

NO SUCH THING AS A CHILD PROSTITUTE STATE LAWMAKERS NEED TO ENACT SAFE HARBOR LAWS TO PROTECT VICTIMS OF CHILD SEX TRAFFICKING

*Blair Johnson Stevens*¹

ABSTRACT

The fastest-growing and second-largest criminal enterprise in the world is the buying and selling of people — especially children.² Child sex trafficking has been reported in every state in America.³ The average age of entry into the sex trade is 12–14 years old for females, and it is believed to be even younger for boys and transgender children.⁴ Although it is not allowed, in any state, for a child under the age of consent to consent to any type of sexual activity, the majority of states still criminalize sex-trafficked children as prostitutes.⁵ Some states have developed Safe Harbor Laws to address the inconsistencies with how children who are exploited for commercial sex are treated in the United States.⁶ “A complete Safe Harbor Law (1) prevents minors...from being prosecuted for prostitution and (2) directs juvenile sex trafficking victims to non-punitive specialized services.”⁷ These services can range from providing food and shelter to offering mental health counseling, substance abuse treatment, and assistance with educational opportunities and finding employment.⁸

States’ child sex trafficking statutes should aim to treat trafficked youth as survivors of trauma rather than perpetrators of the crimes they were made to commit. State lawmakers need to enact Safe Harbor Laws that provide minors with criminal protection from being prosecuted for prostitution, prostitution-related offenses, and status offenses committed as a result of being trafficked. In addition, state lawmakers must address the rate at which minority children are trafficked and arrested. Due to disparate economic situations coupled with the rate at which minority children are disproportionately arrested, Black and Latino children are far more likely to fall victim to being trafficked for commercial sex and subsequently arrested for child prostitution than white children.⁹ In short, attitudes and stereotypes about minority children make it so that they are more vulnerable to sex trafficking but less likely to be identified or seen as victims.

INTRODUCTION: WHAT ARE SAFE HARBOR LAWS?

A Safe Harbor Law is a condition of a statute or regulation that indicates that a specific circumstance of behavior will be deemed not to violate a given rule.¹⁰ In other words, a Safe Harbor Law is a provision that grants “protection from liability or penalty if certain conditions are met” and may be included in legislation to “give peace of mind to good-faith actors who might otherwise violate the law on

technicalities beyond their reasonable control.”¹¹ This note will focus specifically on Safe Harbor Laws as they apply to victims of child sex trafficking.

Every day in the United States, minor children (any child under the age of eighteen) are forced, induced, or coerced into providing commercial sex.¹² “Human trafficking has surpassed the illegal sale of firearms,” and it is expected to surpass the illegal sale of drugs in the coming years.¹³ Nevertheless, a staggering amount of child sex trafficking, and human trafficking in general, goes undetected due to the fact that tracing this illegal practice is very challenging.¹⁴ It is estimated that less than half of a percent of cases of human trafficking get identified or reported.¹⁵ In 2018, over half of the active sex trafficking cases in the United States involved only children.¹⁶ In fact, children are four times more likely to be trafficked for sex than adults.¹⁷

A trafficked child may be compelled to engage in prostitution and often many other illegal activities.¹⁸ In most states, instead of being treated as a victim, this child is treated as a criminal and faces prosecution.¹⁹ Being arrested and prosecuted undoubtedly further traumatizes child sex trafficking victims. This type of treatment may also cause them to form a deep distrust of law enforcement and the justice system. Additionally, the criminal record that a child victim of sex trafficking incurs serves as a barrier to future educational opportunities, employment, and other prospects. Thus, due to the prevalence of child sex trafficking in the United States, coupled with the harsh punishments minor victims currently face, it is necessary for all states to enact Safe Harbor Laws that protect and assist children who have been exploited for sex. It is also extremely necessary to take into consideration the disproportionate amount of minority children and groups who are trafficked and subsequently prosecuted.

