



**STATE OF ALASKA TASK FORCE
ON THE CRIMES OF
HUMAN TRAFFICKING,
PROMOTING PROSTITUTION
AND SEX TRAFFICKING**

FINAL REPORT AND RECOMMENDATIONS
DELIVERED FEBRUARY 15, 2013

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I. Executive Summary and Introduction

The State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution and Sex Trafficking was established by legislation in 2012 to do the following: (1) look at the prevalence of the crimes of human trafficking and sex trafficking in Alaska; (2) assess the current services available to victims of human and sex trafficking; and (3) make recommendations for ways to further assist victims. This report is the final culmination of the task force's work and includes the task force's final recommendations.

The task force met over the course of five months and held three public hearings in Anchorage, Bethel and Hooper Bay. In addition to hours of testimony and some written comments, the task force also received background information from its staff to gain a better understanding of services available throughout the state and the prevalence of the issue in Alaska. Although the task force received a lot of information, it found that there are also a lot of gaps in information due to the underground nature of the crime and the tendency of trafficking victims not to self-report. Therefore, many of the task force's recommendations focus on how to better identify victims and public awareness of human trafficking.

The task force's final recommendations are summarized below:

1. Establish a permanent working group on human and sex trafficking.
2. Conduct a high profile media campaign.
3. Develop a mechanism to allow victim advocates access to potential trafficking victims.
4. Educate youth on the subject of human and sex trafficking
5. Train law enforcement, Department of Health and Social Services (DHSS), prosecutors and key service providers on how to identify and assist trafficking victims.
6. Amend the administrative subpoena law to encompass the trafficking statutes.
7. Establish pre-trial diversion programs for persons arrested for prostitution.
8. Update population and in-take surveys to better identify potential trafficking victims.
9. Continue efforts on language access for victims.
10. Encourage establishment of safe shelters, both short and long-term.

11. Create mechanism to ensure housing of unaccompanied minors in emergency circumstances.
12. Develop hotline and emergency response for hotline.
13. Evaluate legislation to allow expungement of prior prostitution convictions of trafficking victims.

In addition to the recommendations above, the task force supports the provisions in Governor Parnell's recent omnibus crime bill addressing trafficking. In particular, the task force supports the change to the Violent Crimes Compensation Board to cover trafficking victims, the elimination in the statute of limitations for a tort claim, and the expansion of wiretapping for the crimes of human and sex trafficking.

II. Background

a. Definition of Human Trafficking

As a starting place for understanding human trafficking, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons defines "Trafficking in Persons" as

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In 2000, the United States Congress passed the Trafficking Victims Protection Act (TVPA). States began to follow suit, enacting their own laws against human trafficking.

The purpose of the TVPA is to provide protection for victims of human trafficking. Under the TVPA, trafficking in persons is defined as:

- a) Sex trafficking in which a commercial sex act is induced by force, fraud, coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- b) The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8 U.S.C. § 1101.)

In 2012, the Alaska legislature amended both its sex trafficking statutes¹ and its human trafficking statutes.^{2 3} Under current Alaska law,⁴ sex trafficking in the first degree⁵ can occur if a person:

- (1) induces or causes a person to engage in prostitution through the use of force; or
- (2) as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution; or
- (3) induces or causes a person in that person's legal custody to engage in prostitution.

Sex trafficking in the first degree is a class A felony unless prosecuted under subsection (2) which is an unclassified felony. There are also multiple lesser counts of sex trafficking. For example, a person commits sex trafficking in the second degree,⁶ a class B felony, if the person:

- (1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution; or
- (2) procures or solicits a patron for prostitution; or

¹ AS 11.41.360-11.41.365.

² AS 11.66.110-11.66.135.

³ Alaska's sex trafficking statute was first enacted in 1978 and its human trafficking statute in 2006.

⁴ The full text of the Alaska statutes on the crimes of human trafficking, promoting prostitution and sex trafficking can be found in Appendix 1.

⁵ AS 11.66.110.

⁶ AS 11.66.120.

- (3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for travel; in this paragraph, “commercial sexual conduct” means sexual conduct for which anything of value is given or received by any person.

Sex trafficking in the third degree,⁷ a class C felony, is implicated when a person:

- (1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution; or
- (2) as other than a patron of a prostitute, induces or causes a person 20 years of age or older to engage in prostitution; or
- (3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or
- (4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

Similar to the TVPA, Alaska law has subsections for sex trafficking in the first and third degrees that deal specifically with the sex trafficking of minors. Alaska law sets the age limit at 20, whereas federal law uses 18. Finally, there is sex trafficking in the fourth degree,⁸ a class A misdemeanor. This occurs if the person engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(4).

Under Alaska law, human trafficking in the first degree,⁹ a class A felony, occurs when a person “compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.” Human trafficking in the second degree,¹⁰ a class B felony, occurs when a person obtains a benefit from the commission of human trafficking in the first degree with reckless disregard that the benefit is a result of trafficking.

⁷ AS 11.66.130.

⁸ AS 11.66.135.

⁹ AS 11.41.360.

¹⁰ AS 11.41.365.

b. Types of Human Trafficking and Sex Trafficking

When you hear the phrase "human trafficking," an image of organized criminals forcing immigrants to perform difficult or dangerous work or sex for little or no compensation often comes to mind. In reality, human trafficking and sex trafficking can take different forms, making it difficult to identify the crime. For purposes of this report, there are two general categories: international trafficking and domestic trafficking. International trafficking involves the situation where a woman or man is coerced, forced, or deceived into forced labor or prostitution and brought from his or her home country to the United States. This is the type of human trafficking with which most people are familiar. Domestic trafficking also involves force, fraud or coercion,¹¹ but victims are trafficked within the United States, not over international borders. Both types of trafficking have occurred (and likely are occurring) in Alaska.

