



Human Trafficking Prosecution - Stakeholder Perceptions of Why Feds Rule.

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Introduction

Growing concerns related to human trafficking and Palermo Protocol instigated the U.S. government to pass the “Trafficking Victim Protection Act (TVPA)” in 2000. The act follows a three-pronged approach; Protect victims, Prevent trafficking, and Prosecute traffickers, to help create frameworks for the federal and state legislation. Even though the TVPA was enacted two decades ago, prosecutors are still struggling to prosecute human trafficking cases and get adequate justice and restitution for victims. These issues vary between state and federal cases. There are limited studies that focus on human trafficking prosecution on a state level and the few that do focus largely on the ambiguity and challenges of developing state level anti-human trafficking laws (Farrell et al.,2016). This exploratory study examines the challenges and limitations associated with such state and federal human trafficking prosecutions.

Research questions:

- **How do prosecutors experience the prosecutions of perpetrators in human trafficking cases?**
- **What are some of the challenges prosecutors experience when prosecuting perpetrators of human trafficking?**
- **What changes do prosecutors believe could help in the just prosecution of perpetrators of human trafficking?**

Materials and Methods

Constructivist grounded theory approach (Glaser & Strauss, 1967; Charmaz, 2014).

Snowball sample

A total of 30 semi-structured interviews with state and federal prosecutors, law enforcement officials, and victim service advocates

Inductive logic; attribute coding; in-vivo coding; line-by-line coding process coding

Sample questions

1. What are your thoughts on HT in the U.S.?
2. What are some of the challenges you face when prosecuting traffickers?
3. What are your thoughts on the federal legislation TVPA?
4. Do you think state level statutes against HT are not as effective as the federal ones? And why?
5. What is needed to make a better federal legislation?

Initial findings

- ❖ **Exaggeration of sex trafficking leading to lack of criminal prosecution in labor trafficking cases**
” Labor trafficking is ” almost never prosecuted...about 97% of all federal prosecution are for sex and a tiny percentage for labor”.
- ❖ **Lack of understanding at the legal and law enforcement front on state level.**
“At the state level things have gone off the rails in many states and in some states garden variety sex work meaning voluntary sex work involving adults can be defined as trafficking, which is insane”.
- ❖ **Laws (especially state laws) against human trafficking sets up victims to be prosecuted.**
“There is an inordinate amount of prosecution of victims and frankly even at the federal level with the prosecution of victims as bottom girls.”
- ❖ **Lack of ground-level resources for law enforcement, victim advocates, and prosecutors**
“We don't have enough victim service organizations that are funded or robust enough, don't have enough safe houses and beds for them if they're (victims) identified.”
- ❖ **Problems with identifying the crime**
”It says domestic violence battery, but I know that the fight that she got into was with her pimp,

and that her customer beating her up and she fought back, and he called the police on her or I knows why she picked up those prostitution charges”

“They are not spotting that issue, and they are not doing what they can to support that person coming forward as a victim and getting assistance.”

Policy Implications

- Need for prosecutor and defense attorney training in the identification of human trafficking victims
- Need for a victim-centered approach in the charging and prosecution of human trafficking cases"
- Resources needed for training, safehouses and other victim services
- Need to revise laws for human trafficking prosecutions, and strengthen restitution collection

References

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Acknowledgements

To Dr. Kevin Barnes-Ceeney and Prof. Timothy Palmbach for providing mentorship and their constant support for this study.