THE FEDERAL LAW

Over the past few decades, the United States has nationally recognized and addressed the need for protecting victims of sex trafficking. The Trafficking Victims Protection Act (TVPA), first enacted in 2000, is the national framework for the federal response to human trafficking, and the law has been reauthorized and updated five times — most recently in January 2019 with bipartisan support.²⁰ It is now referred to as the Trafficking Victims Protection Reauthorization Act (TVPRA).²¹ In the 2019 fiscal year, Congress purportedly appropriated \$250 million toward these efforts.²² The TVPRA is based on a three-pronged approach to fighting trafficking— prevention, prosecution, protection.²³ In addition to the Trafficking Victims Protection Reauthorization Act, there is the Justice for Victims of Trafficking Act of 2015.²⁴ This bill increases compensation and restitution under the federal criminal code for victims of human trafficking and classifies producers of child pornography as engaged in illicit sexual conduct involving human trafficking.²⁵ Most importantly, for the purposes of this analysis, the bill awards funding to states that combat trafficking and provides protection and assistance for victims of trafficking.²⁶ Yet, the bill does not offer any sort of general framework or guideline for how this initiative is supposed to be carried out by the states.

According to the United States Code, when a minor is involved in sex trafficking, Section 1591 of Title 18 does not require proof that the defendant used force, threats of force, fraud, coercion, or any combination of those means, to cause the minor to engage in a commercial sex act.²⁷ This means that as long as the trafficker is an adult and the victim being trafficked is under the age of eighteen, the intent or ‘willingness’ of the minor does not matter. Thus, according to federal law, minor victims who are involved in sex trafficking cannot be held responsible for their so-called actions, nor should they be prosecuted as criminals. Unfortunately, this does not mean that minor victims cannot be arrested and prosecuted for prostitution at the state level.²⁸ For example, in 2019, Texas Governor Greg Abbott vetoed a bill “prohibiting minors from being arrested or going to jail for prostitution.”²⁹ In 2019, the state with the most minors arrested for prostitution-related offenses was Nevada with approximately 110 minors arrested.³⁰

THE MOST COMMON JUDICIAL PROTECTIONS APPLIED TO MINOR VICTIMS

Some state lawmakers “have legislated several criminal protections and civil remedies” in the judicial system for victims of child sex trafficking.³¹ “Measures have provided immunity to, diversion from, and affirmative defenses against, criminal prosecution for actions victims were forced to commit by their traffickers.”³² Some lawmakers have also created mechanisms to vacate or expunge “previous criminal convictions and provide for civil standing and restitution procedures that enable survivors to recover financially from their traffickers.”³³ While civil relief should be granted to survivors, this analysis is a review of the criminal protections granted to minors.

A. Vacation & Expungement

Offering the least amount of protection, some states offer child victims of sex trafficking the opportunity to vacate or expunge their criminal record as it relates to them being trafficked. Many trafficked survivors have criminal records as a result of the actions they were forced to commit by their traffickers. At least twenty-nine states have created procedures for trafficking survivors to vacate or expunge criminal records, however, many of these state laws have strict provisions and processes and are limited to specific crimes.³⁴ Still, some states have less harsh stipulations. For example, the Florida law governing expungements applies to all arrests, charges, and convictions if they occurred when a minor was a victim of trafficking.³⁵ The Florida law “does not limit the number of arrests or convictions.”³⁶ Another state, New Mexico, “enables a trafficked survivors’ record to be sealed for non-homicide crimes if their involvement was due to duress, coercion, use of force or fraud.”³⁷ As mentioned previously, clearing a survivor’s criminal record removes significant barriers to obtaining housing, gaining employment, pursuing education, and restoring certain civic rights.

B. Affirmative Defense

Next, there are affirmative defenses. Most states enable child victims of sex trafficking “to assert an affirmative defense to criminal charges they face as a result of actions they were forced to commit by their traffickers.”³⁸ An affirmative defense is evidence that, if found credible, negates criminal liability even if it is proved the defendant (more correctly in the cases at hand, the minor victim) committed the acts at issue.³⁹ Statutes differ in the crimes for which an affirmative defense can be raised, but many only cover prostitution, loitering, and solicitation. Wisconsin allows a victim of sex trafficking to assert an affirmative defense for “any crime he or she committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted for trafficking.”⁴⁰

