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Perceptions of Barriers in Prosecuting Human Trafficking Cases

Jennifer Nelms

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BARRIERS IN HUMAN TRAFFICKING CASES

Perceptions of Barriers in Prosecuting Human Trafficking Cases

by
Jennifer Nelms

An Applied Dissertation Submitted to the
Abraham S. Fischler College of Education
and School of Criminal Justice in Partial
Fulfillment of the Requirements for the
Degree of Doctor of Philosophy

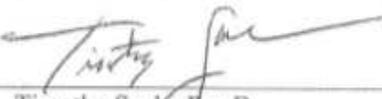
Nova Southeastern University
2020

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Abstract

Barriers in Human Trafficking Cases. Jennifer Nelms, 2020: Dissertation, Nova Southeastern University, Abraham S. Fischler College of Education, School of Criminal Justice. Descriptors: Human trafficking, victims, prosecution, barriers, human traffickers, domestic violence, training, education

Human trafficking is a world-wide problem with many barriers. Human trafficking cases are criminal but are also a violation of human rights. Human trafficking victims are lured from their homes based on the allusion from the trafficker of a better life. The victims are then beaten, forces to use drugs, and essentially broken. Once the victim is broken they are forced to perform sexual acts. Due to the initial promises and threats the victims endure, they also suffered from fear of trusting others especially law enforcement as well as other psychological issues similar to that of a domestic violence victim. These emotional, physical, and psychological issues the victims face are key factors in the struggle's prosecution faces when prosecuting human trafficking cases. This study will explore the perceptions of the prosecutors on the barriers they face when prosecuting human trafficking cases. The goal of this research is to identity the specific themed barriers in human trafficking cases through the perceptions of the individuals from the Attorney General's office of Georgia. Specifically, the research will examine all the barriers the Attorney General's office faces regarding the arrest, conviction, prosecution and sentencing of human trafficking cases. This study identified four themes to help the processing of human trafficking cases overall.

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Chapter 1: Introduction

Background

Slavery is an issue of the past, or so we thought, now we are facing an issue of modern-day slavery known as human trafficking. While human trafficking is now getting a lot of media attention this has been an issue for many years known as the “white enslavement” (Bonilla and Hyunjung, 2019). The “white enslavement” was identified as the white women being smuggled across borders for commercial sexual exploitation (Bonilla and Hyunjung, 2019). During this time the United States Congress passed the White Slave Traffic Act in 1910, this act addressed the morality and purity of white women by prohibiting white women from crossing state lines for immoral purposes (Bonilla and Hyunjung, 2019). However, over the years people began to recognize the issue was growing and did not only apply to white women. This recognition occurred around 1921 where they got rid of “white slave trade” and realized the trade was of all genders and races except adult men (Bonilla and Hyunjung, 2019).

As the issue of human trafficking continued people began to notice even more individuals of all genders were being exploited. In 2000 the International Convention for the Suppression of the Traffic Person and Exploitation of the Prostitution of Others reviewed the issue again and put into place no restrictions on race, gender, or age into the law against human trafficking (Bonilla and Hyunjung, 2019). The Victims of Trafficking and Violence Protection Act (TVPA) was also passed in 2000, which was the cornerstone of federal legislation in regards to human trafficking (Bonilla and Hyunjung, 2019). In addition to the TVPA there is the Mann Act that also aligns with the TVPA. The TVPA and Mann Act used in the cases described above to sentence the defendants both carry harsh punishments. TVPA as discussed previously is specifically for victims under the age of fourteen or using force, fraud, or coercion and there is a minimum

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sentence of fifteen years and up to life in prison (Crocker, 2017). According to Crocker, (2017) however, if a defendant is found guilty of trafficking a minor between fourteen and eighteen without force, fraud, or coercion then the defendant will face a mandatory sentence of ten years without parole to life in prison. Whereas when using the Mann Act if the defendant is convicted of persuading, inducing, enticing, coercing, or transporting a minor to engage in prostitution or other criminal sexual activity the sentencing is a mandatory ten years (Crocker, 2017). However, if the victim is an adult rather than a child the defendant would be convicted of transporting an adult for prostitution rather than human trafficking and this type of charge carries a sentence of up to twenty years (Crocker, 2017).

The TVPA is not the only legislation that has been passed in regards to human trafficking in recent years. In addition, federal law makers have put into place the Trafficking Victim Protection Reauthorization Act of 2003, 2005, 2008, and 2013 all of which address combating human trafficking domestically and globally (Bonilla and Hyunjung, 2019). There have also been laws put into place to protect the victims such as the Preventing Sex Trafficking and Strengthening Families Act of 2014 and the Justice for Victims of Trafficking Act (JVTA) of 2015. The Preventing Sex Trafficking and Strengthening Families Act of 2014 helps to protect children in foster care from becoming a victim of human trafficking with specific screen processes in place (Polaris Project, 2018). The Justice for Victims of Trafficking Act (JVTA) of 2015 helps provide better services to victims of human trafficking and funds victim assistant programs (Polaris Project, 2018). While these laws have been put into place help to prevent and protect victims, the cases of human trafficking continue to grow. In knowing that there are laws in place to address human trafficking, now we examine the high number of reported cases around the United States and where most of the reported cases are occurring.

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The National Human Trafficking Hotline collects data on cases that are reported throughout the United States. The data is broken down from state to state, types of human trafficking cases reported and more. In reviewing the data and analyzing it by state, it shows a growing trend from 2015-2018. Human trafficking is of the higher number of cases and of 10,949 cases of that 7,859 were sex trafficking cases, 1,202 were unknown types of trafficking and 639 were sex and labor trafficking cases (National Human Trafficking Hotline, 2018). According to the National Human Trafficking Hotline, (2018) the data also shows the states with a higher number of cases were California, Texas, Florida, New York and Georgia. The data shows Georgia being fifth highest from 2015-2019. Georgia had 759 contacts and 204 reported cases in 2015, 776 contacts and 261 reported cases in 2016, 854 contacts and 284 reported cases in 2017, 903 contacts and 375 reported cases in 2018 and 451 contacts and 222 reported cases in 2019 (National Human Trafficking Hotline, 2018). The data shows calls are coming in, cases are being reported however, there is no data showing prosecution and conviction rates. However, in reviewing reports from the Center for Public Policy Studies and the Bureau of Justice Statistics the prosecution and conviction rates are much lower nationwide as well as in Georgia.

Problem Statement

The problem of human trafficking is an ever-growing industry, while the laws are in place the issue is still relatively new therefore there is a lot of gray area when beginning to prosecute human trafficking cases. According to the Human Rights Foundation (2018), “there were 31,659 trafficking cases from 2007-2016 but estimates on the total size of the United States victim population range from 54,000 to 2 million”. While this number may appear to be small, it is not because the problem is irrelevant, but because of the lack of awareness, resources and scared victims which lead to significant underreporting of these crimes (Polaris Project, 2018).

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While significant underreporting is an issue we must still deal with the cases that are reported by prosecuting and getting a conviction. However, the prosecution and conviction rates are not reflecting numbers equal or even close to the size of the reported cases.

According to the US Department of State report, in 2016 there were 439 convictions on human trafficking cases (Human Rights First, 2018). One concern in addressing human trafficking cases is the significant difference in the number of identified victims and the prosecution rates. The prosecution rates of human trafficking are very low, less than 50% of offenders identified as traffickers were prosecuted (Human Rights First, 2018). In 2006 there were 5,808 prosecutions and 3,160 convictions which shows every 800 people trafficked to only one person being convicted and in 2011 there were 42,291 victims of human trafficking worldwide and only 3,969 convictions (Center for Public Policy Studies, 2013). Additionally, in 2015 the National Human Trafficking Hotline shows there were 5,714 cases reported, of the 5714 reported cases the Bureau of Justice Statistics (BJS) shows 1923 suspects were referred to the United States Attorney for human trafficking prosecution (Bureau of Justice, 2018).

According to the BJS data of the 1923 only 1,049 were prosecuted for human trafficking, in these cases the offenders did not end up being charged with human trafficking but rather charges such as slavery, sex trafficking, production of child pornography, and transportation for illegal sex activities. In the cases that were prosecuted by the United States Attorney there was a 93% conviction rate and 99% of the people convicted served prison time (Bureau of Justice, 2018). While the prosecution and conviction rates of the cases taken to trial are good what about the other 4665 cases that were reported and/or reported to the United States Attorney?

Another issue is the federal sentencing guidelines state that the base offense level for a person convicted of human trafficking is 27-33 months in prison and can move upward or

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downward depending on the several contributing factors such as the defendant's criminal history (United States Sentencing Commission, 2016). In this example, if a defendant does not have other factors that contribute to the guidelines, the offender will only be sentenced to two years and three months while the profit from human trafficking starts at 100,000 per women (Human Rights First, 2018). In comparing prison time to the financial benefit of human trafficking, some individuals may think the punishment does not fit the crime.

Dissertation Goal

The purpose of the study is to advance the understanding of the perceptions of barriers in prosecuting human trafficking cases. The human trafficking industry is growing rapidly and due to the barriers faced by the attorneys, investigators, and victims' advocates the problem is not decreasing. The data from the National Human Trafficking Hotline, Polaris Project, and the BJS show the ratio to cases reported to prosecution and conviction do not add up. Due to the continued increase in such cases and low numbers of prosecution and conviction rates there is a need for adequate processes to be put in place to address these barriers. This study will explore the perceptions of the prosecutors on the barriers they face when prosecuting human trafficking cases. The goal of this research is to identify the specific themed barriers in human trafficking cases through the perceptions of the individuals from the Attorney General's office of Georgia. Specifically, the research will examine all the barriers the Attorney General's office faces regarding the arrest, conviction, prosecution and sentencing of human trafficking cases. The study will also aim to determine the perception on the effects of enforcing harsher sentencing verses rehabilitation options for human trafficking offenders. The results of the study could change the way human trafficking cases are handled from start to finish. This research is

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expected to help the prosecutors and investigators to identify the best way to handle human trafficking cases from start to finish.

Relevance and Significance

This study addresses the perception of barriers in prosecuting human trafficking cases. There is a significant number of human trafficking contacts and reported cases however low number of prosecution and conviction rates. This study could benefit many people such as investigators, prosecutors, and victims, if the results show ways to address and correct barriers currently facing prosecuting human trafficking cases.

First, prosecutors, investigators, and victims' advocates worldwide could benefit from this study. Human trafficking as a social issue is not circumscribed of the United States but affects the world and recognizes no borders. Therefore, no matter where a prosecutor, investigator, or victim's advocate is located, they could look at the barriers and resolutions from this study and put new training and processes in place when handling their human trafficking cases from prosecution to conviction.

Secondly, the victims of human trafficking will benefit from this study. There are many victims that are suffering from human trafficking that have no way out. Children and teens are taken from their families and forced to commit sexual acts against their will. In 2004, approximately 600,000 to 800,000 people were subject to being trafficked internationally, of these results 80% female, 50% minors and 70% trafficked for sexual exploitation (M'Cormack, 2011). As this study identifies barriers in prosecuting human trafficking, the results could assist in making more arrests, obtaining solid prosecution of cases, and conviction, which will allow more victims to be released from the human trafficking ring. As the victims are released they

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can get the help they need to deal with what they have been through and eventually live a normal life.

Third, the research could help put into place harsher punishment. The traffickers are trafficking these people to make easy money. The traffickers know they have little chance of getting caught and if they do it may result in little to no punishment. Currently, the federal sentencing guidelines only require offenders (if convicted) to serve a 2-year and 3-month sentence, this is based on the offender not having any other factors to play a role in their sentencing such as criminal history. Additionally, the process of convicting the offender is complicated because many times victims are too frightened to testify. If sentencing does not change, the problem of human trafficking may continue to grow. This study may show a better way to sentence human trafficking offenders which can then improve the process of federal sentencing guidelines as well as bring more substantial studies to legislation to make better policies in place for human trafficking cases.

Finally, the nation as a whole would be in a better situation with lower rates of human trafficking. If the results of the study show solid ways to address barriers of prosecuting human trafficking cases it could reduce child, women, and men abductions; as well as help in removing these offenders from the streets and lower the crime rates, while making the world a little safer.

A clear understanding of human trafficking from start to finish should allow development of new trainings and processes to help address barriers facing prosecutors in handling human trafficking cases. Additionally, it could help victims get relief, assist in putting harsher punishments in place and stronger legislation, as well as lower crime rates.

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Barriers and Issues

Several barriers exist in conducting this type of research, which could limit the study to be useful for others. First, prosecutors at the state and federal level use prior cases and their own subject matter experts to develop and defend their cases through motions, brief, and trial. While prosecutors currently focus on the use of evidence and specific processes for arguing cases, they should also keep an open-mind when it comes to allowing the use of new research and evidence-based research to argue their cases.

Secondly, the attorney general's office is not easily accessible to individuals outside their field. The researcher will have to gain access to the participants and secure their confidence. The researcher will have to ensure the participants their identities will be kept anonymous. There is a rigorous process of getting approval for outside visitors into the attorney generals offices.

My experience in the legal field and my relationship to a district attorney will help me to establish credibility with the participants. The credibility will be key to obtaining the data needed from the participants which is typically removed from the public. I will introduce myself to each participant and provide them with my educational and professional background in the legal field. My professional and educational experience will help in obtaining the trust with these participants.