The majority of studies on human trafficking have focused on youth because it has generally been found that girls are first exploited between 12 to 14 years of age and boys between 11 and 13 years.¹² In Alaska, testimony from the FBI and the Anchorage Police Department pointed to the ages in Alaska being slightly higher, with girls generally being exploited between 15 and 17 years of age.

Between 244,000 and 325,000 American youth are considered at risk for sexual exploitation, and there are no estimates for those at risk of forced labor.¹³ Although some studies have estimated the number of youth at risk of sexual exploitation, the number of youth that qualify as trafficking victims is still unknown.¹⁴ There is a similar lack of information regarding specific needs of labor trafficking victims, whereas the literature on the needs of sex trafficking victims is more developed.¹⁵

In a study in Minnesota on the prostitution and trafficking of Native American women, the study found that the majority of women identified as victims exchanged sex

¹¹ Under either a domestic or international human trafficking scenario, if the victim is under 18 (or in Alaska under age 20) and sex trafficking is involved, no force, fraud or coercion is necessary to show that sex trafficking has occurred.

¹² *Human Trafficking Into and Within the United States: A Review of the Literature*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, pps. 8-9 (August 2009), <http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/index.shtml>, hereinafter referred to as "*A Review of the Literature*."

¹³ *Id.* at p. 4.

¹⁴ *Id.* at p. 5.

¹⁵ *Id.* at p. 2.

for food, shelter or drugs at some point.¹⁶ This is commonly referred to as "survival sex." The majority of women interviewed also identified a pimp or "boyfriend" to whom they gave most of their money.¹⁷

"Survival sex" presents a difficult issue because it does not fit into the traditional view of human trafficking. Although there may not be a specific facilitator involved, the use of "force or coercion" may still be used to induce the victims to prostitute themselves in exchange for shelter, food, drugs, etc. Also, as found in the Minnesota study, those persons that have engaged in survival sex may also be victims of more traditional sex trafficking.

c. Who is At Risk? - Common Identifiers of Trafficking Victims

Although there are differences between labor trafficking and sex trafficking victims, the literature shows that there are still common risk factors among victims.¹⁸ The testimony heard by the task force from service organizations and law enforcement confirmed that these factors generally hold true in Alaska as well. These factors include the following:¹⁹

- Poverty
- Young age
- Limited education
- Lack of work opportunities
- Homeless, orphan, run-away, thrown-away
- History of previous sexual abuse

¹⁶ *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark and Eileen Hudon, p. 25 (October 27, 2011), http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf, hereinafter referred to as "Garden of Truth."

¹⁷ *Ibid.*

¹⁸ *A Review of the Literature, supra*, at p. 7.

¹⁹ These factors were taken from the following studies: *A Review of Literature, supra*, at p. 7; *Garden of Truth, supra*, at pps. 40-42; *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*, Minnesota Indian Women's Resource Center, pps. 53-82 (November 2009), <http://www.miwrc.org/about-us-section-shattered-hearts-report>, hereinafter referred to as "Shattered Hearts"; *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, Shared Hope International, p. 49 (May 2009), <http://www.sharedhope.org/Resources/TheNationalReport.aspx>, hereinafter referred to as "National Report on Domestic Minor Sex Trafficking."

- Health, emotional or mental health challenges^{20 21}
- Drug or alcohol addiction
- Post-traumatic stress disorder
- Multiple arrests
- Truancy or expelled from school
- Often mislabeled as rape, sexual assault or domestic violence victims
- Presence of an older boyfriend
- Multiple sexually transmitted diseases

d. Primary Needs of Trafficking Victims

Studies have also identified the primary needs of trafficking victims, which include the following:²²

- Safe and secure housing (emergency, transitional and long-term)²³
- Food and clothing
- Individual counseling and peer support
- Substance abuse treatment
- Medical services
- Legal assistance
- Job training and placement
- Education

III. Information Gathered from Agencies or Organizations that May Provide Services to Victims of Trafficking

In order to establish a baseline for what services are currently available for victims of human trafficking and sex trafficking²⁴ as well as existing gaps in services, staff for

²⁰ In the *Shattered Hearts* study in Minnesota, fetal alcohol spectrum disorder was found as a common medical condition among American Indian women who were victims of sexual exploitation. *Shattered Hearts, supra*, at p. 77.

²¹ Many of the studies identified that many female trafficking victims have Stockholm syndrome, which makes them uncooperative witnesses. Overall, the studies agreed that trafficking victims generally do not view themselves as victims.

²² See *A Review of Literature, supra*, at p. 12; *Garden of Truth, supra*, at p. 47.

²³ Because most trafficking victims have been arrested for prostitution or other crimes, accessing shelter and other services can be very difficult. *Garden of Truth, supra*, at p. 45.

²⁴ When the term "victim" is used in this report, it is referring to victims of human trafficking and sex trafficking, unless otherwise indicated.

the task force contacted state and federal agencies and non-governmental organizations (NGOs) around the state between August 6, 2012 and August 27, 2012. The goal was to identify organizations that had the potential to provide services to victims. Staff attempted to cover a broad range of NGOs, but this list does not represent all NGOs within the state that may provide services to victims, and there were also a small number of NGOs that staff was unable to contact.