C. Diversion

Diversion is a form of pretrial sentencing in which a criminal offender joins a rehabilitation program to help remedy the behavior leading to the arrest, allow the offender to avoid conviction and, in some jurisdictions, avoid a criminal record.⁴¹ Diversion programs often frame these requirements as an alternative to further prosecution.⁴² Successful completion of the requirements laid out by the diversion program may result in a dismissal or reduction of charges. Unsuccessful completion of the program may bring back the charges or heighten the penalties involved. Diversion programs have specifically played a key role in rehabilitating youthful offenders.⁴³ “The concept of [juvenile] diversion is based on the theory that processing certain youth through the juvenile justice system may do more harm than good.”⁴⁴ Nevertheless, for child victims of sex trafficking diversion can sometimes mean re-traumatization and further suffering as will be discussed below. As of today, twenty-five states offer some form of a diversion program to child sex trafficking victims.⁴⁵

D. Immunity

“Immunity from prosecution,” or full legal immunity, is a status in which an individual cannot be held liable for violating legal obligations of the law.⁴⁶ Full immunity from prosecution is not common, and its main purpose is to facilitate societal aims that outweigh the value of imposing liability. Only three states in the country — Montana, New Hampshire, and South Carolina — grant full immunity to child victims of sex trafficking.⁴⁷

THE DIVERSION DEBATE & HUMAN TRAFFICKING COURT

As public awareness of human trafficking has increased over the past few decades, human trafficking diversion courts have emerged in the United States.⁴⁸ While the title, “human trafficking court”, may sound like a court that’s purpose is to prosecute traffickers, the defendants in these particular courts are not child sex traffickers.⁴⁹ The defendants in these courts are the minor victims of trafficking and sexual exploitation whom the government has charged with prostitution and other offenses related to their exploitation.⁵⁰ While human trafficking diversion courts may help some survivors heal, other survivors are re-traumatized as a result of the requirement of participation.⁵¹

On one hand, there are some glaringly obvious benefits to youth diversion programs. Sex traffickers often target runaway and homeless youth, as well as children who have been abused or neglected. When minors are forced to engage in commercial sex, it places them at risk for prosecution under prostitution laws. By enrolling in a diversion program, children have the opportunity to be provided with their basic needs like food and shelter, and some diversion programs offer mental health counseling, substance abuse treatment, and assistance with educational opportunities and finding employment.⁵²

On the other hand, there are some pretty harmful consequences of requiring a survivor to enroll in a diversion program. Some programs seem to criminalize the wrong actor, the victim, rather than the trafficker, possibly by requiring an admission of guilt or the entering of a conditional plea.⁵³ This criminalizes the wrong actor, the survivor, rather than the trafficker. Diversion programs also require the victim to continuously show up in court and appear in front of a judge.⁵⁴ Courtrooms can be frightening to some people, especially children.⁵⁵ Almost all diversion programs employ rehabilitation courses that the minor victim must complete in order to have their charges removed or reduced. These courses are designed to teach the victim how to change their behavior so that they are not brought into the justice system again. Once again, this philosophy is criminalizing the wrong actor and could easily be equated to victim blaming. Although the recidivism rate for women with prostitution-related offenses nationwide is eighty percent, survivors often do not need to be re-educated in order to leave the sex trade.⁵⁶ In reality, most survivors report needing a stable environment, housing, and steady employment.⁵⁷

In addition, most diversion programs require survivors to participate in random drug screening.⁵⁸ While survivors’ issues with substance abuse should definitely be assessed and treated, it is very harmful to require that survivors automatically be drug-free or that they pass random drug screenings to remain enrolled in their respective programs. The reality is that for numerous victims of child sex trafficking, addiction to illegal substances or alcohol was their trafficker’s main source of control over them.⁵⁹ In many states’ diversion programs, child victims of sex trafficking are expected to successfully complete the program.⁶⁰ If a

child victim of sex trafficking does not successfully complete their court-mandated program, possibly due to a failed drug test, they can be removed from the diversion program and prosecuted for their alleged crimes.⁶¹

OPPOSITION TO SAFE HARBOR LAWS

It is no surprise that society stigmatizes child victims of sex trafficking. Members of society do not always see or consider all of the trauma, hardship, and abuse child victims have endured. Consider the following instance showcasing how a minor girl was treated by law enforcement:

