious Bodily Harm (labor)	Yes	N/A
New Hampshire	Minor (sex)	Yes	1. court/care costs 2. outstanding debts on items 3. restitution or compensation to vctim 4. victim's assistance fund
New Jersey	None	Yes	N/A
New Mexico	Minor (under 16 & 13)	No	N/A
New York	Enterprise corruption (labor)	No	N/A
North Carolina	Minor	Yes	N/A
North Dakota	Minor	No	N/A
Ohio	None	Yes	victims of human trafficking fund
Oklahoma	Minor	Yes	N/A
Oregon	None	Yes	N/A



	Prosecution Tools 3.2				
	Benefit Crime	Participate	What Forfeit	Crime=Forfeit	ID Papers Taken Crime
Montana	Yes	Yes	N/A	N/A	Part of definition
Nebraska	Yes	Yes	N/A	N/A	Yes (Class IV felony)
Nevada	Yes	Yes	Personal property (tool, substance, weapon, machine, computer, money or security)	Both	Part of definition (labor)
New Hampshire	No	Yes	property, money, securities, negotiable instruments, conveyance, material/products/ equipment, investments, foreign assets	Both	Part of definition
New Jersey	Yes	Yes	property, conveyances, buildings, money, proceeds	Both	Part of definition
New Mexico	Yes	Yes	N/A	N/A	Part of coercion
New York	Yes (sex)	Yes (labor)	N/A	N/A	Part of definition
North Carolina	No	Yes	money, property, interest in property	Both	Part of coercion
North Dakota	Yes	Yes	N/A	N/A	Part of definition (labor)
Ohio	No	Yes	money (go to fund), instrumentality that is used or intended to be used in commission or facilitation	Both	No
Oklahoma	Yes	Yes	property, conveyance (vehicle, plane, boat), equipment, money	Both	Part of coercion
Oregon	Yes (labor)	Yes (labor)	conveyances (vehicle, plane, boat), money, securities, negotiable instruments, property, weapons	Labor	Part of definition (labor)

	Prosecution Tools 4.1		
	Aggravating Circumstances	Asset Forfeiture	Forfeiture Goes To
Pennsylvania	Minor (labor), Bodily injury (labor)	Yes	1. pay expenses of forfeiture sale/care 2. rest go to criminal law enforcement
Rhode Island	Minor (sex)	Yes	general fund
South Carolina	Minor	Yes	N/A
South Dakota	Kidnapping, Minor (under 16), Prostitution, Results in death	No	N/A
Tennessee	Sex (under 15, On/Within 1000 ft of a school, library, rec center, public park, or child care agency) Labor (Death, serious bodily injury, held more than 1 yr, more than 10 victims)	Yes	1. pay expenses of forfeiture 2. 20% investigating law enforcement agency, 20% district attorney's general conference, 5% court forfeiture took place, 55% anti-human trafficking fund
Texas	Minor, Results in death	Yes	N/A
Utah	Minor, Result in death or serious bodily injury, Rape (include object, adult & child)/Sodomy/ Aggravated Sexual Assault, More than 10 victims, More than 180 consecutive days	No	N/A
Vermont	Minor; Previous offense; Suffers bodily injury or death; Involve sexual assault, aggravated sexual assault, aggravated sexual assault of a child	No	N/A
Virginia	None	No	N/A
Washington	None	Yes	1. restitution 2. state general fund
West Virginia	None	No	N/A
Wisconsin	Minor	No	N/A
Wyoming	None	No	N/A

	Prosecution Tools 4.2				
	Benefit Crime	Participate	What Forfeit	Crime=Forfeit	ID Papers Taken Crime
Pennsylvania	No	No	assets (foreign and domestic)	Labor	Part of definition (labor)
Rhode Island	Yes	Yes	profits/proceeds, interest, property	Both	Part of definition
South Carolina	Yes	Yes	money, property, conveyances (vehicle, plane, boat), negotiable instruments/securities, overseas assets	Both	Part of definition
South Dakota	Yes	Yes	N/A	N/A	No
Tennessee	Yes	Yes	property, conveyance (vehicle, plane, boat), money, weapons, furnishings, proceeds, personal property	Both	Part of definition
Texas	Yes	No	property, personal property, proceeds gained, acquired with proceeds	Both	Part of definition
Utah	Yes	Yes	N/A	N/A	Part of definition
Vermont	Yes	Yes	N/A	N/A	Part of coercion
Virginia	Yes	Yes	N/A	N/A	Part of intimidation
Washington	Yes	Yes	proceeds, moneys, negotiable instruments, securities	Both	No
West Virginia	No	Yes	N/A	N/A	Part of definition
Wisconsin	Yes	Yes	N/A	N/A	Part of definition
Wyoming	No	Yes	N/A	N/A	Part of definition