The following NGOs responded to staff's request for information:

- Abused Women's Aid in Crisis (Anchorage)
- Alaska CARES (Providence Hospital, Anchorage)
- Alaska Network on Domestic Violence and Sexual Assault (state-wide)
- Arctic Women in Crisis (Barrow)
- Aiding Women in Abuse and Rape Emergencies (Juneau)
- Covenant House (Anchorage)
- Fairbanks Youth Advocates (Fairbanks)
- Alaska Immigration Justice Project (Anchorage and state-wide)
- Interior Alaska Center for Non-Violent Living (Fairbanks)
- Kodiak Women's Resource & Crisis Center (Kodiak)
- The Leeshore Center (Kenai)
- Maniiliq Family Crisis Center (Kotzebue)
- Safe and Fear Free Environment (Bristol Bay)
- Salvation Army (Anchorage and state-wide)
- Sitkans Against Family Violence (Sitka)
- Standing Together Against Rape (Anchorage)
- Unalaskans Against Sexual Assault and Family Violence (Unalaska)

Staff for the task force also gathered information from the following state and federal agencies: Alaska Violent Crimes Compensation Board, Alaska Department of Health and Social Services, and U.S. Department of Health and Human Services. Although the Alaska Violent Crimes Compensation Board has knowingly provided assistance to eleven victims of trafficking, none of the other employees within the state agencies had information specifically relating to trafficking victims (outside of the law enforcement context). The substance abuse, mental health, domestic violence and sexual assault programs that the state either funds or provides would all be open to victims of trafficking. Therefore, aside from a brief discussion of the U.S. Department of Health and

Human Services, the remainder of this section focuses on the services provided by NGOs.

a. Services Offered by the U.S. Department of Health and Human Services (USDHHS)

The Administration for Children and Families within the USDHHS administers the Campaign to Rescue and Restore Victims of Human Trafficking. The administration directly services foreign victims of human trafficking by assisting them with obtaining a certification that he or she is a victim of human trafficking, which allows them to gain access to public assistance for which they would otherwise be ineligible. The other services offered by the administration involve creating an awareness campaign and forming local and regional coalitions to fight human trafficking by distributing materials that can be used in any local or state campaign by both state agencies as well as NGOs.²⁵

b. Services Offered by Non-Governmental Organizations

The primary mission of the majority of the NGOs interviewed is to assist female victims of domestic violence and sexual assault, although many organizations stated they also assist men with non-shelter needs. Three of the NGOs only address the needs of minors, and the majority of the shelters did not feel comfortable taking in unaccompanied minors without receiving parental permission for legal or liability reasons. If the NGO did not provide a specific service, it typically had referral organizations that it worked with on a regular basis.²⁶

Out of all the NGOs surveyed, only one of them, the Alaska Immigration Justice Project, has a specific focus on, and expertise with, victims of human and sex trafficking. The other NGOs did not have any specific services for trafficking victims.

²⁵ See http://www.acf.hhs.gov/trafficking/rescue_restore/index.html.

²⁶ If the referrals were only done on an individual basis and a specific relationship with another organization was not formally established, these were not included as services offered by the NGO in the table.

The following table represents the main services provided by the NGOs interviewed:

| Service Offered | No. of NGOs Offering Service | Any Descriptors |
|-----------------------------|-------------------------------------|---|
| Medical | 4 | Advanced nurse practitioner (1); twice a month public health comes in (1); one-stop shop of medical services (1); conduct sexual assault response team (SART) exams (1) |
| Counseling | 14 | Available at facility or shelter (3); pro bono referral service (2); support groups and education groups |
| Emergency/Temporary Housing | 11 | Generally 30 days or less time limit; one or two allowed longer in certain circumstances; children engaged in sex trafficking usually in and out multiple times |
| Longer-Term Housing | 2 | Up to 2 years for transitional housing |
| Translation/Interpreter | 5 | Through telephone, volunteers or use of Alaska Immigration Justice Project |
| Immigration Services | 2 | |
| Legal Services (Attys) | 3 | Divorce, child custody, and protective orders |
| Legal Advocate (Non-Attys) | 8 | Divorce, child custody, protective orders, and immigration |
| Other: Food | 3 | |
| Other: Clothing | 1 | |
| Other: Job | 2 | Provide help finding employment |
| Other: Permanent Housing | 4 | Provide help finding permanent housing |
| Other: Financial | 3 | E.g., help with rent or other payments |
| Other: Outreach | 4 | Team on the streets or in schools providing info; raising awareness in the community |

c. Organizations That Have Assisted Known Victims of Trafficking

Out of the 17 NGOs interviewed, 11 stated that they had assisted at least one victim of sex trafficking or human trafficking. In all of these cases, the NGOs identified the circumstances as sex trafficking and not forced labor. Only a few of the 11 organizations had any estimate on the number of victims they have assisted per year. Of the few that did have an estimate, the estimates were generally in the range of one or two per year. Most of the victims were from Alaska, although a few immigrant victims were identified, mainly from Russia and the Philippines. The majority of organizations did not have any protocol for identifying victims of trafficking nor did they keep track of victims of these types. At least two of the organizations admitted that the only known trafficking victims they had assisted had been referred by law enforcement, which is why they knew their status as trafficking victims. One of the organizations based in Anchorage noted that it had seen an increase in homeless Alaskan Native youth in the last year. It should also be noted that throughout the interviews, survivor sex came up as something that the organizations saw and heard about frequently, but these types of actions were not classified by the organizations as sex trafficking or prostitution in most circumstances.

d. Anecdotal Information from Organizations

Due to a lack of any formal intake procedures, the majority of the information on sex trafficking received from the NGOs was anecdotal. Although not definitive, these reports show that sex trafficking is occurring on some level within the state. However, it is impossible to know to what extent and whether there is any form of organized crime surrounding the trafficking. The following provides some examples of the anecdotal information obtained during the interviews:

- Most trafficking victims do not recognize it as trafficking and do not view themselves as victims.
- Most trafficking victims are distrustful of others and law enforcement in particular, which makes them unlikely to report. Additionally, their "boyfriends" have often threatened them if they tell anyone.
- Trafficking victims are likely to be homeless and have a history of child or sexual abuse prior to becoming trafficked.