Definitions of Terms

Human Trafficking Victims: "individuals that fall victim to sex trafficking, these victims can be men, women, an adult or child, they can be from the United States or a foreign nation. Human trafficking victims can be divided between three categories as defined by the United States law: children under 18 induced into commercial sex, adults (person over 18) induced into

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commercial sex through force, fraud, and coercion, and children and adults induced to perform labor services through force, fraud, or coercion” (National Human Trafficking Hotline, 2018)

Human Traffickers: traffickers are people that engage in illegal transportation of people from state to state, country to country, or any area to another for the purpose of forced sexual exploitation (National Human Trafficking Hotline, 2018)

Prosecution Barriers: this is obstacles that could prevent the ability to prosecute cases or make the case more challenging to prosecute (Clawson, Dutch, Lopez, & Tiapula, 2008). The prosecution barriers in human trafficking cases can range from barriers with victims such as working with the victims and gaining their trust, training and education for the criminal justice system, and as well as sentencing barriers (Clawson, Dutch, Lopez, & Tiapula, 2008).

Human Trafficking: this is defined as “action or practice of illegally transporting people from one country or state to another for forced commercial sexual exploitation” (Human Trafficking, 2018).

Sentencing Guidelines: this term will be used for the purpose of referring to the federal sentencing guidelines used when sentencing an offender. The federal sentencing are rules that are laid out in a uniform sentencing policy for offenders convicted of felonies and severe misdemeanors in federal court (United States Sentencing Commission, 2016).

Assistant Attorney General: are deputies of the court prosecute and investigate white-collar and government corruption crimes against the state and human trafficking crimes on a statewide basis (Office of the Attorney General, 2020). While there is many other Attorney General’s office for this study the researcher will be referring to the Assistant Attorney Generals in Georgia unless otherwise specified.

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Summary

There is a need for better understanding when it comes to human trafficking cases. Due to little research and the issue just arising it is imperative that we learn more in order to decrease the occurrence of human trafficking. The individuals that deal with these cases on a daily basis will provide their perceptions of barriers they face when investigating, prosecuting, and sentencing human trafficking cases. Collecting and analyzing data directly from individuals within the Attorney General Offices will allow for a good start for researchers, prosecutors, and investigators to put into place better policies and processes when it comes to handling human trafficking cases.

Chapter 2: Literature Review

Introduction

Human trafficking continues to be a growing problem around the world from labor to sex trafficking. Many aspects of human trafficking are still not known. In addition, many barriers to helping, identifying, arresting, prosecuting, convicting and sentencing human trafficking situations have not been addressed and resolved. Studies show victims of human trafficking can suffer from post-traumatic stress disorder, suicidal ideation, depression, anxiety and much more (Rani and Manglam, 2016). In addition to the psychological effects, professionals have encounters with victims without even recognizing them or worse miss identifying them as prostitutes, which is where some barriers of convictions lie. As professionals continue to learn more about human trafficking victims, the psychological effects, ability to identify victims, making an arrest, prosecution and conviction barriers become more alarming.

Historical Aspects of Human Trafficking

Acts and Laws of Human Trafficking

While the problem of human trafficking is continually viewed as a new unchartered problem, the act of trafficking or enslaved people is not new. As we learned in history slavery has been around for centuries however, there was also an issue of white women being trafficked or enslaved during the 1900s. As this form of human trafficking was founded and addressed in 1904, the problem has since grown and changed to be massive problem worldwide now.

According to Bonilla and Hyunjung (2019), human trafficking first started around 1904 under the International Convention for the Suppression of the White Slave Traffic. During this time white women migrants were being brought over from Europe seeking work or sexual commerce which turned to white slavery (Bonilla and Hyunjung, 2019). Then over the years

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modern day slavery began to occur more with people of any race and gender. This began for those enslaved for sex and then in 2000 the issue was widened for all that are being trafficked. This movement brought several legislation movements into play, the first being Victims of Trafficking and Violence Protection Act as the cornerstone act for issues of human trafficking (Bonilla and Hyunjung, 2019). According to Bonilla and Hyunjung, (2019) over the next thirteen years the Trafficking Victim Protection Reauthorization Act was put into place and adjusted to address and combat the human trafficking issues domestically and globally. Yet the numbers of human trafficking continue to grow.

As stated by Bonilla and Hyunjung (2019), Colquitt (2017) agrees that the battle of human trafficking is not slowing down, even with the substantial foundation of legislation acts in place. In having federal laws in place there has to also be states that establish laws that work to fight this global war as well. The federal laws can only be as strong as the states that enact laws to align with the federal laws. According to Colquitt (2017), state laws should address victim assistances and training for law enforcement such as a task force. States are working toward such process. Over the years of 2003-2013, most states put human trafficking laws in place but they still need improvement (Colquitt, 2017). Then in 2013 The Uniform Act was approved addressing three prongs in human trafficking: prosecution, prevention, and protection (Colquitt, 2017). This act is for states to use as an outline when putting their laws in place. According to Colquitt (2017), The Uniform Act will also help all states to have uniform law in place so they can all be consistent with each other when it comes to prosecuting human trafficking cases. While this act is set in place to help with uniformity states can still differ if they are using the Uniform Act because of the many options sections in place within this act and it also has some gray areas open for interpretation within each state (Colquitt, 2017). While the Uniform Act

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should be adopted by all the states there are still some areas of improvement needed within this act to help more constancy within all the states.

As the federal and state legislations continue to address and combat how to fight human trafficking the numbers of human trafficking cases continue to grow. The laws being studied and put into place continue to adjust and be better in protecting the victims. According to Roby and Vincent (2017), in 2015 a law was passed changing the phrase child prostitution to child sex trafficking in the Missing Children's Assistance Act. This change can help when addressing so many child trafficking cases because many times the victims can be mistaken as prostitutes. Additionally, the change helps change the perspective so many people have on the victims of human trafficking (Roby and Vincent, 2017). This specific change helps protect the victims. Other changes that were addressed during this time were provisions in the ability to conduct wiretap warrants (Roby and Vincent, 2017). In changing this provision, it can help investigators obtain more concrete evidence against the offenders for purpose of prosecution.

Over many years the problem of human trafficking has evolved and grown. As the problem of human trafficking changed from only white women to women and children of all races, then all gender and races were added to the mix. As the dynamics grew the laws have been changed and amended. There are now laws in place at the federal and state levels with new processes being put into place. However, the laws still need to be studied and improved as the number of victims grow and the ways to identify victims improve.

Prosecution of Human Trafficking

In addition to the different processes of laws that have been passed and revised over the years in regards to human trafficking another vital issue is the history of prosecuting these cases. In knowing the positive aspect of the changes in the laws for human trafficking, the number of

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prosecuting human trafficking cases are growing but are still small in comparison to the number of victims and reported cases (Clawson, Dutch, Lopez, & Tiapula, 2008)). According to Clawson, et al., (2008), from 2000-2007 a review of 289 cases 90% were prosecuted, 43% of those cases were sex trafficking cases. While 77% percent of these cases did result in guilty dispositions, 3% percent were dismissed, 8% are pending, and 1% resulted in acquittal (Clawson, et al., 2008). The cases that resulted in a guilty verdict the sentencing range was from probation to 50 years in prison (Clawson, et al., 2008). While the prosecution and conviction rates look good here one must remember the sample size is small.

According to Motivans & Snyder, (2018) their study was a review of data from 2011-2015 human trafficking federal prosecution. The number of cases increased from 2011 to 2013 then decreased in 2014 but increased again in 2015. There were 1,360 cases in 2011 and 1,923 cases in 2015 reported to the United States Attorney's office. According to Motivans & Snyder, (2018) of the cases reported 729 in 2011 were prosecuted and 1,049 were prosecuted in 2015. In 2015 there were 621 suspects that were not prosecuted which is 58% due to insufficient evidence. Additionally, 18% of the offenders were not prosecuted due to jurisdiction issues and the other 24% that was not prosecuted was due to prioritization of federal resources, alternative to federal prosecution utilized and opened error (Motivan & Snyder, 2018). On the other hand, of the cases that were prosecuted the conviction rate was 769 cases at 93% however only 320 were charged with a form of human trafficking while the other 449 offenders were charged with lesser charges such as production of child pornography and transportation of illegal sex activity (Motivan& Snyder, 2018).

Now let's fast forward to 2016, there was 32,152 contacts made in regards to human trafficking and 7,748 human trafficking cases reported in the United States (Polaris Project,

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2018). Contrary to the study by Clawson, et al, (2008), a study by Farrell et al, (2016) shows only one-fifth of the human trafficking cases were reviewed and the offenders were charged with a prostitution offense rather than human trafficking. This study showed that the charges were not on file as human trafficking for reasons such as issues with victim's cooperation, lack of strong corroborating evidence, and lack of securing a conviction (Clawson, et al, 20018). The only way offenders would be charged with human trafficking was if there were major indicators to prove such occurred.

Over the years the laws and acts of human trafficking have evolved but the number of human trafficking cases have also grown. While the data shows the laws in place have improved the numbers of cases do not reflect the same. The cases are growing but the prosecution rates are not. While the data does show the cases that are prosecuted are successful, the district attorney is not prosecuting as many cases as there are reported and referred to them. Additionally, the offenders are being charged with lesser crimes that will secure a conviction.

Human Trafficking Victims

Victim Characteristics

According to Ali and Muhammad (2014) the purpose of their study was to investigate economic factors that connect to childhood trafficking as it relates to socio-economic, culture and education aspects. This study used crime report data, social scientists and legal experts that assisted with the Peshawar Federal Investigation Agency on trafficking victims. The study showed a highly significant relationship of these victim's possibility of being trafficked due to variables such as poverty levels, lack of education, unemployment and minority group.

According to Ali and Muhammad (2014) children from low economic families were more

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vulnerable to being victims of human trafficking because their families needed money and were promised if they give their children up they would have a secure income. According to the study Ali, Muhammad, Shah, Abdullah and Imran (2013) conducted it provided support for Ali and Muhammad's findings in the aspect that economic factors influence involvement with human trafficking in addition to other characteristics that have a factor on the victim type in these cases.

Ali, Muhammad, et al., (2013) worked to analyze the data that identifies the characteristics of the victims involved in human trafficking. The media tends to portray human trafficking victims as young promiscuous teens that run away from home. Ali, et al., (2013) completed research that focused on the true attributes of human trafficking victims. According to Ali, et al., (2013) not only did the age and gender impact the factors but society and culture also played a significant role in how the individuals become victims as well. Children from urban areas tend to be more knowledgeable regarding human trafficking than rural individuals (Ali, et al., 2013). According to the study Ali, et al., (2013) conducted the results showed that young aged, females, from rural areas were more likely to be victims. Additionally, young females were more preyed upon due to the ability of the traffickers to deceive them easily (Ali, et al., 2013). Based on the study conducted by Ali, et al., (2013), the study completed by Wilson and O'Brien (2016) have similar results regarding the characteristics of victims involved in human trafficking.

Wilson and O'Brien (2016) completed research that focused on the victims and attributes that they are chosen by the traffickers. According to most studies victims have a reoccurring characteristic of being young women that have runaway. The participants used in this study were from a report from the United States Department of State reports. According to Wilson and O'Brien (2016) the results showed the victims of human trafficking were timid, weak, young

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girls. In perusing young weak timid girls, the traffickers can easily intimidate and control the teens (Wilson and O'Brien, 2016). As shown in all the above studies the traffickers are very intentional when choosing these victims. Based on the study conducted by Ali, et al., (2013) and the study by Wilson and O'Brien (2016) victims are young timid weak girls, the study by Lanying and Huang (2017) also agrees with their characteristic of human trafficking victims.

According to Lanying and Huang (2017) the purpose of their study was to exam the prosecuted cases in Taiwan, as the human trafficking problem continues to grow. This study reviewed cases from 2009-2012 looking at the patterns of women and girl victims of human trafficking (Lanying and Huang, 2017). The women and girl victims in these case files were very similar in the aspect of gender and vulnerability. According to Lanying and Huang (2017) the results showed the victims of these cases had a similar pattern of undocumented immigrants, runaways, poor, youth women. Based on the study conducted by Ali, et al., (2013), the study by Wilson and O'Brien (2016) and Lanying and Huang, (2017) victims are young timid weak girls however a study conducted by Nguyen, Lamkin, Coverdale, Scott, Li and Gordon (2018) had different results of victims in that they are of all different characteristics.

According to Nguyen, et al., (2018) the purpose of their study is to identify that there are different kinds of human trafficking victims and emphasize the need for mental health professions to be able to identify all human trafficking victims. This study conducted reviews of several different cases of patients in a mental setting. The patients were human trafficking victims from all walks of life. According to Nguyen, et al., (2018) the victim's background, age, race, ethnicity, gender, education, finances, immigration status all varied. Due to the growing crime of human trafficking and the significant effects of human trafficking there should be a route screening process in mental health facilities (Nguyen, et al., 2018).

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As discussed in the study by Nguyen, et al., (2018), victims that are pursued are children and young adults that are naïve, weak and timid coming from low economic areas. The victims are typically runaways that lack a good family life which usually included that they suffer from mental health difficulties such as depression, abuse, anxiety and more. While the victims are already suffering from such mental health issues, the effects of post trafficked victims can be detrimental. As a result of the mental health issues these victims face it is imperative that they receive treatment as discussed in the below literature.

Psychological Aspects of Human Trafficking Victims

Rani and Manglam (2016) set out to explore the psychological effects of human trafficking and childhood abuse as well as the relation between the two victim's types. In this study the researchers identified women and children participants living in a shelter for human trafficking victims from Ranchi, Jharkahnd. The purpose of the study was to analyze sexual abuse effects of human trafficking and child abuse victims in regard to stress, depression, anxiety and suicidal ideation as well as the relationship of the two victim types (Rani & Manglam, 2016). According to Rani and Manglam (2016) the study showed most girls were from a rural background, illiterate, from a deprived social background. The results of the research showed the majority of the participants were in a significantly negative psychological state suffering from depression, anxiety and stress and the participants with double impact of trafficking and abuse were associated with the same effect and with suicidal ideation (Rani and Manglam, 2016). The victims in both situations clearly need rehabilitation services to address the trauma they have been through as trafficking victims. According to the study Lo Iancono (2014) conducted the findings support Rani and Manglam's findings in the aspect of psychological trauma.