A 13-year-old runaway was gang raped by 10 men for several hours in a Texas apartment last year. When she was rescued, authorities took her to a hospital where she was given a rape kit, which was used along with her account to quickly find two of her assailants, who were charged with felony sexual assault of a child.⁶²

Andrea Powell continues:

Now consider the story of another 13-year-old girl, who was sold by a pimp to dozens of men throughout Washington, D.C. She experienced the same pain, fear, trauma, and abuse as the first child. But when an undercover officer, posing as a John, encountered her in a hotel room, she was arrested for prostitution and sent to juvenile jail. The men who bought her (or, more correctly, raped her) walked away free.⁶³

Our society labeling one of these girls as a criminal and the other a victim is shameful. No 13-year-old child should face prosecution for prostitution. Ultimately, both children in the above examples were sent to treatment centers.⁶⁴ In contrast, though, the second child “had the added trauma of going through the penal system and carrying an arrest record.”⁶⁵ Andrea Powell explained:

This difference is based in a deeply rooted misunderstanding that the second girl made “a choice” because she was paid. Since she has a pimp, she is no longer considered a victim of statutory rape and sexual abuse. This misguided notion leads police to arrest more than 1,000 victimized children a year for prostitution – a crime they aren’t even capable of committing.⁶⁶

In 2021, the University of Kentucky conducted a study about the state’s current Safe Harbor Laws which revealed that while Kentucky’s Safe Harbor Laws have helped decriminalize sex-trafficked youth in the state, there is still a lack of training and resources for child welfare personnel and judges who work with these youth.⁶⁷ The child welfare personnel noted in their interviews that all victims received services including “mental health and trauma counseling, medical evaluations, anti-trafficking victim services, residential placement, placement with alternative caregivers, drug treatment, language services, legal services, and basic needs.”⁶⁸ In addition, “40 of the 55 juvenile and family judges from the state replied that they observed “positive changes in practices consistent with the intent of the

laws, including: decriminalization of youth; increased penalties for traffickers and buyers; ... increased collaboration between service providers; increased training of judges and court personnel; and improved processes for screening and identifying youth victims.”⁶⁹

Unfortunately, not all responses were in support of Kentucky’s Safe Harbor laws. The findings showed that “[m]ore male judges agreed with statements that criminalized minors involved in commercial sex while more female judges agreed with less punitive interventions for these minors and harsher penalties for buyers and traffickers.”⁷⁰ Opposition to Safe Harbor Laws is a prevalent issue among numerous states across America.⁷¹ Not only are child victims of sex trafficking faced with a special type of vulnerability when it comes to being trafficked, but they are also viewed as criminals by the system that is supposed to be in place to help them seek justice. The opposition, subliminally identified in the University of Kentucky study’s findings, is often rooted in racist, sexist, and classist ideologies which will be further examined below.

RACE, CLASS, GENDER, AND SEXUAL ORIENTATION

When it comes to the demographics of a child who is sex trafficked, those living in poverty are far more likely to succumb to this fate as they may not have any economic option aside from their trafficking situation, or they may be psychologically vulnerable to false promises which could lure them into trafficking.⁷² These instances become even greater when it comes to those children who are African American and Latino.

While the data from child sex trafficking is not exceptionally definitive, we still know it is a prevalent issue affecting American children. We also know it is very prevalent among minority children. For example, “we know that in Louisiana, Black girls account for nearly 49 percent of child sex trafficking victims, though Black girls comprise approximately 19 percent of Louisiana’s youth population ...”⁷³ Similarly, in King County, Washington, “84 percent of child sex trafficking victims are Black while Black children and adults together only comprise 7% of the general population”.⁷⁴

Likewise, there is strong evidence from the United States National Human Trafficking Hotline that Latinos are disproportionately represented among child sex trafficking victims, and survivors, in general.⁷⁵ The most likely explanation is a broken immigration system that makes immigrants vulnerable to trafficking, whether it be due to their status as undocumented or the feeling that they are indebted to their trafficker if they are here on a temporary work visa, and the reality is that today more than ever before, immigrants that come to the United States are likely to come from Latin America.⁷⁶