	Law Enforcement Tools 1				
	Investigative Tools	Mandatory Training	Task Force Established	Task Force Multiagency	Human Trafficking Coordinator
Alabama	No	No	No	N/A	No
Alaska	Yes - interception of private communication	No (funds to train state law enforcement)	No (Used to be)	N/A	No
Arizona	Yes - interception of wire, electronic or oral communications	No	No	N/A	No
Arkansas	No	Yes	Yes	Yes	No
California	No	No (voluntary)	No	N/A	No
Colorado	No	No	No (Used to be)	N/A	No
Connecticut	Yes- interception of any wire communication	No (request)	Yes	Yes	No
Delaware	No	No	No	N/A	No
Florida	Yes- interception of wire, oral, or electronic communications	Yes	No	N/A	No
Georgia	No	Yes	No (Used to be)	N/A	No
Hawaii	Yes - interception of wire, oral, or electronic communications (labor)	No	No	N/A	No
Idaho	No	No (appropriate to receive)	No	N/A	No
Illinois	Yes- interception of a private communication	No	No	N/A	No
Indiana	Yes - interception of telephonic or telegraphic communications	Yes	No	N/A	No
Iowa	No	Yes	No	N/A	No
Kansas	Yes - interception of a wire, oral or electronic communication	No (attorney general may train)	Yes	Yes	No
Kentucky	No	No	No	N/A	No

	Law Enforcement Tools 2				
	Investigative Tools	Mandatory Training	Task Force Established	Task Force Multiagency	Human Trafficking Coordinator
Louisiana	Yes - interception of wire or oral communications	No	No (Used to be)	N/A	No
Maine	No	No	No	N/A	No
Maryland	Yes - interception of wire, oral, or electronic communications	No	No	N/A	No
Massachusetts	No	No	Yes	Yes	No
Michigan	No	No	No	N/A	No
Minnesota	No	No (use data to implement)	No	N/A	No
Mississippi	No	No (funds to conduct training)	No	N/A	Yes
Missouri	No	No (may establish)	No	N/A	No
Montana	No	No	No	N/A	No
Nebraska	No	Yes	Yes	Yes	No (proposed)
Nevada	No	Yes	No	N/A	No
New Hampshire	No	No	No	N/A	No
New Jersey	No	Yes (coming up with courses)	Yes	Yes	No
New Mexico	No	No (task force develop and train)	Yes (expire 7/1/16)	Yes	No
New York	Yes - eavesdropping (labor)	No	Yes	Yes	No
North Carolina	No	No (up to task force)	Yes (expire 12/31/14)	Yes	No

Law Enforcement Tools 3					
	Investigative Tools	Mandatory Training	Task Force Established	Task Force Multiagency	Human Trafficking Coordinator
North Dakota	No	No	No	N/A	No
Ohio	No	Yes	No	N/A	No
Oklahoma	No	No	No	N/A	No
Oregon	Yes - interception of wire, electronic, or oral communications	No (leave up to Public Safety Standard & Training Board)	No	N/A	No
Pennsylvania	No	No	Yes	Yes	No
Rhode Island	No	No	Yes	Yes	No
South Carolina	No	Yes	Yes	Yes	No
South Dakota	No	No	No	N/A	No
Tennessee	No	No	Yes	Yes	No
Texas	Yes - interception of wire, oral, or electronic communications	No (task force develop and train)	Yes (expire 9/1/15)	Yes	No
Utah	Yes - interception of wire, electronic, or oral communications	No	Yes	Yes	No
Vermont	No	No	No (may convene)	N/A	No
Virginia	No	No	No	N/A	No
Washington	No	No	Yes (expire 6/30/15), sex	Yes	No
West Virginia	No	Yes	No	N/A	No
Wisconsin	No	No	No	N/A	No
Wyoming	No	Yes	No	N/A	No