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Lo Iacono (2014) research focuses on the psychological effects of human trafficking but on a different level from Rani and Manglam (2016). Lo Iacono (2014) looks at victims that have not been rescued from their traffickers for a longer period of time and the psychological trauma has manifested into delusional beliefs. The continual abuse and control by the trafficker have affected the victim so much psychologically that the victim believes they are “family”. According to Lo Iacono (2014) the purpose of this study was to analyze the influences that encourage a change in the relationship between the victim and the perpetrator. The research showed many times the victim can become the aggressor, this occurs when a victim is trafficked for a long period of time (Lo Iacono, 2014). In this situation, the victims have suffered from physical, emotional and verbal abuse putting them in a state of psychosis and in their minds they believe they will never escape. According to Lo Iacono (2014) the study found the victims are continually beaten down mentally and coerced into assisting with facilitating trafficking. The results of Lo Iacono (2014) and Rani and Manglam, (2016) align with significant psychological trauma these human trafficking victims suffer from.

Similar to the results of these two researchers, Van der Watt and Van Der Westhuizen (2017) found that the relationship of the victims and the trafficker are continually turning from being afraid, to trust and love from the psychological abuse the victim endures. The purpose of Van der Watt and Van Der Westhuizen (2017) study was to explore the characteristics of the complicated relationship between the victim and trafficker in human trafficking cases. This study used active practitioners, students and co-participants to help identify the ways the traffickers manipulate the victims and develop such a complicated relationship. According to Van der Watt and Van Der Westhuizen (2017), the results of this study found that there is a dynamic relationship between the trafficker and victim and it is established by loyalty, emotional

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manipulation, violence, gifts and praises which makes the relationship hard to disrupt. The trafficker clearly uses physical, emotional and sexual abuse to control and establish compliance with their victims (Van der Watt and Van Der Westhuizen, 2017). These characteristics of the trafficker and victim's relationship are like that of a battered woman. Similar to some battered women, the victim loves and hates their abuser. Due to the special complex relationship between the trafficker and victim not only is the relationship complicated but that also makes the conviction process difficult. Similar to this study and the ones above Cecchet and Thoburn (2014) also completed research on the psychological effects of human trafficking victims and found the findings to be similar.

According to Cecchet and Thoburn (2014), they explored how the surveyor felt after being rescued. Many would assume the victims would need therapy and have many issues after being a victim of trafficking. The purpose of the study by Cecchet and Thoburn (2014) was to analyze the psychological experience of children that survived sex trafficking and their resilience. The researched interviewed young adults identified as prosecutes but who were indeed victims of trafficking. These victims were able to leave for several reasons one of which were pregnancy. According to Cecchet and Thorburn, (2014) the findings in this study were that the victims struggled with feeling safe and were unstable in interpersonal relationships due to feeling fear of being betrayed. The concern of being betrayed would be due to the manipulation and deceit the traffickers tend to use when trying to lure their victims. This study shows yet again the many different psychological effects of being a victim of human trafficking.

Human Traffickers

Zhang's (2011) research focuses on the economic factors concerning the trafficker rather than the victim. According to Zhang (2011) the study looked at the economic factors that

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influenced the trafficker to get involved in the trafficking business. The researchers in this study conducted an in-depth interview of individuals engaged in human trafficking. The results showed the majority of the traffickers were adult males introduced to the business by friends and family (Zhang, 2011). The main reason that the individuals got involved was to provide for their family and without it, they would be destitute. According to Zhang (2011) the men are told that working in the sex industry will substantially provide for their families. According to the study conducted by Zhang (2011) the findings in the study by Kumar (2013) also support the aspect of economic factors influence involvement with human trafficking.

Similar to the studies above Kumar (2013) also believes that the trafficking and traffickers are based on economic factors. According to Kumar (2013) the purpose of this study is to explore the rural linkage to human trafficking. Low-level education and rural areas are the fuel needed for human trafficking. The results found that most human trafficking occurs in rural areas in Punjab, the individuals that part take in this form of organized crime (Kumar, 2013). According to Kumar (2013) these individuals are also undereducated with strong connections with recruitment and transportation to move the victims from country to country. According to the study conducted by Kumar (2013) and Zhang (2011) not only does the economic standing show to be similar with most traffickers but their characteristics are also similar as discussed by Board (2018) and others.

According to Board (2018) the purpose for this study was to provide information on identifying the characteristics of groups involved in human trafficking by using assessment processes. According to this study by identifying attributes of offenders involved, it can help law enforcement to have a profile of the offender type in human trafficking cases. This study used data from Offender Assessment System scores of all offenders convicted of human

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trafficking between 2004 and 2008, eleven interviews with police officers and prosecutors in 2010, pre-sentencing reports and risk assessments (Broad, 2018). According to Broad (2018) the results showed offenders are typically older migrants, lacking a previous conviction, low social integration, low employment immigrants, that did not have continual involvement but rather opportunistic processes of involvement. The risk assessments showed the offenders convicted of trafficking in the first phase were listed as low/medium risk of harm and reconviction while the next phase the offenders were listed as high risk (Broad, 2018). According to the study, Broad (2015) conducted the finding does not support Broad (2018) findings in the aspect of the trafficker's characteristics.

Broad's (2015) research focuses on the typology of trafficking offenders. Broad (2015) looks at female trafficking offenders rather than male offenders. Typically, when there is media coverage or movies on television the trafficking offender is male; however, males are not the only kind of offender. While females are not typically as high ranked in the trafficking ring, they are involved as offenders as well. According to Broad (2015), women have roles in lower levels which allows them more susceptibility to being caught and women traffickers are usually involved intimately with the male trafficker. Offenders, whether they are men or women, are between late twenties early thirties, previous offenders engaged in organized crime (Broad, 2015). According to Broad (2015) both men and women were convicted equally and women were found to be just as callous as men. While the study by Board (2018) only focus on men trafficker offenders, they are not the only offenders. Women offenders are also migrants but were initial victims turn trafficker. According to the study Broad (2015) conducted the finding does support Roe-Sepowitz, Gallagher, Risinger and Hieckle, (2015) findings in the aspect of the trafficker's characteristics.

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Roe-Sepowitz, et al., (2015) research focuses on female traffickers rather than male offenders. According to Roe-Sepowitz, et al., (2015) the purpose of this study is to identify the roles female traffickers play and the difference in sentencing in male and female traffickers. The role of female traffickers is different from male traffickers. Female offenders are managers, bookkeepers, recruiters, money collectors and secretaries (Roe-Sepowitz, et al., 2015). The female trafficker is also considered the Bottom. According to Roe-Sepowitz, et al., (2015) bottom refers to a sex-worker that moved up or trusted associate of the male pimp. She is at the lower level of the trafficking ring and does the dirty work. According to Roe-Sepowitz, et al., (2015) the results found that the female traffickers are low level, manipulative pimps that at one time were migrant victims. Additionally, female and male traffickers are sentenced significantly different. Female offenders are sentenced to less incarceration time if they testify against their co-defendants (Roe-Sepowitz, et al., 2015). The difference in sentencing is due to female traffickers usually being victims before they are traffickers.

While there is major importance in knowing the characteristics of traffickers to help law enforcement and prosecutors catch them, there is also an importance in knowing how these individuals manipulate their victims into going with them. Few studies have been able to identify the recruitment process of traffickers however there are two studies that have some details to help criminal justice agencies to counteract this process. According to Tidball, Zheng and Creswell (2016) the purpose of their study was to understand how traffickers lure the victims into the trafficking ring online. This study used a phenomenological approach using public health, law enforcement and government offices as participants. These participants had to be involved with human trafficking cases/patients at one time or another. The results show that traffickers use the internet as a playing ground for manipulating young teens (Tidball et al.,

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2010). The traffickers are like predators hunting for their prey on the internet. According to Tidball, et al. (2010) the results found that the traffickers create accounts on social media, friend or follow these young girls tracking their post and then use their comments to gain trust, relationship, or to track their location. According to a study that Kloess, Beech and Harkins (2014) conducted the findings support Tidball, et al., (2010) findings concerning traffickers hunting their victims online.

Kloess et al., (2014) research focuses on the recruitment of the victims. The purpose of this study is to identify the process the traffickers use to recruit their victims. The study discussed the process the offenders use to obtain friendship and trust with their victims online. There is a process of stages used by the offender to gain full control. According to Kloess, et al., (2014) the traffickers use the following states online with their victims: friendship forming, relationship forming, risk-assessment, exclusivity, sexual stage and concluding; damage limitation; hit-and-run tactic stage. The offenders use the online environment more so than other processes because it can be anonymous, affordable and accessible (Kloess et al., 2014). The results show offender's use online eighty percent of the time to recruit their victims because they have more access and abilities to deceit their victims than any other process.

Prosecution Barriers

Human trafficking cases are relatively new to the criminal justice system, with the new type cases comes several obstacles of prosecuting these cases. Some barriers faced by the prosecution are training and education, perception of victims and lack of wanting to cooperate with prosecution, and the lack of holding offenders accountable at a high level. In the below literature such barriers are discussed.

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Perception and Credibility of Human Trafficking Victims

Cunningham and Cromer (2016) set out to explore attitudes of others regarding victims in human trafficking cases. The participants the researcher used were college students from a private university. The purpose of this study was to analyze the public attitudes of victims in human trafficking cases and the attributes that contributed to the willingness of these participants to blame the victims for being in their situation (Cunningham and Cromer, 2016). Myths regarding human trafficking are that “victims” are promiscuous teens or immigrants needing to make a better life for their family, rather than innocent children (Cunningham and Cromer, 2016). These myths are the views that influenced the participants and how they responded to this study. According to Cunningham and Cromer (2016), the results showed gender and human trafficking myths were to blame for the participants believing it was the victim's fault. Based on the study conducted by Cunningham and Cromer (2016), the study completed by Lindholm and Cederborg (2016) have similar results regarding the belief that victims are not really victims.

Lindholm and Cederborg (2016) completed research that focused on sentencing barriers concerning the credibility or others subjective impressions of the victim’s testimony. The researchers in this study reviewed assessments completed by judges in past human trafficking cases. According to Lindholm and Cederborg (2016), the judges had a preconceived belief of how credible and reliable the victims were before ever completing the assessments. The judges believe the victims should have a certain demeanor which is part of the bias they invoke on the assessment they complete. These type assessments could ultimately lead to fewer convictions. The results did in fact show due to lack of knowledge, preconceived bias and failure to realize their bias is influencing the assessment, many of these victims were found to be incredible and unreliable (Lindholm and Cederborg, 2016). The study by Constantinous (2013) again supports

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the study by Lindholm and Cederborg (2016) as well as Cunningham and Cromer (2016) in the aspect that the victims are portrayed with a specific stereotype.

Human trafficking cases are portrayed as harder to convict due to the lack of witness testimony and substantial evidence. However, in a study by Constantinou (2013), victims in this study were willing to testify but did not meet the victim stereotype, so the conviction of the trafficker did not occur. According to Constantinou (2013), the purpose of this study was to examine several forces that affect sex trafficking cases being processed by the domestic justice system. The data was based on human trafficking court cases, interview, reports and observations as well as 18 court transcripts, four interviews, five court trials and crime statistics of Cyprus criminal justice system (Constantinou, 2013). The problematic issues were whether or not the victims were indeed trafficked or a prostitute, the complexity of the victim's reputation prevents the conviction of the offender in many of these cases (Constantinou, 2013). Given the reputation of the victims, the victims are profiled by the judicial board which prevents the offender from being convicted. According to Constantinou (2013) the results showed that the law on paper and law in prosecution is diametrically different due to the judiciary being unable to comprehend the complexity of human trafficking or merely unwilling to revise its approach to sexual offenses (Constantinou, 2013). Due to the results, there is a low conviction rate because this area is unable to understand the complicated relationship between the trafficker and the victims. The results also show human trafficking offenders were tried and convicted not of human trafficking but of simple misdemeanors such as keeping brothels, living off earnings of prostitution. The few traffickers that were convicted only received a short sentence to about 48 months in prison rather than 15 years imprisonment as the law states (Constantinou, 2013). Based on the study conducted by Constantinou (2013), the study completed by Farrell, DeLateur,

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Owens and Faby (2016) have similar results regarding the illusion of being tough human traffickers.

According to the study by Farrell et al., (2014) while there is a small number in human trafficking cases because the problem is new, the conviction number is even smaller. There are many contributing factors such as lack of creditable witness and training/education which results in prosecutors avoiding prosecuting the cases they want to be confident in the success of the conviction. The purpose of this study was to explore the uncertainty-avoidance theory that the prosecution is less likely to prosecute these cases due to uncertainty of obtaining conviction (Farrell et al., 2014). This study used human trafficking case samples from states all over the United States, using 12 sample counties, 166 in-depth interviews with law enforcement, prosecution attorneys, victims, and other court officials (Farrell et al., 2014). The results showed that many factors were related to the avoidance of prosecution. The main contributing factors were legal elements of human trafficking was not significantly associated with filing human trafficking charges, lack of presence of evidence, and last but the most influential factor in this studied was victim cooperation and credibility (Farrell et al., 2014). Similar to the above studies the victim has a major impact on these type cases.