The underlying scheme in both of these situations is racism and power. These factors manifest as discrimination, particularly, but not solely, economic discrimination. Racism has historically and presently fueled policies that stunt the economic opportunity and upward mobility of minority people in the United States for generations.⁷⁷ This coupled with the fact that there have always been children

who are, for a variety of disturbing reasons, far more likely to be targeted by trafficking operations than others, make minority children an easy target for commercial sex trafficking. For example, homeownership is a primary driver of family wealth in the United States.⁷⁸ Racist “redlining” has “kept minority families out of majority-white neighborhoods that might have grown in value by keeping them from getting mortgages.”⁷⁹ The resulting poverty and the general unequal protection of minorities under the law have been key risk factors in determining what demographic of children in America are most trafficked.

Child sex traffickers take full advantage of economic disparity and minority discrimination to entice and bait children into trafficking rings and, ultimately, trap them there, often promising glamorous, or even just comfortable, lives.⁸⁰ They will convince children whose families have been cut off from economic opportunity that commercially selling sex is the way to a better future for themselves; traffickers are able to manipulate children into thinking commercially selling sex is the only way to a better future.⁸¹

While the economic consequence of racism is the most explicit link between why children of color and minority children are more likely to be trafficked and arrested for prostitution than their white counterparts, it is definitely not the sole reason. The way minorities are treated by American law enforcement also needs to be taken into consideration. In 2018, an examination of arrest data reported to the Federal Bureau of Investigation by thousands of police departments revealed that “in 800 jurisdictions, black people were arrested at a rate five times higher than white people...”⁸² “In 250 jurisdictions, black people were 10 times more likely to be arrested than their white counterparts.”⁸³ The examination, conducted by ABC News in collaboration with other ABC-owned stations, covered a three-year period that ended in 2018.⁸⁴

Thus, due to their disparate economic situations coupled with the rate at which they are disproportionately arrested, Black and Latino children are far more likely to fall victim to being trafficked for commercial sex and subsequently arrested for child prostitution than white children. In short, attitudes and stereotypes about minority children make it so that they are more vulnerable to sex trafficking but less likely to be identified or seen as victims.⁸⁵

This experience of being less likely to be seen as a victim also exists among young boys who are victims of child sex trafficking. In Massachusetts, there is one program that focuses solely on helping male youth and trans females who are sexually exploited.⁸⁶ The program’s revenue last year was less than half of the revenue of its sister program for female youth.⁸⁷ Both programs were run by the same nonprofit, Roxbury Youthworks, Inc.⁸⁸ Prosecuting those who exploit and traffic boys presents another, more difficult challenge. The Office of the Massachusetts Attorney General has only had one case that includes a male victim out of the 62 sex trafficking cases that have been filed since 2012.⁸⁹

While we know that trafficking affects all demographics, we also know that traffickers frequently target specific individuals. This includes those lacking support from their community, those experiencing financial hardships, those who have experienced violence, and those marginalized by society. “Without adequate community support, youth who identify as lesbian, gay, bisexual, transgender, queer,

or questioning (LGBTQ) may be at particular risk for sex trafficking.”⁹⁰ Individuals who have been trafficked often find it hard to reach out for assistance, especially individuals who fear that “they will be mistreated or not believed because of their gender identity or sexual orientation.”⁹¹ Additionally, “[s]tudies have found that LGBTQ youth are overrepresented in detention for prostitution-related offenses and report higher levels of police misconduct than their straight peers.”⁹² In Massachusetts alone, since 2018, more than 411 boys, who were concerned to have been victims of commercial sexual exploitation, have been referred to the Department of Children and Families of Massachusetts — this accounts for about 15 percent of the total number of referrals the Department has received.⁹³ In addition to the 411 boys identified, 109 more youth were identified as trans or non-binary.⁹⁴ Jennifer McKim and Phillip Martin indicate that “The state just started collecting this data in 2016, and it is widely considered to be an undercount.”⁹⁵ While definitive data is lacking, recent studies show boys are being exploited at much higher rates than what was originally understood.⁹⁶