- All of the organizations reported that if they knew of victims, they were female. However, some of the organizations believed that it was happening with males, but males are less likely to disclose than females.
- Most trafficking victims start as children.
- The majority of solicitation now occurs on the internet. Some of the rural organizations fear that before youth go to Anchorage, they are solicited and appointments are set up in advance. There was no direct evidence that this is happening.
- Some of the organizations noted that both survivor sex and more organized sex trafficking are often linked to substance abuse problems.
- A few of the rural organizations noted assisting mail-order brides who had been physically or sexually abused by their "husbands." This did not occur frequently in recent years, but was more prevalent in the '80's and '90's.
- One of the NGOs located in a rural area mentioned women arriving in the area lured by false promises from men, who then put them in a position of virtual slavery. The women cannot afford to fly back home and feel trapped under the man's control.
- The majority of NGOs in rural Alaska had not, to the best of their knowledge, assisted victims of sex trafficking or human trafficking.
- One organization in rural Alaska was notified of a man who was soliciting young women to come to Anchorage for modeling contracts. The hotel where he was staying was informed and kicked him out. This occurred recently.
- One organization based in an urban area has heard of young people being forced to do chores and housecleaning as well as young people being forced to have sex in exchange for shelter or housing. Couch surfing was also mentioned by a few organizations, and the teenagers would trade sex for a place to sleep.
- Many of the urban and rural NGOs who were unaware of having assisted known victims expressed concern that it was occurring in their community.

e. Needs Identified by Organizations

During the interviews, staff asked the organizations what they viewed as the most important needs for victims that were not being currently addressed. The following list represents the needs most often identified:

- Training on identifying and interviewing victims (only two organizations mentioned receiving or planning on attending any training specific to trafficking, but all expressed an interest);
- Longer-term secure housing;
- Secure housing and services for minors without parents or guardians;
- Peer-counseling with survivors of trafficking;
- Awareness and education for the community – how and where to report information; and
- Implementation of a "John's School" to deter those that purchase sex and increased prosecution of the johns (instead of the prostitutes) to attack the demand side of the problem.

f. Conclusions

Aside from the Alaska Immigration Justice Project, which directly assists immigrant victims through the legal process, there do not appear to be services specifically targeting trafficking victims. All of the organizations that have assisted victims believe that trafficking victims tend to need more intense and complex help because of the severe sexual and emotional abuse they have sustained. It was also noted by most of the organizations that these victims have longer-term needs that must be addressed in order to get them out of their situation – long-term housing, counseling, and substance abuse treatment.

It was also clear from the interviews that most NGOs lack any training in this area, and the majority mentioned a desire to have more training. Specifically, many of the NGOs expressed an interest in learning interviewing techniques that would garner trust and cooperation from these reticent victims.

Due to the lack of training and the general unwillingness of the victims to disclose their background, there is a lack of information on how prevalent trafficking is in Alaska and what is most needed to address the problem. However, although it is hard to discern

how extensive the problem is, it is apparent that survival sex and sex trafficking occur within Alaska, and that these victims present some of the most complex cases in terms of security, emotional and physical well-being.

IV. Information Gathered from Law Enforcement

Staff's preliminary review of state and local law enforcement's awareness and assessment of human and sex trafficking within the state involved (1) a review of the number of cases prosecuted under Alaska law on human trafficking and sex trafficking since 2007, and (2) telephone interviews with federal, state, and local law enforcement agencies across Alaska. The telephone interviews were conducted during the period of August 6, 2012 through August 22, 2012, with 13 police departments and 6 state trooper detachment headquarters across Alaska. The police chiefs and detachment commanders within the law enforcement agencies, or their designee were interviewed. To supplement the findings, interviews were also conducted with federal, state, and local prosecutors. The primary objective of the interview was to obtain information about the number of sex trafficking or human trafficking cases reported to state and local law enforcement agencies since 2007, and the number of cases state and local law enforcement agencies have investigated in cooperation with federal law enforcement agencies.

a. Cases Prosecuted under Alaska Law

The number of cases prosecuted statewide under Alaska law on human trafficking (AS 11.41.360- 365) and sex trafficking²⁷ (AS.66.100 – 130) for the period of January 1, 2007 through June 30, 2012:²⁸

| | | |
|---|--|---|
| AS 11.41.360 Human Trafficking | AS 11.66.110 – 135 Sex Trafficking²⁹ | AS 11.66.100 Prostitution³⁰ |
| Referred: 0 | Referred: 32 | Referred: 89 |
| Charged: 0 | Charged: 27 | Charged: 86 |
| Convicted: 0 | Convicted: 19 | Convicted: 34 |

The number of dispositions in the Municipality of Anchorage under the city ordinances on sex trafficking and prostitution for the period of January 1, 2007 through June 30, 2012:³¹

| | |
|---|---|
| Anchorage Municipal Code 08.65.20, 08.65.110 Prostitution³² | Anchorage Municipal Code 08.65.030 - 100 Promoting Prostitution³³ |
| Dispositions: 745 | Dispositions: 167 |

²⁷ This was formerly referred to as "promoting prostitution" prior to the legislation enacted in 2012.

²⁸ These numbers come from the Department of Law's code management system which presently has limited report writing capabilities. Hence, the report can only identify cases referred, accepted for prosecution and whether an offender was convicted of the offense accepted for prosecution. Therefore, an offender charged with kidnapping (an unclassified felony) and sex trafficking in the fourth degree (a class A misdemeanor), who entered into a plea agreement to plead guilty to the kidnapping in exchange for a dismissal of the misdemeanor sex trafficking offense, would not be included in the "convicted" category in this table. Also, this table does not include municipal prosecutions (see following table). Appendix 1 includes the text of the statutes cited.