While the integrity of the victims is in question by the public as well as court officials, the victims also face pressures from the traffickers. Victims are already known to be timid and scared, being asked to help with prosecuting their traffickers can put even more pressure on the victim. Davy (2017), looks at the obstacles the victims face in this aspect which supports additional barriers with the prosecution working with the victims.

According to Davy (2017) the purpose of this study is to explore the obstacles to prosecution in human trafficking cases. Witnesses are continually threatened with things such as

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deportation which could result in being re-trafficked, victims are discredited during the trial by defense attorneys. Victims are reluctant to provide information due to lack of protection and support as well. Trials tend to be very lengthy due to victims, offenders and other evidence being in different countries. Human trafficking cases tend to be difficult due to the lengthy trial process and discrediting the vulnerable witnesses. Based on the study conducted by Davy (2017), it has similar results regarding the barriers of human trafficking cases and their victims.

Barriers with Training and Education within the Criminal Justice System

Grubb and Bennett (2012) analyzed data to identify if law enforcement is educated, trained and overall prepared to take on human trafficking. The researcher used surveys on the State of Georgia law enforcement agencies. In this study, the researcher analyzed types of training the officers were receiving and if any involved human trafficking aspects. According to Grubb and Bennett (2012) the findings of this study indicated the local agencies were interested in learning and receiving training, the information was not being disseminated to the local counterparts. According to the study by Grubb and Bennett (2012) conducted the findings support Kaye, Winterdyk, & Quarterman (2014) in the aspect of lack of awareness on the part of law enforcement.

Kaye et al., (2014) research focuses on counter-trafficking responses. The researchers interviewed different policing agencies within Canada that have been involved in human trafficking cases. The law enforcement agencies have found that one of the underlying problems when dealing with human trafficking cases is the definition of human trafficking (Kaye et al., 2014). According to Kaye, et al., (2014) due to the context of the definition it is hard for law enforcement agencies to enforce arrest because the crime is not meeting the definition. This issue is one of the reasons many of these agencies believe they need new strategies in place. The

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results showed that more training and education is necessary for local agencies but rather than having training for just local officers the respondent believes the training should be a cross-sector collaboration (Kaye et al., 2014). The study conducted by Grubb and Bennett (2012) as well as Kaye, et al., (2014), also supports the findings by Farrell (2014) concerning law enforcement not being provided enough training and education about human trafficking.

According to Farrell (2014) resources are being devoted to human trafficking and laws have been passed to help however law enforcement are still unprepared to identify and respond to these type cases within the local agencies. The purpose of this study by Farrell (2014) is to examine the responses used by local agencies based on human trafficking laws. According to Farrell (2014) the results show explanations and training are important when there is a change in laws or crimes being fought by law enforcement at all levels. The study conducted by Grubb and Bennett (2012), Kaye, et al., (2014) and Farrell (2014) also supports the findings by Huff-Corzine, Sacra, Corzine and Rados (2017) in regard to law enforcement not being provided enough training and education about human trafficking and the need for a collaborative effort. Huff-Corzine et al., (2017) also addresses how useful having a task force through a collaborative effort can crack down on human trafficking.

Huff-Corzine, Sacra, Corzine and Rados (2017) explore the idea of a human trafficking task force as a collaborative process with the county, state and federal agencies to help fight the human trafficking crime rate. According to Huff-Corzine, et al., (2017) law enforcement agencies need more education and training to be able to begin the fight of human trafficking effectively. An analysis of arrest and reported cases in Florida were reviewed. The purpose of this study was to look at the impact a human trafficking task force would have on human trafficking (Huff-Corzine et al., 2017). The study also looked at variables such as hotels,

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interstate exits, prostitution arrests and socio-demographics. According to Huff-Corzine, et al., (2017) the results showed that the human trafficking taskforce resulted in a substantial decrease in arrest rates of human trafficking cases due to the significant increase in officers involved in the taskforce. Similar to the study by Huff-Corzine et al, (2017), locations of the trafficking are an issue and should be adequately discussed in training processes. The study by Steinfatt (2011), again established how economic factors play a role in the location of trafficking.

According to the study by Steinfatt (2011) economic factors regarding the location that trafficking takes place play a role in how human trafficking operates. According to Steinfatt (2011), the purpose of the study was to identify areas of where the victims are housed and work for the traffickers. Many of the locations were in low-income locations that would not be identified as possible trafficking locations. According to Steinfatt (2011) the results showed that there were pre-designated locations for the victims to work mainly at night. In providing such information while, local and federal law enforcement are going through training processes, will help them to easily identify brothels and other human trafficking areas. In addition to specifying areas of trafficking training also should occur internationally. Human trafficking is an international issue so allowing local, state, federal and international law enforcement agencies to train side by side will also help in this war. Working together internationally is lacking as described in the study by Dandurand (2017).

According to Dandurand (2017) the purpose of the study was to explore the implementation of practical ways to prosecute, investigate and protect victims of human trafficking internationally as well as nationally. According to Dandurand (2017) the results show agencies need assistance from international agencies and networks as well as immigration

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controls. However, there is also a need for more data and research to assist with implementing new strategies and collaborations for investigating and prosecuting human trafficking cases.

Barriers with Sentencing - Deterrence and Rehabilitation

The numbers of human trafficking offenders sentenced in 2000 to 2015 has increased from 132 to 759 with a median sentence of 15 years (Motivans & Snyder, 2018). Additionally, ninety percent of convicted human trafficking offenders in 2015 did receive a prison sentence however the sentence did not vary to much based on the offense of the crime (Motivans & Snyder, 2018). However, prosecutors are still learning different tactics on prosecuting and sentencing human trafficking cases. One angle they use is that not all human trafficking offenders are charged directly with human trafficking but rather child pornography, transportation of illegal sex activity, peonage, and slavery. According to Motivan & Snyder (2018) in 2000 the median sentence convicted offenders of child pornography was 14 years, sentence for transportation of illegal sex activity was 2 years, and sex trafficking was 2.5 years. In 2013 the median sentence for peonage and slavery was 7 to 8 years (Motivan & Snyder, 2018). Then as prosecution and sentencing in human trafficking cases evolved the sentencing of such crimes increased. According to Motivan & Snyder (2018) the median sentence for offenders convicted of child pornography is 20 years, transportation of illegal sex activity is 10 years, and for convictions of peonage, or slavery was 11 and half years, and for sex trafficking it was 13 and quarter years in 2015. While the sentencing processes seems to be improving based on the statistics, is the sentencing length a deterrence for offenders or should they be involved with rehabilitation rather than harsh sentencing.

According to Templeton and Hartnagel (2012) this study was conducted to identify the linkage between crime and public goal of sentencing such as deterrence and rehabilitation.

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There were 1,006 participants that were interviewed by phone, being asked about sentencing goals and how it relates to different attributes. The public has been told by the media about human trafficking. However, even given the understanding of this crime many still believed harsh sentencing would not be the answer. The results of the study showed that the public support for deterrence or rehabilitation is in fact linked to an individual's attributions, as well as the cause of the criminal behavior and would rather adopt a deterministic view than punishment (Templeton and Hartnagel, 2012). According to the study by Yoo and Boyle (2016) conducted the findings did support Templeton and Hartnagel's findings that punishment was not a deterrent in fighting human trafficking around the world.

Yoo and Boyle's (2016) research focuses on processes in place around the world. Human trafficking is being reviewed and fought around the world. According to Yoo and Boyle (2016) this study looked at anti-human-trafficking efforts globally, specifically looking at the prosecution, protection, prevention, treaties and laws in place. The researchers were looking at all attributes that played a role in anti-human trafficking efforts. According to Yoo and Boyle (2016) the results show that global and domestic groups have more influence where international law is less defined, also, fear of consequences, ratifications of protocol or US aid availability were not a crucial driver of state actions to fight trafficking. Not only does the public view deterrence as the best way to process these cases but the offenders are not fearful of punishment as well. According to the study by Templeton and Hartnagel (2012) and Yoo and Boyle (2016) conducted the findings did not support Cho, Dreher and Neumayer (2014) findings that punishment was a deterrent in fighting human trafficking around the world.

Cho et al., (2016) research focuses on processes in place around the world. This study looked at information about human trafficking cases from 2000-2010 in 180 countries around the

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world specifically at prosecution, protection and prevention of government policies. According to Cho et al., (2016) this study looked at anti-human-trafficking efforts globally, specifically looking at whether or not the policies had an influence on people committing human trafficking crimes. Additionally, the study found that developed countries had better prosecution policies, but government support was weak (Cho et al., 2016). According to Cho, et al., (2016) the results showed that respect toward anti-trafficking policies did reduce corruption.

Mollema & Terblanche, (2017) identify sentencing and the effects of deterrence bases on the severity of the sentencing. This study found that sentencing in other countries such as South Africa are more serve than necessary to achieve deterrence in human trafficking cases. According to Mollema & Terblanche, (2017) similar to the United States statue there are different levels of human trafficking acts. In South Africa however, the penalties are at a higher cost than in the United States. The three categories within the statue in South Africa are perpetrator's acts toward the victims which carries a 100 million dollar fine or life imprisonment or both, the second category is how the act was accomplished, which carries a 600,000 dollar fine or 15 years in imprisonment or both, and last category is the objective of the act which must involve exploitation of the victim, which carries a 400,000 dollar fine or 10 years or both (Mollema & Terblanche 2017). These categories are much broader in comparison to the United States but carry a tougher punishment.

Barriers of Sentencing of Women - Victim or Offender

Merrall et al., (2010) completed research that focused on the punishment of offenders if convicted of human trafficking. A study conducted by Merrall, et al., (2010) examined the factors that influenced sentencing decisions and looked at methodological approaches to identify how sentencing is determined. The study was conducted by using sentencing data from court

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case files in England and Wales. According to Merrall, et al., (2010) the factors that help determine the sentencing is offense type, court type, sex, adult verse juvenile and ethnicity. The results exhibited that women received more leniency than men, the younger the offender, the more significant their odds were to get a custodial sentence, the more violent the crime, the harsher the sentence and court case level played a role in determinants of sentencing (Merrall et al., 2010). According to the results of this study and how the sentencing process is determined on the surface, individuals convicted of human trafficking should receive harsher sentencing due to the violence level, the gender that typically commits the crime and these cases are tried at a high court level. While there are factors that determine the sentencing of such offenders does the public agree with the sentencing process in these cases?

A study by Crocker, (2017) describes a prime example of lack of lengthy sentencing in human trafficking cases. In the case of the United States vs. Derrick Hayes and Keosha Jones, Hayes and Jones were charged with human trafficking which would hold a mandatory minimum sentence of fifteen years (Crocker, 2017). However, due to Ms. Jones cooperating with the government she only received a sentence of six months (Crocker, 2017). In this case Jones did as much damage to the victims as Hayes but because she helped convict Hayes she received an extremely lighter sentence. Therefore, if she does not get help such as counseling, Jones could be right back pimping girls out again. In this case Keosha Jones was first a victim then changed roles as the “bottom girl” which made her part of the trafficking ring (Crocker, 2017). In the case of United States v. Campbell again discussed by Crocker, (2017) the “bottom girl” Danielle John took a plea deal like Jones. John also took part in trafficking girls by beating, retraining, and manipulating the victims (Crocker, 2017). However, the United States Attorney in the case was able to offer a plea deal to John in exchange for her testimony against the main defendant or

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if John did not accept the plea deal she was looking at a minimum of ten to fifteen years.

According to Crocker, (2017) this type situation is part of the prosecution and sentencing of human trafficking cases that gets rather difficult because Jones and John can be viewed and treated as a victim or defendant. Jones and John being viewed as a victim and obtaining a lesser sentence could be one reason why the statistics show human trafficking cases are dropped or have a lesser sentence.

Similar to the cases illustrated by Crocker (2017), a study by Santana (2018), also paints a picture of the victim turned defendant getting prosecuted for human trafficking but instead of getting a lesser sentence for testifying this defendant gets the full fifteen years. According to Santana (2018), in the case of a young girl named Yvette, she first ran away from home to escape abuse from the family, got addicted to drugs, and was then introduced to prosecution and a pimp named Red Nose. In this situation Yvette was loyal to Red Nose but was also broken by him as well (Santana, 2018). Due to the continued loyalty of Yvette, she was turned from victim to now being considered the “bottom girl” for Red Nose. Yvette advertised online for the girls, obtained hotel rooms, etc. According to Santana, (2018), the prosecutor arrested Yvette and Red Nose, as the work to flip Yvette to testify against Red Nose for a lesser sentence, Red Nose takes the plea offered by the prosecution and Yvette is left with a sentence of fifteen years due to not being able to testify against Red Nose. In this study, while the victim was ultimately going to testify against her trafficker to get a lesser charge she still was involved in the violence of human trafficking. Yvette would have gotten a lesser charge had her trafficker not taken the plea deal. Does this justify a lesser charge for Yvette?

Barriers of Sentencing Buyers and Sellers

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According to Criswell's, (2019) study another argument made and possible issues when it comes to conviction and sentencing is should the seller and buyer be convicted of human trafficking in the same capacity. According to Criswell (2019), the case of United States v. Junger was the first case to convict a buyer under the TVPA. In this case the defendant Junger answered an online advertisement of sex with a child (Criswell, 2019). According to Criswell (2019), Junger discussed the age and rate of the child, but when he attempted to pick the child up the police were there instead. Junger was charged with attempted commercial sex trafficking, however the defense argued that he was merely a buyer and not a trafficker (Criswell, 2019). Junger was found guilty but the District Judge later acquitted Junger based on the statue being written toward the traffickers and not the buyers, but the Court of Appeals found differently in that the statue did not exclude the buyers and the conviction was upheld by the Court of Appeals (Criswell, 2019). Due to the back and forth issue in the Junger case further discussion and issues were reviewed in the statue on how to prosecute the buyers and sellers in human trafficking cases. Now, the statue includes that the prosecution must be able to show means, which could mean one of the four following: purpose, knowledge, recklessness, and negligence. In another words the prosecution must be able to show that the buy was purposely doing the act, had knowledge, was reckless and negligent when it comes to the purchase of the victim. The prosecution must show the buyer had knowledge of the victim being a human trafficking victim rather than simply paying for a prostitute. This is another example as to why there is such a difference in the amount of prosecution and conviction rates in human trafficking cases.