ARGUMENT FOR FULL LEGAL IMMUNITY FROM PROSTITUTION, PROSTITUTION-RELATED OFFENSES, AND STATUS OFFENSES

One of the key considerations that states assess when it comes to legislating Safe Harbor Laws is whether that state will create full legal immunity from prosecution or create a diversion program. While there is disagreement among experts and variation in the studies reported, Polaris believes that the combination of legal immunity and unrestricted services provides the most legal protection and goes the furthest to ensure that a victim of child sex trafficking receives the benefits and care they require.⁹⁷

In 2011, the Uniform Law Commission and the American Bar Association urged the American Bar Association delegates to draft a resolution advising states not to charge child sex trafficking victims with prostitution or prostitution-related offenses, and to instead provide them with rehabilitative services.⁹⁸ This means unrestrictive services — not those acquired only through successful completion of a diversion program. The preference for the immunity model for child victims of sex trafficking is clearly and unequivocally reflected. Language from the Uniform Act on Prevention of and Remedies for Human Trafficking Act is as follows:

Section 15. Immunity of a Minor

(a) An individual who was a minor at the time of the offense is not criminally liable or subject to [juvenile delinquency proceeding] for [prostitution] and [insert other non-violent offenses] committed as a direct result of being a victim of human trafficking.⁹⁹

Based on the examination of the evidence gathered, and the discernment of how re-traumatization due to diversion proceedings and requirements can affect a child victim of sex trafficking, state lawmakers should enact Safe Harbor Laws that will provide minors with full legal immunity from being prosecuted for prostitution;

prostitution-related offenses such as loitering and solicitation; and status offenses related to conduct arising from being trafficked. In juvenile cases, a "status offense" involves conduct that would not be a crime if it were committed by an adult.¹⁰⁰ Some examples include truancy, violating a city or county curfew, underage possession or consumption of alcohol, and running away or being beyond the control of parents or guardians.¹⁰¹ These types of offenses are far less likely to present a danger to society than ordinary public offenses.¹⁰² Therefore, child victims of sex trafficking should not be penalized for status offenses committed while under the undue influence and control of their trafficker.

When child trafficking victims are convicted of prostitution, they are often transferred from the control of a trafficker to the control of the criminal justice system. The right Safe Harbor Laws protect child victims of sex trafficking from unjust criminalization.

PROTECTION FROM OTHER CRIMES

Another position some advocates push for is protecting child sex trafficking victims from other types of prosecution for the crimes they commit while under the control of their trafficker. These crimes could range from petty theft, robbery, and grand theft auto — all the way up to crimes such as serious physical assault and homicide. A recent case in which a child victim of sex trafficking was ultimately granted protection from being further punished for the crimes she committed while being trafficked is the case of Cyntoia Brown.¹⁰³ Cyntoia Brown, who was a young girl at the time of the alleged murder, spent roughly 15 years in prison for killing and robbing a man in what most have determined to be self-defense.¹⁰⁴ In 2019, she was finally granted clemency by Tennessee Governor Bill Haslam.¹⁰⁵ This was an unusual occurrence in America as black Americans are nearly four times less likely than white criminals to be granted a pardon — even when the type of crime and the severity of the sentence are taken into account.¹⁰⁶ Protection from other crimes has not been heavily researched or reviewed. Further, protection from crimes outside of prostitution-related offenses and status offenses, especially violent crimes, is considered by some to be extreme or dangerous. Still, minor victims of sex trafficking should never be punished for acting in self-defense.

CONCLUSION

While some state lawmakers have successfully passed legislation that serves to provide child sex trafficking victims with judicial protections from prosecution for prostitution and various other related offenses, there is still a long way to go. As noted, only some states in America currently grant full legal immunity to child victims of sex trafficking from prosecution for prostitution.¹⁰⁷ There should be no such thing as a child prostitute in America. State lawmakers must enact Safe Harbor Laws that provide child victims of sex trafficking not only with protections from prosecution but also unrestricted services that serve to assist them in rising out

of the circumstances that made them susceptible to being sex trafficked in the first place. The providing of these services should not be made contingent upon successful participation in a diversionary program. Rather, rehabilitative services should be offered freely and non-contingently to all sexually exploited youth who wish to receive them. These services should range from providing food and shelter to offering mental health counseling, substance abuse treatment, and assistance with educational opportunities and finding employment. It is also extremely necessary for state lawmakers to take into consideration the disproportionate amount of minority children and groups who are trafficked and subsequently prosecuted. Ultimately, the combination of legal immunity and unrestricted victim services provides the most legal protection and goes the furthest to ensure that a victim of child sex trafficking receives the benefits and care they require. When child sex trafficking victims are convicted of prostitution, they are often transferred from the control of a trafficker to the control of the criminal justice system. The right Safe Harbor Laws protect child victims of sex trafficking from unjust criminalization.