²⁹ In January 2013, after this survey was completed, the District Attorney's Office in Kenai brought charges against two individuals under the new sex trafficking statutes enacted in 2012. This is the first case that will be prosecuted under the new statutes.

³⁰ The category of "Prostitution" includes individuals engaging in prostitution as well as patrons of prostitutes.

³¹ The municipality's case management system outlines all dispositions, which includes those that were declined or dismissed.

³² The category of "Prostitution" includes individuals engaging in prostitution as well as patrons of prostitutes. It also includes those charged with loitering for purposes of soliciting prostitution.

³³ The category of "Promoting Prostitution" includes the offenses of solicitation; offering to secure another for prostitution; transporting a person for purposes of prostitution; maintaining, owning or leasing a place where prostitution occurs; and coercing another to engage in prostitution.

b. Cases Reported to State and Local Law Enforcement

The number of cases reported to state and local law enforcement agencies in the state for the period of January 1, 2007 through August 22, 2012:

| Police Departments | Alaska State Troopers |
|---------------------------|------------------------------|
| Labor Trafficking: 0 | Labor Trafficking: 0 |
| Sex Trafficking: 0 | Sex Trafficking: 0 |

The number of cases state and local law enforcement agencies have investigated in cooperation with federal law enforcement agencies for the period of January 1, 2007 through August 22, 2012:

| Police Departments | Alaska State Troopers |
|---------------------------|------------------------------|
| Labor Trafficking: 0 | Labor Trafficking: 0 |
| Sex Trafficking: 2 | Sex Trafficking: 0 |

FBI Anchorage reports that they have had approximately 10 human trafficking cases – seven sex trafficking and three labor trafficking. Two of the sex trafficking cases have been prosecuted to date, and both were joint cases with the Anchorage Police Department Vice Unit. Other state and local police law enforcement have assisted the FBI with locating victims on these cases, although they may not have known it was for trafficking. Law enforcement agencies are also currently assisting the FBI with three labor trafficking cases by providing them with information and victim location information but are not actively part of the investigation. Two of the labor trafficking cases are in Anchorage and one is in rural Alaska.

c. Federal Case Summaries

i. *Case 1 – Don Arthur Webster Jr.*

Don Arthur Webster Jr., also known as "Jerry Starr," was convicted by a federal jury on February 5, 2008, in the first sex trafficking trial in the District of Alaska. After 11 days of testimony, the jury found Webster guilty on two counts of sex trafficking of a minor; nine counts of sex trafficking of adults by force, fraud, or coercion; two counts of distributing crack cocaine to a pregnant woman; four counts of distributing crack cocaine to individuals under the age of 21; and eight counts of distributing crack cocaine.

Webster was also convicted of one count of maintaining premises for the purpose of manufacturing and distributing crack cocaine, and one count of manufacturing crack cocaine.

Outcome of the Case: Webster was sentenced to 360 months in prison for sex trafficking of minors and adults, as well as drug trafficking offenses, placed on lifetime supervised release following his prison term, and ordered to pay \$3.6 million in restitution to the 11 victims who were underage or forced and/or coerced by Webster into commercial sex transactions.

The U.S. Attorney's Office and Department of Justice worked the case along with special agents from the FBI and the Vice Unit of the Anchorage Police Department, as part of the Alaska Human Trafficking Task Force.

ii. Case 2 – Sabil Mumin Mujahid, Sidney Greene, Rand Hooks, Keyana Marshall

In December 2009, Sabil Mumin Mujahid, Sidney Greene, Rand Hooks, and Keyana Marshall, were indicted in federal court for running a prostitution ring with 17 women and three girls. Prosecutors accused Mujahid and Greene of being the ringleaders. Hooks allegedly owned the Anchorage building where the trafficking took place and Marshall was accused of helping to post photos of the victims on Craigslist.

Outcome of the Case: Mujahid was convicted of being a felon in possession of a firearm following his indictment for running a prostitution ring and sentenced to 10 years in prison. While incarcerated for being a felon in possession of a firearm at the Anchorage Correctional Center, Mujahid raped, sodomized and sexually abused four men and tried to sexually assault two others between May 3, 2009 and May 26, 2010. He received a 40-year sentence. The U.S. Attorney's Office dropped the federal charges of running a prostitution ring, stating the defendant was 50 years of age and is already serving a lengthy sentence for the other crimes. He was also representing himself and the decision to drop the federal sex trafficking charge prevented the defendant from being able to interview victims. The other three defendants were convicted. Rand Hook, the landlord, was sentenced to supervised probation; Keyana Marshall was sentenced to four years and supervised probation; and Sidney Green is taking a plea for a 12-year sentence.

The Anchorage Police Department Vice Unit, the FBI, and the Internal Revenue Service–Criminal Investigation conducted the investigation leading to the indictments in this case. They were assisted by agents and detectives from the Innocence Lost Task Force and the Alaska Internet Crimes Against Children Task Force. The case was prosecuted by the U.S. Attorney's Office with assistance from the Child Exploitation and Obscenity Section of the Justice Department's Criminal Division and the Criminal Section of the Justice Department's Civil Rights Division.

d. State and Local Law Enforcement Telephone Interviews

The telephone interviews provided an important opportunity to understand how state and local law enforcement agencies perceive the problem of human trafficking in their communities, and what may be needed to identify and investigate human trafficking cases. Information was gathered on (1) their perception of human trafficking; (2) ways human trafficking might come to their attention; (3) the challenges they face in identifying human trafficking; and (4) the most effective methods and resources for training to identify and investigate human trafficking.

i. *State and local law enforcement perception of human trafficking problems in their community*

Over 70 percent of local and state law enforcement agencies interviewed perceive human trafficking as not likely occurring in their local communities. There is little difference in their perceptions of sex trafficking versus labor trafficking - both types are perceived as rare or non-existent. State and local law enforcement serving larger communities (Anchorage and Fairbanks) perceive human trafficking, particularly sex trafficking as somewhat more pervasive, especially in Anchorage, where local law enforcement have investigated sex trafficking cases. However, due to the underground nature of human trafficking, it can be happening anywhere. Traffickers may also seek the seclusion of rural and remote areas to operate.