According to Luzwick (2017), studies show that pornography is also connected to human trafficking. In order to produce pornography in some cases the material is a result of trafficked adults (Luzwick, 2017). The TVPA is a way for prosecutors to pursue, prosecute and sentence

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traffickers within the pornographic world. The buyer and seller again here play a role in committing a form of trafficking act as they buy the porn. According to Luzwick (2017), if prosecution uses the TVPA by 18 U.S.C. § 1591 they must prove force, fraud, or coercion, prove the person engaged in commercial sex, and that it affected interstate or foreign commerce. The prosecution has found that many of the victims found in prostitution rings are also victims of pornography production (Luzwick, 2017). These victims are also involved in human trafficking as discussed in the cases of Jones, Johns, and Yvette. According to the Luzwick (2017), study the prosecution can prove commercial sex acts due to the victims being prostitutes, this is a commercial sex act. If the prosecution finds the pimp, they also find the trafficker in some cases. Additionally, pornography can also be categorized in commercial sex because there are real sexual acts being created and there is an exchange for money to watch the performance (Luzwick, 2017). Lastly, the prosecution must prove pornography existing in interstate commerce by showing interactions and/or pornography occurred in more than one state. Proving such act is easier since most pornography is online, while the buyer can be in Georgia the data can be stored in California and the payments made be taken in Arizona (Luzwick, 2017). This way of prosecuting human trafficking cases is a way to think outside of the box which is a process that needs to continue happening due to the complexity of human trafficking cases.

Prosecution Moving in the Right Direction

While human trafficking is a growing problem some areas are moving in the right direction. According to Woolverton (2019), North Carolina is leading the race in prosecuting human trafficking cases. North Carolina has now dedicated a specialized court for human trafficking cases only, which is the first developed court for this specific crime (Woolverton, 2019). According to Woolverton, (2019), Cumberland County in North Carolina is the main

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place in North Carolina that has the most human trafficking cases which is why they are moving to such processes to better handle such cases. In having the specific court for human trafficking cases, they can devote their time to investigating and prosecuting the offender as well as providing counseling, drug treatment, job skills, medical care, education, immigration legal aid, housing to the victims. This specialized court will be called Worth Court which stands for “We Overcome Recidivism Through Healing” (Woolverton, 2019).

According to a study by Farrell, Bouche, & Wolfe (2019), states have moved forward to implement legislation since 2003, however are the laws impactful in arrest and prosecution? According to this study all fifty states now have human trafficking criminalization acts in place. This study looked at the laws and enforcement actions from 2003 to 2012 in the United States (Farrell et al, 2019). According to Farrell et al, (2019) the states with more comprehensive laws in regards to human trafficking have a higher arrest and prosecution rate. Additionally, the states that have stronger victim assistances, training, task forces, and mandatory reporting also have higher human trafficking arrest and prosecution rates (Farrell et al, 2019). Therefore, the states with less presence of human trafficking laws and programs need to move toward modeling the states that do have strong human trafficking laws.

Conclusion

While the problem of human trafficking continues to occur throughout the globe, the ability to identify victims, treat the psychological effects, prosecute the offenders and provide harsh sentencing that can be enforced is a continual struggle. The research on this topic still is minimal, the caseload is minimal, and the conviction rate is barely existent. While there is clear indication that the government and states are moving in the right direction the war of human

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trafficking is far from over. Research is needed to continue to identify the barriers of human trafficking cases, to help the victims, law enforcement and district attorneys.

Research Questions

RQ1: What are the perceptions toward arrest, conviction, prosecution, and sentencing barriers by the human trafficking taskforce within the attorney general's office in handling human trafficking cases?

RQ2: What are the recommendations toward reducing the arrest, conviction, prosecution, and sentencing barriers by the human trafficking taskforce within the attorney general's office in handling human trafficking cases?

Chapter 3: Methodology

Proposed Research Design & Methodology

A qualitative methods study was conducted following the phenomenological approach. A phenomenological approach allows the researcher to understand how an Attorney General's Human Trafficking Division experiences the reality of prosecuting human trafficking cases from start to finish. "The phenomenological approach presents an in-depth knowledge necessary to portray the perspectives of the population which is being researched through their social worlds as they experience them" (Pogrebin 2003).

When a researcher uses the phenomenological approach he or she looks at the specific process of identifying the problem, the interest of the study, the philosophical assumptions of the phenomenology, collects information from the participants, then analyzes the experiences of the participants and then identifies and discusses the common experiences of the participants (Penner & McClement, 2008). The research wants to connect and experience from the participant's responses how they feel as they continue to handle human trafficking cases and the struggles they face on a day to day basis. The purpose of using the phenomenological approach in this study is for the researcher to describe the phenomena as the participants experience them (Penner & McClement, 2008). In such cases of human trafficking, the researcher would rather identify the first-hand experience to provide solutions, new policies, and procedures rather than the cause of the problem itself. Therefore, once the experience of the participants is obtained the researcher will be able to analyze the data to explain the meaning of the phenomena from their first-hand experience rather than working to identify causes (Penner & McClement, 2008).

Atlanta, Georgia is one of the "hot spots" for human trafficking to occur. Atlanta is known as one of the top United States cities for human trafficking with about 4,000 victims per

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year (Parker, 2018). According to Tabitha's House, Inc. (2017), between 200-400 adolescent girls are sold online per month in Atlanta and the traffickers make about \$33,000 per week. Additionally, 65% of the individuals that purchase sex with children live in suburban Atlanta, with about 7,200 men that purchase sex from minors every month (Tabitha's House, Inc, 2017). Many believe the high rates of human trafficking occur due to three main reasons: continual large high-profile events that occur in Atlanta, the busy International Airport, and the four major interstates that run through the city of Atlanta, Georgia (Parker, 2018). Therefore, the growing rate of cases within the Atlanta, Georgia area continues to move through the Attorney General's office for processing. The individuals that work within the Attorney General's office within the human trafficking task force discussed their perceptions of such cases. Their perceptions of the phenomena are influenced by their first-hand experience with handling human trafficking cases from start to finish. This is the basis of such qualitative research according to Pogrebin (2003), the study of how people process such things within their natural setting to interpret the phenomena meaning in terms of the people that complete them.

Participants

This dissertation used qualitative interview data collection using a purposeful sample. Purposive sampling is having the researcher select the individuals that are representatives, these individuals have met a criterion for the study (Bui, 2014). In this study, the criteria are that the individuals are experts in human trafficking whether they are attorneys, victims advocate, or investigators with human trafficking cases. In using a purposeful sample, the participants were chosen for the study because of their personal knowledge in working with human trafficking cases daily. This research is focused on the perceptions of the barriers in prosecuting human trafficking cases. Therefore, the main goal is to obtain a clear understanding of the day to day

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processes and obstacles of the individuals involved in investigating and prosecuting human trafficking cases. Thus, the participants in this study was limited to 6 participants involved closely with the human trafficking task force based in Atlanta, Georgia. Atlanta, Georgia is one of the higher-ranking areas facing issues of human trafficking. The participants range from attorneys, investigators, to victims' advocates. These participants work together to effectively process human trafficking cases that move through the area.

Measures

Qualitative Questions Interview Protocol

The interview processes for this study consisted of an open-ended interview approach using a phenomenological approach. The researcher is working to obtain an in-depth understanding based on the perspectives of the participants based on their first-hand experience (Kvale & Brinkmann, 2009). The interview questions were developed by the researcher and were reviewed with a qualitative researcher expert. The collaboration of the development of the research questions were reviewed for validity and helped guide the participants to verbalize their perceptions on the barriers they face in handling human trafficking cases.

Prior to the interviews taking place, the interview questions were sent to individuals that deal with human trafficking cases but were not participants of this study to assess the questions. The researcher received feedback and revised the questions based on the feedback which ensured the questions were clear and purposeful. The interview questions are provided in Appendix A.

Procedure

Subject Recruitment/Participant Selection

The participants in this study were recruited from a sample of 5-10 participants involved in a human trafficking task force in Georgia. The agency involved in this study established an

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introductory relationship with the researcher and agreed to participate in this study on a voluntary basis. The specific criteria for the participants are as follows: (1) They have been involved with human trafficking cases for at least 2 years; (2) The participants have been involved with the investigation, arrest, prosecuting human trafficking cases and (3) The participants have first-hand involvement with the human trafficking victims. In having these requirements of the participants, it allows for more knowledge from the participants perspective due to being more experienced which will result in a richer sample for the study.

Once the participants were identified for the study an email was sent out to the Attorney General's office requesting the participation of the individuals. The email requested that the participants be involved in a face-to-face interview lasting about 1 to 2 hours for a doctoral dissertation project on human trafficking with the researcher. The participants were informed that the face-to-face interviews would be confidential and are being completed to get an understanding of the barriers they face when working human trafficking cases. The researcher sent another email to the potential participants requesting the best time and date for the interviews to take place. The researcher reminded the potential participants that the interviews are confidential and completely voluntary. Once the potential participants agreed to the interviews and the best potential dates were received, the researcher sent a confirmation email with the date and time the interviews will be completed.

Data Collection/Instrument

The researcher conducted each interview with the participants. The interviews were completed face-to-face in a separate and private location. The researcher began each interview by explaining the study again and provided an informed consent and waiver to be completed by each participant. The participants were informed during the recruitment process that the

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interview is voluntary, they were reminded of this at the beginning of the interview. They were also informed that at any point during the interview they are allowed to stop the interview or refuse to answer any questions. The participants were informed during the recruitment process that the interview is confidential. They were also informed that while the information they provide during the interview will be published their name will not be associated with the publication.

Demographic data was obtained from each participant. The participant's age, sex, race, the highest level of education, and years of experience was gathered using an opened-ended survey (see Appendix B). This information was collected to show that the participants have the relevant experience which will allow a better understanding of the participant's views in this study.

Once the researcher obtained consent and demographic information from the participants the recorded interview began. All interviews were conducted in a private room at the participant's work. The participant and interviewer were the only individuals present in the room during the interview. An interview protocol was established and used throughout the interview process. The research protocol was used to make sure the same questions were asked of each participant.

The complete interview questions are provided in Appendix A. The participants were encouraged to respond in a narrative form, answering based on their perceptions of the situations asked, with as much detail as possible. The questions were broad and then were narrowed down to focus on specific situations.

Data Analysis

Data analysis occurred throughout the research process. This study is a qualitative study and the data was obtained through the interview process of the study. The qualitative interview

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will work to obtain a factual and meaningful level of understanding (Kvale & Brinkmann, 2009). The researcher will focus on listening to the detailed accounts, the detailed meanings of the interactions with the offenders and victims as well as what is discussed between the lines (Kvale & Brinkmann, 2009). The researcher interacted with the participants asking more detailed questions as we went through the interview questions, getting clarification to any answers as we went along.

Each interview was recorded and listened to carefully by the researcher during the analysis process. The recorded interviews were also backed up to safeguard against potential damage to the original recording. The data was transcribed directly to the researcher's personal computer to ensure accurate information was being analyzed. The recordings and transcriptions are located on the researcher's computer in a locked file where the researcher is the only one that has access to the file. This ensures the participant's information and responses are kept confidential.

The tapes and the transcriptions were reviewed several times by the researcher to analyze the information and coded into specific categories to identify reoccurring barriers discussed by the participants. The categories were sorted from major categories into smaller more specific categories. The themes were a result of identifying specific words and phrases from each interview that are similar. The researcher also used NVivo data analysis software to identify themes from each of the participant's interviews. This software in combination with the researcher's analysis ensures accuracy and reliability.

Once all the themes were categorized the review and analysis of each category was completed by the researcher. The themes were analyzed through latent and manifest content analysis techniques. The review of the categories allows for a specific meaning to each category.

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The researcher used two ways to analyze the data from the interviews. The researcher used manifest content analysis to analyze the actual words from the interviews (Yin, 2015). The latent content analyzes was conducted to analyze the underlying meaning of “reading between the lines” of the content from the interviews (Yin, 2015). The themes of the interviews allow the researcher to create an explanation of the perceptions of the participants regarding the barriers in the handling of human trafficking cases. In identifying specific themes that occur when handling human trafficking cases these findings can be used in further studies and develop new processes for handling such cases.

Limitations

There are limitations to this study such as self-reporting and sample size. Concerning the self-reporting of data, there is a possibility that bias could exist because people are not honest with themselves. The next limitation is the sample size. The study was only conducted within the Attorney General’s office in Georgia. However, the sample was selected in a purposeful manner. The researcher must have participants that are involved in specific cases to get a true response to the situations of human trafficking cases.

Summary

The qualitative research designs the researcher used in this study provides a clear understanding of the perceptions of barriers in human trafficking cases. There is not much research currently on human trafficking cases. However, by completing this study it could help the way human trafficking cases are processed from investigation to sentencing.

Chapter 4: Findings

Introduction

The purpose of this study was to advance the understanding of the perceptions of barriers in prosecuting human trafficking cases. Demographics data was collected during the face-to-face interview which involved ten open-ended questions (Appendix A). From the interview process there was four themes identified as the main barriers. Below are the responses to the interview questions.