¹ J.D., University of Kentucky J. David Rosenberg College of Law, Class of 2023

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³ *Sex Trafficking Statistics*, GUARDIAN GRP., <https://guardiangroup.org/sex-trafficking-statistics/> (last visited Dec. 6, 2021) [<https://perma.cc/D4RY-F98H>].

⁴ Heather J. Clawson et al., *Human Trafficking Into and Within the United States: A Review of the Literature* 1, 8–9, U.S. DEP'T. OF HEALTH AND HUM. SERVS. (Aug. 29, 2009), https://aspe.hhs.gov/sites/default/files/migrated_legacy_files/43241/index.pdf [<https://perma.cc/J5YF-XCP8>].

⁵ See *Safe Harbor: Does Your State Arrest Minors for Prostitution?*, HUM. TRAFFICKING SEARCH (Oct. 18, 2018), <https://humantraffickingsearch.org/safe-harbor-does-your-state-arrest-minors-for-prostitution/> [<https://perma.cc/R3FJ-EZ6F>].

⁶ See *Human Trafficking State Laws*, NAT'L CONF. OF ST. LEGISLATURES, <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx> (last updated Aug. 12, 2020) [<https://perma.cc/7HZZ-GEFK>].

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⁸ See *Continuum of Services for Pre-arrest Diversion Programs*, CMTY. CATALYST, <https://www.communitycatalyst.org/resources/publications/document/Continuum-of-Services-FINAL-2.pdf> (last visited Dec. 5, 2021) [<https://perma.cc/8VGP-M3RK>].

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- ¹² See *Child Trafficking Statistics*, CHILD LIBERATION FOUND., <https://liberatechildren.org/child-trafficking-statistics> (last visited Dec. 2, 2021) [<https://perma.cc/9VVX-AB4P>].
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- ¹⁴ See Priscilla Alvarez, *When Sex Trafficking Goes Unnoticed in America*, THE ATLANTIC (Feb. 23, 2016), <https://www.theatlantic.com/politics/archive/2016/02/how-sex-trafficking-goes-unnoticed-in-america/470166/> [<https://perma.cc/6JY4-HN87>].
- ¹⁵ *Child Trafficking Statistics*, *supra* note 12.
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ See *Human Trafficking of Children in the United States-A Fact Sheet for Schools*, OFF. OF ELEMENTARY & SECONDARY EDUC., <https://oese.ed.gov/human-trafficking-of-children-in-the-united-states-a-fact-sheet-for-schools/> (last visited Mar. 12, 2022) [<https://perma.cc/FG5V-CPSH>].
- ¹⁹ See *Human Trafficking State Laws*, *supra* note 6.
- ²⁰ Kristen Wells, *The 2019 Trafficking Victims Protection Reauthorization Act: A Topical Summary and Analysis of Four Bills*, POLARIS (2019), <https://polarisproject.org/wp-content/uploads/2020/01/Polaris-TVPRA-2019-Analysis.pdf> [<https://perma.cc/LYC5-MHR7>].
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- ²² See *id.*
- ²³ See *id.*
- ²⁴ Justice for Victims of Trafficking Act of 2015, H.R. Res, 181, 114th Cong. (2015) (enacted).
- ²⁵ *Id.*
- ²⁶ *Id.*
- ²⁷ See Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C § 1591 (2020).
- ²⁸ See Chelsea Parsons et al., *3 Key Challenges in Combating the Sex Trafficking of Minors in the United States*, CTR. FOR AM. PROGRESS (Apr. 8, 2014), <https://www.americanprogress.org/article/3-key-challenges-in-combating-the-sex-trafficking-of-minors-in-the-united-states/> [<https://perma.cc/CFD4-L3PU>].
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