Audrey Renschen, with the U.S. Attorney's Office, thinks one of the best things we can do for our state is outreach. She explained, "It will help us identify victims, and prosecute the perpetrators. The dynamics of human trafficking resemble other interpersonal violent crimes, but there are additional dimensions unique to the crimes, that really require explanation, and that are not immediately intuitive."

ii. Ways human trafficking first comes to the attention of state and local law Enforcement

Ninety-five percent of state and local law enforcement interviewed believe there is a connection between human trafficking and criminal activities such as prostitution, drug offenses, and domestic violence. Fifty-five percent believe missing person reports should be carefully scrutinized as possible human trafficking cases. Tips from members of the community may be another source to identify trafficking cases. Over 70 percent stated they have not received training focusing on the issues of sex trafficking in cases of prostitution of women and children or production of pornography. Nearly 95 percent say they have not had any training on forced labor issues. Local and state law enforcement reported that in and around the coastal communities they serve, canneries and fish processing plants at times have raised some concerns when they noticed large groups of workers sharing a small dwelling, with very few possessions. In western Alaska communities, there has been speculation that certain restaurants and taxi services form a circuit where the workers travel from one community to another. However, those interviewed stated that there have not been any complaints or reports brought to their attention regarding either the fish processing operations or restaurant/taxi services. Without specific training on the indicators of human trafficking, some speculate they may be coming across victims of trafficking without knowing it.

iii. Challenges that state and local law enforcement face in identifying human trafficking cases

Seventy-two percent of those interviewed acknowledged there is a lack of awareness and understanding among state and local law enforcement to identify the existence of human trafficking. Another challenge to overcome is the lack of resources within their agencies. Eighty-two percent do not believe they have the resources to identify and investigate trafficking cases when there are higher priority cases such as sexual assault and domestic violence. Another challenge is the lack of awareness or concern about human trafficking within their communities. The reality remains that many people do not know or understand much about human trafficking as it occurs in Alaska.

iv. The most effective methods and resources for training to identify and investigate human trafficking

As with any new crime, officers need training and guidance to help them understand if they have come across a case of human trafficking and know how to respond to the situation. Eighty-nine percent of those interviewed identified in-service as the most effective method of training. New recruit training and off-site professional training follows as the next effective methods with roll call briefing and online/webinar-based training close behind. The least effective methods identified are publications and regional/national conferences.

e. Conclusions

The results of the telephone interviews indicate the need for increased awareness of human trafficking. Training for local and state law enforcement statewide is needed to identify the signs of human and sex trafficking, the methods to respond to it, and the importance of raising public awareness of what human trafficking is and how to report it.

V. Overview of Public Hearings, Testimony and Comments

The task force felt that it was important to receive testimony from communities representing the different parts of the state—urban to rural. To accomplish this goal, the task force held hearings in three locations: Anchorage (November 5, 2012), Hooper Bay (December 13, 2012), and Bethel (December 13, 2012). The task force also encouraged the submission of written comments, which were taken into consideration when making its recommendations. The minutes and transcripts for all of the task force meetings can be found in Appendix 3. The written comments received by the task force can be found in Appendix 4.

a. Summary of Presentations Made to the Task Force

In addition to taking public testimony, the task force invited certain agencies and organizations that had relevant expertise to present information on the topic of human and sex trafficking. The presenters included Jolene Goeden with the FBI, Audrey Renschen with the United States Department of Justice, Sgt. Kathleen Lacey with the Anchorage Police Department, Robin Bronen with the Alaska Immigration Justice Project, Alison Kear and Diane Bline with the Covenant House, Lisa Moreno on behalf

of the Ad Hoc NGO Working Group on Sex Trafficking, Dr. Mark Erickson with the Southcentral Foundation, and Dr. Linda Chamberlain with the Department of Health and Social Services. Their presentations can be read verbatim in the hearing transcripts in Appendix 3.

From these presentations, the task force gained more insight into the issue of human trafficking in Alaska as well as where information is lacking. The presentations from law enforcement, the Alaska Immigration Justice Project and the Covenant House showed that sex trafficking is occurring in Anchorage as well as other areas in Alaska, and there are general trends in the way the trafficking occurs. Often, the traffickers or pimps hold themselves out as loving boyfriends and buy the girls gifts, and once the girls are fully "groomed," the other shoe drops and the violence and sexual assault begins. Many of the victims are homeless or runaways, who are first prostituted as teenagers but may continue being trafficked as adults. Many of the victims were molested as children or lived in households where they witnessed domestic violence and sexual assault.

The presentation from the Ad Hoc NGO Working Group on Sex Trafficking provided the task force with national studies and information on sex trafficking. The working group also presented the recommendations they had developed to assist victims and help prevent sex trafficking in Alaska. This provided a good starting place for the task force.

Dr. Mark Erickson and Dr. Linda Chamberlain rounded out the presentations with a focus on adverse childhood trauma. As discussed above, most victims of human trafficking have experienced trauma as a child, making them more susceptible to becoming ensnared by a trafficker. Dr. Erickson and Dr. Chamberlain described new studies that have come out showing the correlation between adverse childhood trauma and emotional, psychological and brain development. Dr. Erickson also recommended programs that promote bonding between a mother and an infant that have been successful in decreasing the likelihood that the child will experience trauma.