Demographic Data

Six out of ten prospective participants were selected and met the requirements for this study. The two of the four not selected were excluded due to not meeting the minimal years of experience required for this study. The other two participants chose not to be involved in the study. The sex and racial makeup varied. The sample was purposively selected to ensure that the participants met specific requirements based on experience in human trafficking case. The age ranged between 20 and 45 years of age with the mean being 35 and the median being 33 (Table 1). All of the participants have obtained their bachelor's, 4 out of 6 participants have their master's degree, and 2 of the participants have their doctoral degree.

Interview Questions

The formal interviews consisted of ten open-ended questions. I have provided the question and summarized the response of the participants. I included quotations when pertinent and appropriate. An analysis of the responses allows clear themes to emerge.

1. What experience do you have working with human trafficking cases?

The parameters of my requirements for participants was that they have at least two years' experience. All of the participants met this requirement. All of the participants started in

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different departments ranging from domestic violence, special victims, and smaller human trafficking cases then moved up to a taskforce. Their previous work experiences help provide a deeper understanding, knowledge, and insight, to this study. Their experience also allows them to see different aspects of human trafficking from the other caseloads and crimes prevention they were involved with in the past.

Table 1

Demographic Results

Participant #	Age	Race	Sex	Experience	Experience	Education
				directly with HT	indirectly with HT	
1	31	W	M	2.5 years	8 years	Bachelors
2	49	B	F	2.75 years	14 years	Masters
3	40	W	F	16 years	0 years	Bachelors
4	32	W	F	5 years	8 years	Doctorate (J.D.)
5	33	W	F	2.5 years	4 years	Doctorate (J.D.)
6	23	W	F	2 years	3 years	Bachelors

2. **Based on your experience, is it hard to locate and arrest defendants in human trafficking rings? If so, what factors make it hard to locate and/or make an arrest?**
 - a. **Is it due to lack of cooperation with defendant and/or victim?**

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- b. Is it due to the individual you arrest or locate not having or their lack of knowledge of other individuals involved within the trafficking, right?**
- c. Is it due to not having enough information on the crime that took place, location of the crime or jurisdiction issues?**

Based on the participants it was a 50/50 split on whether or not it was hard to locate the defendants in human trafficking rings. On the investigative and victims' side, the participants believed locating defendants was difficult. However, on the prosecution side the participants believed it was not difficult to locate the defendants. All participants did agree there is lack of cooperation with the defendant and the victim.

Participant 1 stated that "victims are more difficult they do not see themselves as victims...they don't present their self as victims". Participant 2 stated "victims don't see themselves as victims, they say they do not want to help the prosecution...if you do find the victim it is usually very difficult to have them cooperate" Participant 3 stated "victims are not typically willing to cooperate...due to fear of their trafficker, love for their trafficker, or because the victims themselves do not believe that anything wrong has happened". Participant 4 states "victims are going to be uncooperative...often times they will protect their trafficker because they are afraid and other factors...they are very street smart...they have been coached by their trafficker. As far as the defendant's lack of cooperation the Participants 2, 5, and 6 all agreed that the defendants will deny any wrong doing and will not talk. Participant 2 stated "defendants will deny making up a story of I was just giving this person a ride, I didn't know what they were doing or I was just in the wrong place the wrong time". Participant 5 stated "the defendant won't say much because they know what they've been doing and they know if they cannot should not say to much". Participant 6 stated "defendants will say they did not know the victims age".

However, the defendants admitting to wrong doing is not needed. Many times, the defendants are arrested on sting operations as stated by 33% of the participants. Additionally, 50% of the participants stated that this is a digital crime most evidence can be found on social media and through text message. All participants believe that the defendants have knowledge of individuals involved however most of the time they will not cooperate with investigators.

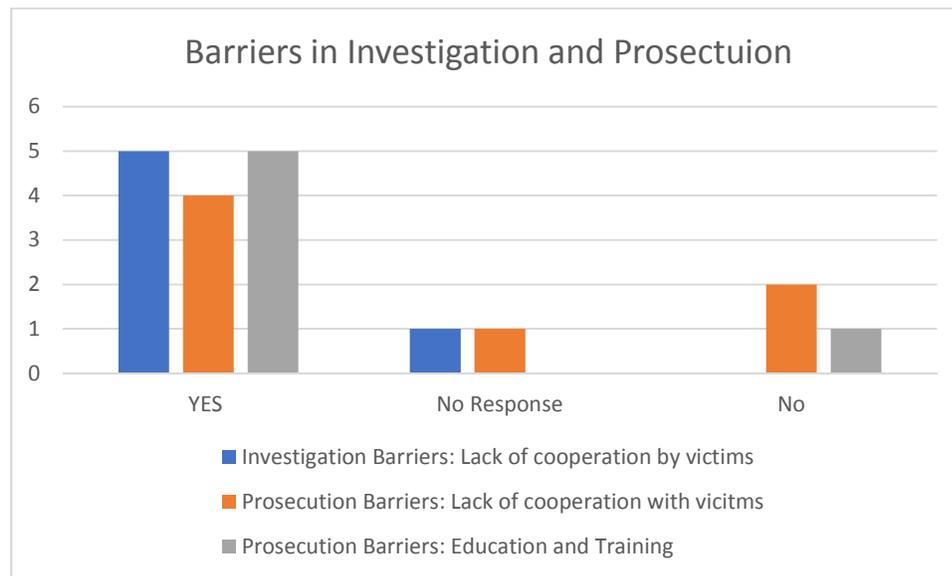
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Lastly jurisdiction issues in human trafficking cases at the level of the participants are not an issue. However, departments that see human trafficking cases within the county courts, do have issues with jurisdiction. Human trafficking crimes move a lot, they move the victims, the money, and the defendants around therefore, these cases are multi jurisdiction.

3. What specific barriers do you face when investigating and prosecuting a human trafficking case?

a. Why do you think those are the main barriers in these type cases?

Table 2



The barriers faced in regards to investigation by 83% of the participants was that there was a lack of cooperation from the victim. The victims do not trust the investigators, they have been broken, they are scared, and many times love their traffickers. As stated by Participant 4 and 5 the victims have been conditioned by their traffickers on what to say and do. Participant 4 also indicated that the victims have been brainwashed by their traffickers. The traffickers know what kind of victim to choose, as they look for children that are vulnerable with a difficult home life looking for someone to love and take care of them and provide them a purpose or sense of

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belonging. Therefore, the victims have established a relationship with their traffickers, they love them, they trust them as discussed by Participant 4 and 5. While the victims love and trust their traffickers they are also afraid of them, similar to domestic violence cases.

The barriers faced on the side of prosecution is lack of cooperation by the victims and lack of education on the part of the public. Lack of cooperation was an issue mentioned by 67% of the participants and lack of education was mentioned by 83% of the participants. While lack of cooperation is an issue it will not make or break the cases when going to trial. Again, these cases are more digital so while it would help to have the victims speak in trial, there still a substantial amount of evidence through social media, cell homes, extort ads and much more. The other issue of educating the public is what the prosecution spends most of their time on in trial. Again, these cases are similar to domestic violence cases. The juror and judge do not understand why the victims do not leave and why they believe they are not victims at all. As stated by Participant 4 “the victim at times says on the stand that they wanted to do these things for their trafficker and they don’t want help from the prosecution or investigators”. When things like this occur the portrait of the victim’s jurors expect to see is not at all the reality, which changes the opinions of the jurors. This is a prime example of why education to the public (potential jurors) is so important. Participant 5 had the same opinion as Participant 4 stating “trials are spent educating jurors with experts in the field of human trafficking, explaining why victims present differently then what they may expect, it is not like what they may see in movies”.

4. What kind of perceptions are thought of in regards to the victims in the initial contact?

- a. What are common misconceptions held by (first responders, community members, etc.) about human trafficking victims.**

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b. How do you work to reduce these misconceptions or see the truth?

All participants had the same response for both parts of the questions. Perceptions of victims in initial contact has been a misconception believing that the victim is not a victim but rather a participant of criminal acts. Victims in human trafficking do not look or act like a typical victim. The “victims are not running to the police crying for help”, as stated by Participant 1. “Victims are using drugs and are engaging in criminal acts willingly because they have been conditioned, brainwashed, and broken by their traffickers”, as stated by Participant 2 and 3. There is a huge misconception of victims of human trafficking by the public overall which leads to why education and training is so important.

According to all the participants the main way to reduce the misconception about human trafficking victims is to train and educate. While over the past five years training has improved for first responders and health care workers the public still needs a lot training as well. Remember the public is the juror and having them educated about the crime will help when they are on the jury.

5. What are your thoughts on the level of punishment the offenders receive in human trafficking cases? What are your thoughts on punishment deterring offenders in these cases verses rehabilitation?

As stated by Participant 1, “human traffickers think of this as a safer crime. For example, if you get caught with drugs on you then typically you automatically know you are going to jail, however if you get caught with a girl in your car, it’s not necessarily illegal. It is much easier to sell a girl over and over, so harsher sentencing is a good thing”. Recently, in Georgia the statute changed and anyone convicted of human trafficking with a minor will automatically be sentenced to twenty-five years to life. Therefore, all participants believe that in Georgia the

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recent improved statute is at a good level of punishment. The participants hope that the new statute would be a deterrence and other states will follow in Georgia's footsteps.

All participants believe that given the type of crime rehabilitation would not be an option for traffickers. Participant 4 however did address the grey area of when a victim turns trafficker in regards to rehabilitation. In these type situations rehabilitation may be a possibility because of them being a victim at some point however this would be a case by case situation and a very gray area that would need more investigation.

6. What are your thoughts on how the victims perceive the criminal justice system, do you think the victims feel as though you can be trusted?

All participants feel as though the victims do not trust the criminal justice system. They all stated that most victims have typically had past negative experience with the criminal justice system. Most human trafficking victims come from broken homes and they have been in out of their home by Department of Family and Children Services or where the police have been in out of their home due to drug abuse or domestic type situations. In addition to having negative experiences with the criminal justice system in their home life, they have also been coached by their traffickers not to trust the police. Many times, as expressed by Participant 5, "traffickers have told these victims they cannot trust the police, the traffickers have told these victims you are doing something wrong by having sex with men for money and you will be arrested as well for prostitution".

7. What are your thoughts on the cooperation or lack of cooperation with the victims?

- a. Are the victims being intimidated by the traffickers?**
- b. Are the victims in love with their traffickers?**
- c. Are they involved in the trafficking ring themselves?**

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All participants believe that all factors listed above apply when it comes to lack of cooperation with victims. As discussed above, the victims do not trust the criminal justice system. They have been exposed to the criminal justice system in a negative way. Additionally, victims have been coached, told that they will get arrested, or even intimidated by their trafficker by threatening to harm them or their family.

Victims do not cooperate in these cases because they have been intimidated by their trafficker and are in love with them. As put by Participant 1, “typically in these situations, the victims start out by meeting the trafficker and starting a relationship with them. The trafficker builds the trust of the victim, the victim falls in love. Then the trafficker starts asking the victim to do sexual acts to help make money for them, so they can buy a house or get an apartment”. Then the cycle of abuse and intimidation begins, these victims are very similar to domestic violence victims as stated by Participant 1. Also, we must remember these victims are young children, they think they are in love, they think the abuse and intimidation is normal because usually they come from a broke home where they have witnessed abuse before.

Also, after years of being the victim, they turn to working for the trafficker, by recruiting friends to help make money. They are told by their trafficker either you recruit more girls/boys or you will be beaten. In other situations, some of the victims aged out and they will switch from being the victim and recruiting to becoming the trafficker. Trafficking has been their life for so long, they think this is their only option. While this does not happen in all situations, it is still very common.

8. Are there a lot of human trafficking cases dismissed due to lack of evidence?

- a. If not, what are the main reasons for human trafficking cases to be dismissed?**

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All participants believe that many human trafficking cases have been dismissed due to “lack of evidence”. However, it is not really lack of evidence, as it is lack of resources to obtain the evidence. This typically happens in county courts instead of at their level (their office is dedicated to only serve human trafficking cases). Human trafficking cases are time extensive and many times you have to think outside the box because you cannot depend on victim’s cooperation/testimony. The evidence does not just fall into the prosecutor’s lap, it takes time and money to investigate and prosecute these cases, both of which county courts do not have much of resulting in dismissal or pleading out to a lesser offense. For example, county courts look at human trafficking cases as, they do not have the victim’s testimony and cannot locate her however, they have robbery cases with victims ready to help, so they dismiss human trafficking cases or plea them out to a lesser offense and take the robbery case to trial.

However, over the past several years there has been trainings and education for prosecutors within county courts. They are learning that the issue of lack of cooperation by the victim is normal in these cases. Prosecutors understand they must rely on other evidence such as cell phone records, sting operations, and social media. Additionally, prosecutors have the ability to rely on taskforce to help them with the resources they need to fight these cases.

9. Do you think prosecutors dismiss human trafficking cases because they think they cannot win the case?

Most of the participants did believe that human trafficking cases in general are dismissed due to fear of losing. Prosecutors do not want to lose a case in general. The participants believe that because of the new nature of the crime there is a lot of unknown with these cases, which may result in prosecutors being less aggressive. In most cases, prosecutors will rely on the testimony of their victims however, in human trafficking cases victims are not reliable. Victims in these

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cases are similar to domestic violence cases, unreliable, not willing to cooperate, and many times they are scared and love their traffickers, so they are not going to help the prosecution.

Additionally, most county court offices do not have the resources to investigate and prosecute these cases.