	Juvenile Provisions 1			
	Definition	Safe Harbor	Aggravating Circumstance	No Requirement of Force, Fraud, or Coercion for Sex Trafficking
Alabama	under 18	No	No	Yes
Alaska	under 20	No	No	Yes
Arizona	under 18	No	Yes (under 15, sex)	Yes
Arkansas	under 18	Yes (under 18)	Yes	Yes
California	under 18	No* (2 counties: Los Angeles & Alameda)	Sort of (minor+force, sex)	Yes
Colorado	N/A	No	No	N/A
Connecticut	N/A	Yes (under 16, 16 and 17 presumption of coercion)	No	No
Delaware	under 18	No	Sort of (minor+force, sex)	Yes
Florida	under 18	Yes	Yes (under 15, sex)	Yes
Georgia	under 18	No	Yes	Yes
Hawaii	under 18	No	No	Yes
Idaho	under 18	No	No	Yes
Illinois	under 18	Yes	No	Yes
Indiana	under 18	No	No	Yes
Iowa	under 18	No	Yes	Yes
Kansas	under 18	Yes	Yes (under 14)	Yes
Kentucky	under 18	Yes	Yes	Yes

	Juvenile Provisions 2			
	Definition	Safe Harbor	Aggravating Circumstance	No Requirement of Force, Fraud, or Coercion for Sex Trafficking
Louisiana	under 18	Yes	Yes	Yes
Maine	under 18	No	Yes (under 8, labor)	Yes
Maryland	under 18	No	Yes (sex)	Yes
Massachusetts	under 18	Yes	Yes	Yes
Michigan	under 18	Yes (under 16)	Yes (sex)	Yes
Minnesota	under 18	Yes (under 16, 16 and 17 go through program)	Yes	Yes
Mississippi	under 18	No	Yes	Yes
Missouri	under 18	No	Yes (especially under 12)	Yes
Montana	under 18	No	Yes (sex)	Yes
Nebraska	under 18	Yes	Yes (under 15 & sex, +threat/force & sex)	Yes
Nevada	under 18	No	Yes (sex)	Yes
New Hampshire	under 18	No	Yes (sex)	No
New Jersey	under 18	Yes	No	Yes
New Mexico	under 18	No	Yes (under 16 & 13)	Yes
New York	under 18	Yes	No	No
North Carolina	under 18	Yes	Yes	Yes



	Juvenile Provisions 3			
	Definition	Safe Harbor	Aggravating Circumstance	No Requirement of Force, Fraud, or Coercion for Sex Trafficking
North Dakota	under 18	No	Yes	Yes
Ohio	under 18	Yes	No	No
Oklahoma	under 18	Yes (16 & 17 presumption of coercion)	Yes	Yes
Oregon	under 18	No	No	Yes
Pennsylvania	under 18	No	Yes	No
Rhode Island	under 18	No	Yes	Yes
South Carolina	under 18	No	Yes	Yes
South Dakota	under 16	No	Yes (under 16)	No
Tennessee	under 18	Yes	Yes (under 15, sex)	Yes
Texas	under 18	Yes	Yes	Yes
Utah	under 18	No	Yes	No
Vermont	under 18	Yes	Yes	Yes
Virginia	under 18	No	No	Yes
Washington	under 18	Yes	No	Yes
West Virginia	under 18	No	No	Yes
Wisconsin	under 18	No	Yes	Yes
Wyoming	under 18	No	No	Yes

	Victim Centered Provisions 1.1			
	Assistance	Restitution	Civil Action	Affirmative Defense
Alabama	No	Yes	Yes	No
Alaska	No	No	Yes	No
Arizona	No	No	No	No
Arkansas	Yes	No	Yes	No
California	Yes	No	Yes	No
Colorado	No	No	Yes (labor)	No
Connecticut	Yes	No	Yes	Yes (prostitution)
Delaware	No	No	No	No
Florida	Yes	No	Yes	No
Georgia	Yes	No	No	No
Hawaii	No	No	Yes (sex)	No
Idaho	No	Yes	No	No
Illinois	Yes	Yes	Yes (sex)	No
Indiana	Yes	No	Yes	No
Iowa	Yes	No	No	No
Kansas	Yes	No	No	No
Kentucky	Yes	No	Yes	No