Although the presentations shared a lot of useful information with the task force, they also highlighted the areas where information is lacking. The task force learned that because these victims are the least likely to report, it is impossible to gauge how prevalent the issue is, especially in relation to male victims who are less likely than female victims to report. Even more so than sex trafficking, there is very little evidence or information on labor trafficking in Alaska. The FBI is currently investigating three

cases, but the rest of the information only amounts to rumors or suspicions. For these reasons, it is difficult to gain an understanding of what geographic locations are more at risk and where resources should be focused.

b. Summary of Testimony and Comments Received by the Task Force

The task force received testimony from members of the public on a range of topics, such as wage and hour laws for dancers at clubs, heightening the penalties for traffickers and patrons of prostitutes, and the lack of in-take procedures by service organizations and law enforcement that could help identify victims. The verbal and written comments can be found in Appendices 3 and 4.

VI. Task Force Recommendations

During the course of the public hearings, the task force received many suggestions from various organizations and members of the public. The task force carefully considered all of this input, and based on the comments received and its own independent investigation, makes the following recommendations:³⁴

1. Establish a Permanent Working Group on Human and Sex Trafficking

A vehicle should be developed to continue the work of the task force. With the limited time the task force had to evaluate and develop recommendations, there is still much information that is unknown on the prevalence of trafficking and much left to do to combat it. The task force also believes it is important to have a designated organization or group focused on this issue to ensure that efforts continue to improve victims' services and increase preventative measures.

Although there are likely many options for how to continue the work of the task force, the task force discussed establishing a working group with representatives from federal and state law enforcement, the Alaska Attorney General's Office, the Department of Health and Social Services (DHSS) and key service providers. State resources could be used to fund a coordinator position housed within the Council on Domestic Violence and

³⁴ There were a number of suggested recommendations received by the task force that the task force chose not to include because it is already the law in Alaska. These suggested recommendations include: (1) establishing legislation that using a law enforcement decoy posing as a minor to investigate buying or selling of commercial sex acts is not a defense; (2) including trafficker in the definition of "caregiver" in the child welfare statutes; and (3) including the offense of sex trafficking as a reason for terminating parental rights.

Sexual Assault, or the council could provide a grant to establish the coordinator position in another organization.

The evidence shows that victims of trafficking often have needs similar to victims of domestic violence and sexual assault. Additionally, human trafficking victims are often miscategorized as victims of domestic violence or sexual assault. Therefore, the council would be a good agency in which to house a coordinator and/or working group, and the council's mission could be expanded to include human trafficking. An evaluation should be done on the resources of the council, and their current work should not be diminished by the addition of human trafficking to their agenda. If necessary, additional resources should be provided to the council to ensure it can properly carry out its duties in relation to domestic violence, sexual assault and human trafficking.

The task force recommends that once established, the working group address the following:

- Identify ways to improve data-sharing on runaways and homeless youth between service providers and the state.
- Evaluate options for reducing demand and provide recommendations for what demand-reduction measures to implement. This should include an evaluation of the use of "John's Schools" (i.e., programs for first-time offenders who are convicted of patronizing a prostitute). For more information on demand-reduction measures, go to <http://www.demandforum.net/>.
- Evaluate ways in which to promote and expand the availability of shelter for unaccompanied minors (i.e., homeless and runaway youth). Many service organizations stated that they are prohibited from taking in unaccompanied youth unless the child is placed in their custody by the state. Staff researched this issue and discussed it with organizations, and it's apparent that the issue is more complex than simply a statute change. Therefore, more research is necessary, in addition to consultations between the service providers and state agencies involved with this issue.
- Assist with the implementation, if deemed appropriate, of the other recommendations in this report.

2. High Profile Media Campaign

Public awareness is an important component of any attempt to encourage current victims to come forward for help and to prevent other potential victims from falling prey to traffickers. The media campaign should involve efforts similar to those used to battle drunk driving and domestic violence / sexual assault. The task force proposes that public service announcements for radio and TV and posters in areas frequented by traffickers, such as the transit station in Anchorage and malls in urban areas, would be particularly helpful. To have an effective media campaign, additional money would likely need to be appropriated.

3. Develop Mechanism to Allow Victim Advocate Access to Potential Trafficking Victim

Building trust with trafficking victims is the first step in helping the victim. The evidence from the FBI showed that it generally required multiple contacts with victims before they would admit to being victims, accept help and support, and agree to testify against the trafficker. This unwillingness to accept being a victim also means that the victim is not receiving the assistance that is likely needed. To assist with building this trust and encouraging victims to self-identify, the task force recommends developing protocols requiring a victim advocate to be brought in when a potential trafficking victim is identified. This could be done through the creation of relationships with private entities. A victim advocate from a private entity would ensure that there was not a conflict with law enforcement or prosecutors talking to the victim and create an environment where the victim would feel safe to speak openly with the victim advocate.

4. Educate Youth on Human and Sex Trafficking

Educating Alaska's youth on the dangers of human trafficking and the process traffickers use to groom and lure their victims is of utmost importance in advancing the state's prevention efforts. The average age that young women in Alaska are first brought in to the world of trafficking is 15 to 17 years old. Although this type of education will not prevent every potential victim from falling prey, it could stop some of them, and it would also help youth to identify when their friends or family members may be in danger. The task force proposes the development of two high quality videos—one targeted at rural youth and one targeted at urban youth. Although the initial cost may be high to produce the videos, they could be easily reproduced and distributed to school districts and

youth organizations around the state, which would reduce the manpower that would be required for in-person training or curriculum development.