10. Is there anything else you would like to add?

Most of the participants believed that the high points were covered in the interview and were just thankful that someone is researching the topic, which will hopefully educate the public. They continued to emphasize on the need for training and education to the public about the victims and the fact that human trafficking happens all over the world even in your backyard.

Themes Overview

An analysis of the interview data was completed. NVivo qualitative data analysis software was used to assist in the coding process. During the analysis of data, the interview transcripts were entered into NVivo qualitative data analysis software. The NVivo qualitative data analysis software identified reoccurring words and phrases. Additionally, the researcher also, reviewed the transcripts to identify reoccurring words and phrases. Some of the key words and phrases were education, training, lack of training, lack of cooperation, victims, misconception, perception of the victims is an issue that was discussed on several occasion by all the participants. domestic violence. In reviewing the data and key words there were four themes that were developed through the analysis of the formal interview process with the participants. These themes emerged as a result of patterns or ideas that were emphasized during the interview and identified during multiple readings of the interview transcripts.

Theme 1: Sample participants continually emphasized the lack training and education in reference to the public.

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67% of participants emphasized the need for education for the public while 50% of the participants mentioned the need for training for the public.

Participant 1 stated “But a way to remedy that is I think more training has helped me um and just having more experience with it”

As stated by Participant 5 “most people don't really want to believe that it's happening, especially happening in their neighborhoods. So, I would say the biggest hurdle for that, for misconceptions is more from the public. And unfortunately for prosecutors, that's what our jury pool is. So, we have to spend a lot of time in trials actually educating the jury through experts about why this victim may present differently than what they perceive...And again, these are jurors that potential jurors that we're talking to. So, I would say community education could be better”. Participant 5 also stated “I would also deal with a lot of pimping prostitution cases, which can sometimes really actually be trafficking, but just because of lack of education or evidence or whatever, they were actually pled down to prostitution or pimping”

Participant 4 states “there is a lack of understanding by the jury and judges because the victims do not appear willingly”.

Participant 3 states “when prosecuting these cases, not only can it be difficult because of lack of cooperation by the victims and witnesses but also because of preconceived notions and lack of education on the part of the public/jurors about the victims themselves and how these individuals become victims of trafficking”. Participant 3 also stated “in my opinion, training and education is the best tool that can be used to end these misconceptions. Communication amongst agencies can also be a useful tool, not only for educating one another, but for gathering information in order to pursue and prosecute these offenders”. Additionally, Participant 3 again emphasizes the need for education by stating “based on my knowledge ...there are high numbers of trafficking cases that are dismissed due to ...and lack of education and/or resources available to law enforcement and prosecutors”.

Participant 2 stated “I would say as far as the initial investigation it's just the educational piece for law-enforcement to know your school systems to know kids are being recruited no I want to live for parents to look for you know while will chair welfare agencies reports even if it's not a child be in traffic and be a child neglected knowing those signs and then we went to look for in investigating so I would definitely say education piece of bread With people not knowing I need to know the people to contact and professionals to help you know if you're at a restaurant and you see something that looks suspicious so just educating the public on what to look for if you're at the grocery store looks kind of weird I know a lot of people are hesitant to just call the place and go just listen kind of suspicious I don't really know I don't want to get someone in trouble but I think just informing the public and educating all around would help”. Participant 2 also emphasizes again TRAINING TRAINING TRAINING!!!”

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There is an abundant amount of time spent during trial educating the jury and judge about human trafficking in general. While human trafficking is a relatively new crime it is growing fast and occurring all over the world. According to all the participants, in order to help the prosecution, address the barriers, the public needs to be trained and educated about the crime itself, as well as the victims in these cases.

Theme 2: Participants stated the lack of cooperation with victims in human trafficking cases is a big issue.

Human trafficking victims are typically teens, underage children that are vulnerable and naive. The victims have developed a relationship with the trafficker, they love their trafficker because the trafficker has established trust and a relationship with them. The victims will do anything for their trafficker to keep them happy. 83% of the participants indicated that lack of cooperation by the victims was a major issue in human trafficking cases. The victims do not think they are victims as described by Participant 1, 2, and 3.

Participant 1 states “the lack of cooperation of the victims a lot of times they don’t see themselves as victims and they don’t present their self as victims”.

Participant 2 states “then a lot of the victims don’t see themselves as victims so just because of that grieving process they say no I’m doing this because I want to I’m not doing it for free”

Participants 3 states “Victims are not typically willing to cooperate often due to fear of the suspected offender, love for the suspect offender or because the victim themselves does not believe that anything wrong has happened and will protect the offender from being located and subsequently arrested”.

Therefore, the victims have an unwillingness to cooperate. Additionally, the participants described the victims as not trusting the criminal justice system because of past altercations with the system in negative ways or because the trafficker has coached them. Victims are also intimidated by their traffickers, they are terrified.

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“The victims know there is a ring of people involved, so if one person is arrested they can call on others to put pressure or intimidate the victims” according to Participant 4”. Victims have been abused by their trafficker, committing crimes with their trafficker, so the trafficker uses these things to intimate and threaten their victims as well. Participant 1 describes that “the victims they have been through trauma...there needs to be a repour built with the victim and first responders, showing them that they can trust the investigator, victims advocate, etc.” Participant 4 states “victims lack of cooperation is first and foremost the biggest hurdle”.

No matter how hard the prosecution tries to obtain some form of trust with the victim there is still that chance the victim changes their mind and does not cooperate. While the victim can always be subpoenaed and held in contempt for not testifying, no prosecution truly wants to do that to these victims after all they have been through. The lack of corporation is a barrier in human trafficking cases but does not stop the case from going to trial. While it is good to have victims help “make the cases” it is not required due to all the digital evidence available in these type cases.

Theme 3: The misconception or perception of the victims is an issue that was discussed on several occasion by all the participants.

According to the participants 67% viewed that misconception of victims was an issue. Additionally, 33% of participants stated there is a misconception of victims being prostitutes instead of victims. This type misconception is typically by first responders and the public.

According to Participant 5 “they have dealt with pimping and prostitution cases when in actuality there were human trafficking cases however due to lack of education or evidence the case would be pled down to prostitution”. Then Participant 1 states “many times first responders see the victims are as criminals in that initial interaction”. According to Participant 2 “yes there definitely a lot of misconceptions because a lot of people feel like they’re not actual victims”. Participant 3 states “I think the biggest misconception by initial responders and public is that they only see that these victims are engaging in criminal acts/acting as criminals, and are willing participants. What untrained initial responders, as well as a large percentage of the public, fail to see or consider is that these victims often come from a dysfunctional and/or violent home environment. They are looking for a way out and offenders will prey on that and

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manipulate these men and women until they are almost completely under the control of the offender.

Participant 4 emphasis “certainly there are misconceptions, but the misconceptions are usually around what is willingness, what is not willingness, what is a victim look like, and that you can be a victim even if you appear willing.

Victims in these cases do not present their selves as victims. They do not run to the police department asking for help if they get a chance to escape. They are runaways many times, they come from broken homes searching for a place or person to make them feel loved. They will do whatever the trafficker wants to make them happy and for the beatings to stop, this is the process described by 67% of the participants. Due to trauma the victims go through they do not think they are victims, they think these actions are normal, they think they do not deserve anything better.

Theme 4: The idea that human trafficking victims are almost identical to domestic violence cases.

The participant referenced the victims as being identical to domestic violence victims. Thirty-three percent (33%) of the participants directly stated domestic violence victims and human trafficking victims were very similar while the other 67% indirectly related similarities in domestic violence and human trafficking victims. Participant 1 and Participant 5 reference domestic violence similarities several times during our interview and referenced the domestic violence cycle.

According to Participant 1 “a lot of times it’s all of those combined they usually start off as boyfriend girlfriend and I love your pimp and they’ll do anything for him and that starts from you know horrible family life where they were not given attention and this guy helped him gave him some thing said something and then he start saying well if you love me help us make some money so we can get a house start living together so definitely they love them they also are intimidated by them as well, like domestic violence situations where how life is getting better and I love that person for their cycle of abuse and then they are committing crimes...”

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Participant 5 also addressing domestic violence similarities. Participant 5 stated “prior to coming to the unit, I was a special victim’s prosecutor and actually a lot of overlap in domestic violence and human trafficking. So, there were some signs of it”. Additionally, this participant stated “they’re not the most sympathetic of victims, they don’t present to be, we really know that what their story is, you know, and you really understand that what they’re doing and how they’re presenting is actually very textbook...these victims are very uncooperative, very uncooperative...so, you see similarity with the victims and domestic violence victims...the similarities are just uncanny. If you look at the cycle of violence, there’s an actual diagram of the cycle of violence for domestic violence cases. It’s the same cycle of violence for human trafficking cases, the exact same. And the return rate of a victim going back to their abuser or their trafficker is I mean, it’s the same it’s almost identical. The cycle of violence. There’s an overlap of domestic violence cases with human trafficking cases. A lot of times there’s a literal overlap in their relationship with especially during COVID like if somebody is out of work and there’s not enough money coming into the home of an abuser might say, well, there’s a way you can do that. But there’s that same type of coercion, that same type of fear. It’s almost the exact same cycle of violence that the domestic violence case has”.

As discussed by the participants the victims in human trafficking are very similar to the victims of domestic violence and the cycle they go through within their relationship. The domestic violence cycle is as follows:

The cycle presented by domestic violence victims is as follows: first the couple falls “in love” then tensions begin, the victims feels as though they are walking on eggshells, there is emotion abuse occurring and fear of violence, then the violence begins. There are episodes of physical, emotional, and sexual abuse. Lastly, the “honeymoon” stage, the abuser ignores the violence, blames it on the victims for saying or doing something, the abuser acts genuinely sorry trying to do and say things to make the victim happy and forgive them. Then the cycle starts all over and it is a continual cycle that never ends (National Domestic Violence Hotline, 2020).

This cycle is the same cycle described by participants in regards to the human trafficking victims. Similar to domestic violence victims, human trafficking victims love their trafficker, are intimidated by their trafficker, and want to protect their trafficker. The traffickers manipulate their victims by gaining their trust, they then abuse their victims, brainwashing them and braking them. Once this process is complete the victims will do whatever the trafficker ask just to make the beatings and abuse stop. Again, similar to domestic violence victims, human trafficking

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victims do not think they are victims. Due to the brainwashing and their past situations they do not feel as though they deserve anything better.

Chapter 5: Discussion

Introduction

Human trafficking is not just an American problem it is a worldwide problem. In order to adequately investigate and prosecute human trafficking cases we must have a clear understanding of the cases from the victims to the defendants, from the initial contact to the sentencing. In identifying the barriers faced in these cases it will allow researchers, first responders, investigators, prosecutors, and the general public to better understand the size of the problem and how best to fight modern day slavery.

Themes were developed from the perception of the barriers faced by the participants in this study. The responses in many cases were overall similar however their experiences in some situations were different because of the different roles they play in these cases. The themes identified should be considered when developing policies and procedures in handling human trafficking cases.

The review of literature provided a baseline for the research, however there is very limited research due to the newness of the crime and limited access to data in regards to prosecution/conviction rates as well as victim perceptions. The sample population in this study came from a human trafficking taskforce. This taskforce works strictly with human trafficking cases and was developed a year ago.

The four themes (lack of training and education, lack of cooperation with victims, misconception or perception of the victims and human trafficking victims are identical to domestic violence victims) were identified in this study and were present in the majority of the participants responses in one way or another. While the participants were just brought on in this taskforce they all came with extensive knowledge on human trafficking cases from their prior

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work experiences. All of the participants were very passionate about the work they do within the taskforce in helping these victims and were excited to know someone was researching and getting the word out about human trafficking.

Interpretation

The present study seeks to identify and understand human trafficking cases by identifying perceptions of barriers in prosecuting human trafficking cases. I worked to increase this understanding by answering two research questions that guided the study:

RQ1: What are the perceptions toward arrest, conviction, prosecution, and sentencing barriers by the human trafficking taskforce within the attorney general's office in handling human trafficking cases?

RQ2: What are the recommendations toward reducing the arrest, conviction, prosecution, and sentencing barriers by the human trafficking taskforce within the attorney general's office in handling human trafficking cases?

There are two research questions which were presented separately however, the responses of the participants are intertwined and they must be considered in context together. Education and training of the criminal justice system and general public will help the barriers faced by investigators and prosecutors in human trafficking cases. The themes identified through this study suggest a lack of knowledge about human trafficking cases in general, lack of cooperation with victims, misconceptions of the victims and the similarities of human trafficking cases to domestic violence cases. The need for education and training is abundant and is not only needed for first responders but also the general public.

The participants in this study provided their responses during a face-to-face interview indicated that the perceptions toward the barriers faced during arresting and locating an offender

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was not a major barrier rather the main barrier they face was issues with the victim. There was an overwhelming result in the fact that victims are the major barrier in all aspects of human trafficking case handling. The offender while is not typically cooperative, the crime itself is such a digital crime, there are many avenues they can use to prove their cases against the defendant. Participant 4 stating “they arrest defendants many times using sting operations” and Participant 5 stating “locating defendants will come from sting operations from ads posted”. Additionally, the participants all agreed that jurisdiction for their office was not an issue but would be issues with county offices. They also all agreed that the defendants did have knowledge of what is going on in their trafficking ring but they will deny everything they know.