	Victim Centered Provisions 1.2			
	Vacating Convictions	Police Required to Notify	Not Be Detained	Confidentiality
Alabama	No	No	No	No
Alaska	No	No	No	No
Arizona	No	No	No	No
Arkansas	No	No	No	No
California	No	Yes	No	No
Colorado	No	No	No	No
Connecticut	Yes (vacate and dismiss) prostitution	No	No	No
Delaware	No	No	No	No
Florida	Yes (expunge) anything other than violent crime	No	No	No
Georgia	No	Yes	No	No
Hawaii	Yes (vacate) prostitution	No	No	No
Idaho	No	No	No	No
Illinois	Yes (vacate and may take additional action if appropriate) prostitution	Yes	No	No
Indiana	No	Yes	Yes	No
Iowa	No	No	No	No
Kansas	No	No	No	No
Kentucky	No	No (notify social services)	Yes	Yes

	Victim Centered Provisions 2.1			
	Assitance	Restitution	Civil Action	Affirmative Defense
Louisiana	Yes	No	Yes	No
Maine	No	No	Yes	No
Maryland	No	No	No	No
Massachusetts	Yes	No	Yes	No
Michigan	No	Yes	No	No
Minnesota	Yes	No	Yes (labor)	No
Mississippi	Yes	No	Yes	No
Missouri	Yes	Yes	Yes	No
Montana	No	No	No	No
Nebraska	Yes (working on program)	No	No	No
Nevada	Yes (working on program)	Yes	Yes	No
New Hampshire	No	Yes	No	No
New Jersey	Yes	Yes	Yes	Yes (prostitution)
New Mexico	Yes	Yes	Yes	No
New York	Yes	No	No	No
North Carolina	Yes	Yes	No	No

	Victim Centered Provisions 2.2			
	Vacating Convictions	Police Required to Notify	Not Be Detained	Confidentiality
Louisiana	No	Yes	No	No
Maine	No	No	No	No
Maryland	Yes (vacate, modify sentence, or grant new trial) prostitution	No	No	No
Massachusetts	No	No	No	No
Michigan	No	No	No	No
Minnesota	No	No	No	No
Mississippi	Yes (vacate)	No	No	No
Missouri	No	No (notify social services)	No	No
Montana	Yes (vacate, records confidential) prostitution	No	No	No
Nebraska	No	No	No	No
Nevada	Yes (vacate and dismiss, may take any additional action if appropriate) prostitution	No	No	No
New Hampshire	No	No	No	No
New Jersey	Yes (vacate and expunge), prostitution	No	No	No
New Mexico	No	No	No	No
New York	Yes (vacate) prostitution	No (office of temporary and disability assistance notify)	No	No
North Carolina	Yes (vacate, may take additional action if appropriate) prostitution	Yes	No	No

	Victim Centered Provisions 3.1			
	Assitance	Restitution	Civil Action	Affirmative Defense
North Dakota	No	Yes	No	No
Ohio	Yes	No	Yes	No
Oklahoma	Yes	Yes	Yes	Yes
Oregon	Yes	No	No	No
Pennsylvania	Yes (working on program)	No	No	No
Rhode Island	No	No	No	No
South Carolina	Yes	No	Yes	No
South Dakota	No	No	No	No
Tennessee	Yes	Yes (labor)	Yes	No
Texas	Yes	No	Yes	No
Utah	No	No	No	No
Vermont	Yes	No	Yes	Yes
Virginia	Yes	No	No	No
Washington	Yes	Yes	Yes	No
West Virginia	No	No	Yes	No
Wisconsin	No	No	Yes	No
Wyoming	Yes	Yes	No	No

	Victim Centered Provisions 3.2			
	Vacating Convictions	Police Required to Notify	Not Be Detained	Confidentiality
North Dakota	No	No	No	No
Ohio	No	No	No	No
Oklahoma	No	Yes	Yes	No
Oregon	No	No	No	No
Pennsylvania	No	No	No	No
Rhode Island	No	No	No	No
South Carolina	No	No	No	No
South Dakota	No	No	No	No
Tennessee	No	No	No	No
Texas	No	No	No	No
Utah	No	No	No	No
Vermont	Yes (vacate, strike adjudication of guilt, expunge records), prostitution	Yes	No	No
Virginia	No	No	No	No
Washington	Yes (vacate) prostitution	No	No	No
West Virginia	No	No	No	No
Wisconsin	No	No	No	No
Wyoming	Yes (vacate)	Yes	No	No