5. Train Law Enforcement, DHSS, Prosecutors and Key Service Providers

Training on how to identify and assist victims of trafficking is vital to making an impact on this issue. This training needs to occur across all agencies and providers that potentially come into contact with victims, including law enforcement, DHSS, prosecutors and key service providers. The other aspect to training that is critical is the development of a coordinated emergency response, in which the various agencies and entities know who to call and what to do if a potential victim is identified. The initial training on how to identify victims should be implemented as soon as possible. For example, there was testimony that law enforcement has already begun integrating trafficking into their training. The coordinated emergency response may take some time to develop, but it is a vital piece to ensuring an effective response plan.

6. Amend Administrative Subpoena Law to Encompass Trafficking Statutes

Traffickers often use websites to advertise women or children for sex, which makes it difficult to investigate these crimes. Amending the administrative subpoena law in AS 44.23.080 to include the trafficking statutes (AS 11.41.360, 11.66.110-135) would provide a helpful investigatory tool that law enforcement could use. The statute should also be amended to include the company that runs the website where the advertisements are posted (e.g., backpage.com and craigslist), instead of just the internet service provider. This will allow law enforcement to find out who is posting the advertisements.

7. Establish Pre-Trial Diversion Programs for Persons Arrested for Prostitution

Pre-trial diversion programs should be established for persons arrested for prostitution. Although not all prostituted individuals are trafficked, it is likely that a large number of them are victims of trafficking. Instead of sending them to jail, a diversion program could provide a better opportunity to garner trust and eventually gain information on traffickers. Without a diversion program, these potential trafficking victims often end up back in the control of their traffickers as soon as they are released on

bail or even while they are in jail. Offering a diversion program is also another step towards recognizing that many of these women and young adults are victims and not criminals.

8. Update Population and In-Take Surveys to Better Identify Potential Trafficking Victims

Population surveys and in-take surveys serve two different purposes, and including questions on both types of surveys that relate to human trafficking would be helpful in gathering data. Population surveys could assist the state in finding out how prevalent the issue of human trafficking is in Alaska and what geographic areas appear to have more activity. On the other hand, in-take surveys help identify whether an individual is likely to be a victim of trafficking, which would assist the service provider or law enforcement officer in helping the victim. Other national studies have shown that trafficking victims are often misidentified as domestic violence or sexual assault victims. Although the services offered can still be helpful, this misidentification fails to paint the larger picture of what the victim has gone through and the danger he or she may be in. Ensuring that service providers, law enforcement and the DHSS integrate questions relating to trafficking into their in-take surveys would make sure victims are properly identified.

The task force discussed the following as potential options:

- Integrate questions into BRFSS (Behavioral Risk Factor Surveillance System) and YRBSS (Youth Risk Behavior Surveillance System).
- Integrate questions into law enforcement in-take procedures.
- Make it a requirement when providing a grant to a service organization that their in-take procedures include questions relating to trafficking.

9. Continue Efforts on Language Access

There are ongoing efforts by the Department of Law and other state agencies to address language access for victims. These continued efforts are also important for victims of trafficking whose native language may not be English. An inability to communicate can lead to misidentification of the victim as well as a continued sense of vulnerability and isolation by the victim, especially if the victim is from another country and fears deportation. In particular, there should be a focus on identifying when an

interpreter is needed. If its not properly identified, then the resources that are available will not be utilized appropriately. The Department of Law is currently in the process of finalizing language access guidelines and protocols. This can be a template for other agencies to use once it is completed.

10. Encourage Establishment of Safe Shelters, Both Short and Long-Term

Trafficking victims have many needs, but chief among them is safe shelter. As the testimony of the Anchorage Police Department and the FBI showed, trafficking victims are often homeless and depend on the shelter provided by the trafficker. Currently, there are no shelters devoted to assisting trafficking victims, but many domestic violence and sexual assault shelters have provided shelter to victims in the past. Whether it be shelter devoted to trafficking victims or safe shelter generally, this is an area that needs improvement.

The task force discussed ensuring that funding is sufficient to encourage the development of safe shelters. The task force also discussed partnerships that can be built with local organizations, such as churches and other faith-based organizations, where individuals may be willing to house victims for a certain period of time. The task force believes all viable options that would increase the availability of safe shelter should be pursued.

11. Create a Mechanism to Ensure Housing of Unaccompanied Minors in Emergency Circumstances

As discussed above in Recommendation 1, there is a lack of shelter for unaccompanied minors. Although the working group should focus on the long-term goal of alleviating this issue, the task force recommends that in the short-term, a mechanism should be developed to ensure housing of unaccompanied minors in emergency situations when parental consent is not possible or practical. The task force was unable to form a specific proposal due to the lack of time and resources. Therefore, this will require the interested parties to come together and discuss the best approach to facilitating emergency housing for this at risk group.

12. Develop Hotline and Emergency Response for Hotline

Along with the public service announcements referenced in Recommendation 2, a state and/or national hotline should be posted in places where victims are known to frequent, but only after a coordinated emergency response plan is in place. There is already a national hotline hosted by the Polaris Project that will connect victims with resources in their area. It is unclear exactly what resources the hotline would connect victims to in Alaska, and the state should work with the Polaris Project to create an accurate list. The task force also discussed establishing a state hotline. In either case, it would be important to have the coordinated emergency response plan in place in advance.

13. Evaluate Legislation to Allow the Expungement of Prior Prostitution Convictions of Trafficking Victims

Prior prostitution convictions can be a major hurdle for a trafficking victim in finding a job or housing once he or she has been extracted from the trafficker. To eliminate these prior convictions, the records would have to be expunged, which is currently not permitted in Alaska. Some of the task force members expressed concern at the potential unintended ramifications of expungement and were not ready to make a recommendation to amend the criminal statutes. However, the task force members did agree that this is an important issue and should be evaluated further. Some of the task force members also felt very strongly that expungement should be permitted in these circumstances considering that these individuals are victims not criminals, and society has a strong interest in returning them to gainful employment and back to the mainstream.