As discussed in the review of literature, it was identified that victim credibility has been identified as an issue when prosecuting human trafficking cases. According to Cumingham and Cromer (2016), myths about the victims were to blame to influence the perception of the victims by the public. In this study, the data shows the perception of victims is an issue to the public when it comes to trial. According to Lindholm and Cederborg (2016), judges also believe that victims should have a specific demeanor when testifying in court and Constantious (2013), study stated victims should meet the specific stereotype. The public has been misinformed about human trafficking victims from movies and television shows, the truth according to this study is that victims many times do not want to leave their trafficker, they do not see their selves as victims and are not cooperative in the arrest and prosecution process. As a result, the findings in this study show an emphasis on the importance of training and educating our public.

However, 83% of the participants perception toward arrest, conviction, prosecution, and sentencing barriers in human trafficking cases was lack of training and education in reference to the general public. The general public does not understand human trafficking cases overall. The

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general public bases their understanding on movies instead of facts. Due to the lack of education with the general public the barrier is having to educate the general public during trial.

Additionally, most people believe human trafficking only occurs in big cities or internationally, they do not believe it occurs in their small towns. Human trafficking is also a new crime so the public does not understand the crime as they do drug trafficking, robbery, or murder.

As stated above the need for education of the public is imperative. It was discussed in the review of literature that there was a lack of education but the literature focused on lack education for law enforcement and not the public in general. According to Grubb and Bennett (2012), training is needed for local law enforcement agencies, the training is being given to higher level law enforcement agencies but not being disseminated to local agencies. Additionally, there is a lack of awareness and inability to identify human trafficking victims when contact is made, on the law enforcements part according to the studies by Kay et al., (2014), Farrell (2014) and Huff-Corzine et al., (2017). The participants in this study did state there was issues with training for law enforcement initially, however they have come a long way in improvements on training and on their ability to handle and identify human trafficking victims in the recent years. Therefore, while the lack of training for law enforcement was an issue initially there have been many improvements on this issue and now the main training and education barriers lay with the general public instead of law enforcement. The general public needs to be educated on human trafficking cases. Communities should provide training events and the could use social media as an excellent way to get the information out.

In knowing the need for training and education a prime barrier, the next big barrier identified in this study is the misconceptions or perceptions of the victims. In the participants responses the results showed that 67% believed that misconception was another issue when it

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comes to the barriers of arrest, conviction, prosecution, and sentencing in human trafficking cases. There have been times when victims are viewed as defendants rather than victims such as in prostitution cases. Victims do not present as victims they are working to help their traffickers make money at times so when first responders make initial contact there maybe that misconception or perception of the victim. Participant 5 admitted during the interview stating “I dealt with pimping and prosecution cases when in actuality they were human trafficking cases involved.... then plead the case down to prostitution”. This is also relating to what Participant 1 said that the victims are seen as criminals. This is a result of lack of education and training on the criminal justice system side.

Victims of human trafficking cases are not your typical victim like in murder or robbery cases. Eighty-three percent (83%) of the participants believe there is a major lack of cooperation issue which is a huge contributor to the arrest, conviction, prosecution, and sentencing barriers in human trafficking cases. Victims in most criminal cases are your key witness. In human trafficking cases one cannot rely on the victim’s testimony. Participant 2 states “these victims do not see their self as a victim...it is usually very difficult to get the victim to cooperate” and Participant 1 states again “these victims don’t see themselves as victims...they don’t present their as victim, they don’t look like victims, and they are not running to the police for help”. These victims love their trafficker, they have been trained by their trafficker on what to say to investigators and prosecutors. If the district attorney puts a victim on the stand it is a very risky situation because you never know what the victim will say on the stand no matter how many times they talk to them prior to trial.

The lack of cooperation with the victim relates to the other issue identified in this study. The victims in human trafficking cases have very similar characteristics to domestic violence

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victims. During the interviews participants directly and indirectly stated that victims in these cases almost mirror victims' characteristics of domestic violence. Victims were described by the participants as not seeing their self as victims, loving their trafficker, scared of their trafficker, not wanting to cooperate, believing they have done something wrong or it is there fault they are in the situation they are in. These are all the same traits seen in domestic violence cases. This perception is another major barrier faced when looking at arrest, conviction, prosecution, and sentencing in human trafficking cases. The actions of victims portraying characteristics of domestic violence victims is the part of educating jurors that occurs during trial. The public believe victims in these cases are waiting out help to be rescued but many times it is the complete opposite and the jurors do not understand.

These perceptions of the participants toward arrest, conviction, prosecution, and sentencing barriers in human trafficking cases all intertwine together one effects to the other. The recommendations by the participants toward reducing the arrest, conviction, prosecution, and sentencing barriers in human trafficking case is educating and training the criminal justice system, first responders, and the general public as recommended by all participants. To help the issues in education and training there should be policies and procedures put into place for requiring education and training within the criminal justice system. Additionally, state and county offices could work together with human trafficking taskforce to develop and facilitate training and education classes for their communities. In putting such programs in place, it will help reduce the arrest, conviction, prosecution, and sentencing barriers in human trafficking cases.

Context

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This is the first qualitative study on barriers of prosecuting human trafficking cases. The study does have a small sample size and limited geographic distribution that may limit a variation in response, however the consistence of themes identified throughout the study does provide insight on issues with lack of knowledge in dealing with human trafficking cases.

There are not many human trafficking studies due to the newness of the crime, so we must start somewhere with research. In this study, the process is starting with identifying barriers so that ways to improve handling human trafficking cases can start.

Implication

The findings of the study have significant implications for training and educating the public.

1. Training and education need to be first and foremost when it comes to human trafficking cases. There is a lack of training and education when it comes to the criminal justice system and first responders. While there are trainings held at higher levels with the criminal justice system the education and training are not being passed down to the county and local levels.
2. There is a need for training and education within communities. The general public does not understand human trafficking cases, specifically the victims. The general public watches movies about human trafficking such as “Traffic” or “Taken” and they see the victims in these moves are continuing to fight to get away from their trafficker. However, in reality victims most of the time are not just snatched up, they are manipulated by the trafficker. The victims talk to their traffickers for a period of time to where they gain their trust, fall in love, and then believe their life will be so much better if they run away with their trafficker. In other situations, the trafficker could be the victim’s family members. Victims do not cooperate most of the time,

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they do not want help, they are scared, and love their trafficker. Victims act like domestic violence victims and the public need to be educated on the true way human trafficking victims act.

3. There should be stronger laws and more taskforces for human trafficking cases. While Georgia has enacted a new law on the level of punishment for trafficking offenders all other states need to get on board. Currently in Georgia, if a person is convicted of human trafficking with a minor they are sentenced to 25 years to life. This strong sentence needs to be in place in all states. There should be a specialized taskforce in all states to handle human trafficking cases. Due to the extensive time and money these cases take it would be beneficial to the county offices and the state offices to have specialized taskforces. The taskforce can focus on these cases only and run into less issues such as jurisdiction issues.

Limitations

Several limitations exist in this type of research which may affect the use of the study results. While qualitative research allows for a complete review of the phenomenon being researched, the design is subject to the participants being forthcoming with their responses. We must understand the limitations of the design to allow the researcher and readers to assess the findings.

Limitations include self-reporting which could result in the lack of honesty by the participants. Some participants may be reluctant to discuss issues for all the public to view.

There was an attempt to obtain complete and honest responses by following these steps:

1. Participants were allowed to ask questions about the study prior to the interview.
2. Participants were provided plenty of time to responded to each question during the interview.

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3. Participants were allowed to omit any question they felt uncomfortable answering.
4. Participants were allowed to end the interview at any time if they felt uncomfortable.

Allowing participants to feel comfortable and have plenty of time to answer each question is an attempt to help participants feel as comfortable as possible, so they are willing to answer the questions as honestly as possible.

Additionally, personal bias could affect the study of data collection, reporting and interpretation. However, there was a use of a written questionnaire to guide the interview process to ensure consistency in data collection with the participants. The interviews were recorded, transcribed and entered into NVivo qualitative analysis software. Additionally, there was a manifest content analysis and latent content analyzes of the data to identify categories and themes. Themes were also identified by the qualitative software which was used to allow for better work production and limit human error. Then the data themes and categories identified by the researcher and the software was compared and analyzed.

The other limitation is sample size. While the sample size is small in this study it was purposely selected to match specific requirements for this study. I believe it is important to have the participants meet specific requirements to ensure they have extensive knowledge in this field. While the sample size was small they all had extensive hands on experience for several years which provides a deeper understanding, knowledge, and insight, to this study.

Future Directions

Future research in this area is needed. There is a lack of research in this field overall, especially in the form of qualitative research which is what inspired the direction of the study. One issue of being able to provide more qualitative studies in this field is the lack of access to

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victims and data. In not having the access to information prevents us from understanding the size of the problem.

While we know there is a problem with human trafficking, data and statistics are skewed due to the privacy laws for the victims and the convictions of offenders pleading out to a lesser charge. This is an issue for researchers and why the process of qualitative studies would be better in these cases. Additionally, there is a need for studies with county offices in identifying training and educational process that are provided for their offices as well as first responders, district attorneys, public defenders, and the community. This study showed there is a major disconnect with training and education overall.

The data from this study does show that we as a nation are moving in the right direction over the past few years however, there is still much work to be completed. According to Woolverton (2019) North Carolina has developed specialized courts for human trafficking cases in some areas of the state. According to the participants in this study there has been huge strides made over the past five years in Georgia. Farrell et al, (2019) also discusses that all fifty states have improved their laws to fight against human trafficking. While all the enforcement of better laws and specialized courts and taskforces are a good step in the right direction education is still a major need for everyone, not just the criminal justice system but public as a whole.

In the prior studies the want of learning, education, and training is there by law enforcement but in reality, the information is not being disseminated (Grubb and Bennett, 2012). Two years later another study found that first responders want training in order to interact and approach these cases correctly, whether by knowing how to gain the trust of the victims or just being able to identify the victims in general (Farrell, 2014). There are several other studies discussed in this study with results that show law enforcement from the local, state, county, and

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internationally pleading for training and education on human trafficking cases. These are just studies that show aspects from the criminal justice system, if they do not have the knowledge, education, and training on human trafficking cases imagine the lack of knowledge in the general public when it comes to jurors.

This study is the first study to address the lack of knowledge and need for education and training for the general public. In knowing that this is the first study to address the issue there should be more research to identify ways to get the information out to communities. Human trafficking is not a big city crime or just occurring internationally, this is a worldwide crime. Everyone around the world needs to be educated and trained on how to identify victims and when human trafficking is occurring within their community and homes. Whether a study shows education would occur best in schools or at community meetings there needs to be research completed to outline the best way to publicize education on human trafficking.

Summary

“Human trafficking cases are tough cases.... however, we have made must strides in these cases over the past few years” (Participant 5). Changes are happening in these cases, work is being done, while things will not be completely fixed to change the barriers in human trafficking cases overnight there is work being done. One thing is for sure, education and training is something that needs to be focused on in the years to come. Continuing research to understand the victim’s perception in these cases is also needed but may be difficult to obtain. However, in time, human trafficking barriers will be a minor issue and the fight against these cases will be stronger and more present within the public.

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Appendix A
Interview Questions

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Interview Questions

- 1.) What experience do you have working with human trafficking cases?
- 2.) Based on your experience, is it hard to locate and arrest defendants in human trafficking rings? If so, what factors make it hard to locate and/or make an arrest?
 - a. Is it due to lack of cooperation with defendants and/or victims?
 - b. Is it due to the individual you arrest or locate not having the knowledge of other individuals involved with in the trafficking ring?
 - c. It is due to not having enough information on the crime that took place, location of the crime or jurisdiction issues?
- 3.) What specific barriers do you face when investigating and prosecuting a human trafficking case?
 - a. Why do you think those are the main barriers in these type cases?
- 4.) What kind of perceptions are thought of in regards to the victims in the initial contact?
 - a. What are common misconceptions held by (first responders, community members, etc.) about human trafficking victims.
 - b. How do you work to reduce these misconceptions or see the truth?
- 5.) What are your thoughts on the level of punishment the offenders receive in human trafficking cases? What are your thoughts on punishment deterring offenders in these type cases verses rehabilitation?
- 6.) What are your thoughts on how the victims perceive the criminal justice system, do you think the victims feel as though you can be trusted?
- 7.) What are your thoughts on the cooperation or lack of cooperation with the victims?
 - a. Are the victims being intimidated by the traffickers

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- b. Are the victims in love with their traffickers?
 - c. Are they involved in the trafficking ring themselves?
 - d. Do the victims trust or not trust the criminal justice system?
- 8.) Are there a lot of human trafficking cases dismissed due to lack of evidence?
- a. If not, what are the main reason for human trafficking cases to be dismissed?
- 9.) Do you think that some cases are not prosecuted because prosecutors do not think they can win the case?
- 10.) Is there anything else you would like to add?

Appendix B

Demographic Information Form

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Demographic Information Form

Instructions: Please provide a response for each of the following questions:

1. What is your age? _____
2. What is your sex: Female: _____ Male: _____ Other: _____
3. With what race or ethnic category do you identify:
 - a. African American
 - b. Asian/Pacific Islander
 - c. Caucasian
 - d. Latino
 - e. Other: _____
4. What is your highest level of education? _____
5. How many years of experience do you have working with human trafficking? _____

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Table 1

Demographic Results

Participant #	Age	Race	Sex	Experience directly with HT	Experience indirectly with HT	Education
1	31	W	M	2.5 years	8 years	Bachelors
2	49	B	F	2.75 years	14 years	Masters
3	40	W	F	16 years	0 years	Bachelors
4	32	W	F	5 years	8 years	Doctorate (J.D.)
5	33	W	F	2.5 years	4 years	Doctorate (J.D.)
6	23	W	F	2 years	3 years	Bachelors

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Table 2

Barriers in Investigation and Prosecution Results

