



VILLANOVA UNIVERSITY

CHARLES WIDGER SCHOOL OF LAW

THE INSTITUTE TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION

REPORT ON COMMERCIAL SEXUAL
EXPLOITATION IN PENNSYLVANIA
SPRING 2020

Table of Contents

1. Introduction and Overview	1
2. Our Board of Advisors	4
3. Law on the Books: Implementation of Laws to Address Commercial Sexual Exploitation	
3.1 Current Law	5
3.2 Legislative Changes	8
3.3 Legislative Recommendations	10
4. Law in Action: On the Ground Efforts & Continued Stigmatization	
4.1 Criminal Law Overview and Statistics	12
4.2 Pennsylvania Sex Buyers Continue to Evade Criminalization	15
4.3 Allegheny County Engages in Coercive Up-charging	15
4.4 Outrageous Governmental Conduct Persists During Police Investigations	16
4.5 Charging Demonstrates Misunderstanding About Child Sexual Exploitation	18
4.6 Jurisdictional Changes Mark Important Step Forward	20
4.7 Impact Litigation Brings Justice for Survivors, Changes to Major Industries.....	21
5. Law and Social Change	
5.1 A Local Survivor Voice: Ann Marie Jones.....	23
5.2 Using & Improving Pennsylvania’s Vacatur Law	26
5.3 Department of Corrections Undertakes Anti-Trafficking Efforts.....	28
5.4 Researching the Victim-Offender Overlap in Commercial Sexual Exploitation	30
6. Understanding Policy Options	32
7. Organizations & Groups Working Against Commercial Sexual Exploitation in Pennsylvania	35
8. References	38
9. About the CSE Institute	45

1. Introduction and Overview

Our 2020 annual report is being released during the Covid-19 global pandemic, which is a very strange and uncertain time for all of us. Throughout this time, commercial sexual exploitation (CSE) has not decreased and in fact remains ever present. The anti-exploitation advocacy community has confronted many new challenges in our work and are fighting harder than ever.

We begin this year's Report by covering the current Pennsylvania laws related to sex trafficking and CSE, recent legislative amendments to the law, and our recommendations for additional legislative reforms. In 2019, we advanced the momentum built when advocating for the passage of Safe Harbor for Sexually Exploited Children legislation with the passage of the Buyer Beware Act, which Governor Wolf signed into law in early 2020. We share our new collaboration within the medical and public health community, including my induction as a Fellow with the College of Physicians in May of 2019.

Each year since the enactment of our state's anti-trafficking statute we have analyzed and reported the data on human trafficking prosecutions originating in counties all across our Commonwealth—rural, urban, and suburban communities. Despite the numerous gains that we have made in terms of educating stakeholders about the nuances of human trafficking, stigmatization against those sold for sex still prevails. In Chapter 4 of this year's Report we delve into some of the problematic charging practices we have noticed throughout Pennsylvania.

For example, persons who buy and sell children for sex are still not being charged with Trafficking in Minors, and are instead being charged with promoting prostitution, patronizing prostitutes, or being offered plea deals that minimize the severity of their actions.

In our ongoing efforts to end commercial sexual exploitation, the CSE Institute will continue to partner with agencies and organizations to achieve our shared vision. Our mission is to educate and provide technical assistance to those who respond to commercial sexual exploitation in Pennsylvania, the United States and beyond, promoting victim-centered, trauma-informed multidisciplinary collaboration. We equip policymakers and the broader community with the knowledge they need to improve the legal system's response to commercial sexual exploitation in order to support survivors and hold perpetrators accountable.

Finally and most critically, we center the experiences of survivors to inform the development of policies and best practices, and we are committed to consistently engaging the survivor community in shaping our positions. We are thrilled to highlight the resilience and achievement of survivor leader Ann Marie Jones this year.

In providing this annual Report to our stakeholders, the CSE Institute reaffirms our commitment as the leading resource in Pennsylvania on issues related to human trafficking and commercial sexual exploitation. We are only successful in our efforts to combat CSE due to our partnerships and col-



Shea M. Rhodes, Esq.
Director & Co-Founder

laborations with other like minded and committed advocates and organizations throughout the Commonwealth.

On behalf of the CSE Institute, I want to thank all of our stakeholders who are working on the front lines during COVID-19 to ensure the safety and health of those impacted by commercial sexual exploitation. The vulnerabilities that lead to falling victim to CSE have only been exacerbated during the shutdown and we must remain vigilant in this fight to end all forms of exploitation. I invite you to reach out and engage with our work, and I express my appreciation to you for reading our Report, and for giving your time and attention to combatting sexual exploitation here in Pennsylvania and beyond. Stay safe.

Sincerely,

A handwritten signature in black ink that reads "Shea".

Justice for Victims Clinical Fellowship



Jamie L. Pizzi, Esq., Class of 2018
Senior Justice for Victims Fellow

Providing trauma-informed, holistic legal services to survivors of commercial sexual exploitation and sex trafficking is an integral piece of the CSE Institute's work. Our Justice for Victims Fellows work to assist members of this population with their diverse legal needs. This year, we bid farewell to our inaugural Fellow, Sarah Robinson, as her fellowship came to a close. In September 2019, we welcomed a new legal Fellow, Alexia Tomlinson, Esq., a graduate of Penn State Dickinson School of Law. Alexia joins Jamie L. Pizzi, our now Senior Justice for Victim Fellow, to continue the CSE Institute's mission.

The Fellows directly engage with victims and survivors by providing legal representation in the form of post-conviction relief, including vacatur and expungement. Our Fellows have continued their work with the Defender Association of Philadelphia, providing technical assistance to the Project Dawn Court (PDC) staff attorney and pursuing post-conviction relief advocacy for all eligible Defender Associa-

tion clients. As a result of the Fellows' collective efforts, 10 survivors have had convictions vacated, amounting to 77 cases and over 130 charges being erased from their criminal records. These survivors had anywhere from 2 to almost 40 vacatur-eligible charges removed from their criminal histories.

Alexia and Jamie also hold weekly office hours at the Salvation Army's New Day Drop-In Center for women in Kensington, where they provide critical Know Your Rights information, conduct legal triage, and gather data about the legal needs and challenges that victims of commercial sexual exploitation face. The Fellows also coordinate trauma-informed pro bono representation for victims in civil matters and provide support in navigating the various legal systems. In the past year, the Fellows have served over 60 clients during their time at the Drop-In Center.

As in past years, the Fellows continue to create and provide training sessions for attorneys, members of law enforcement, and other stakeholders in the Commonwealth and across the country. This year, the CSE Institute entered into a contract with the Administrative Office of Pennsylvania Courts (AOPC) and by the end of 2020 will have provided training on commercial sexual exploitation and trauma-informed lawyering to every magisterial district judge (MDJ) in the Commonwealth. It is vital to raise awareness and understanding within the judiciary to begin to erase the stigma victims of commercial sexual exploitation face. The Fellows hope MDJs will return to their home jurisdictions ready to share their knowledge within their legal community.

The training for the MDJs marks a small part of the Fellows' efforts to expand our vacatur successes beyond Philadelphia county. We are conducting trainings for attorneys in counties across the Commonwealth, including Allegheny, Berks, Bucks, Lancaster, and Montgomery. We hope our efforts with criminal justice stakeholders will lead to justice for survivors of commercial sexual exploitation and improved understanding about human trafficking, overall.

The Justice for Victims Fellowship has already made incredible strides. Most importantly, they have assisted survivors to reclaim their lives through the restorative power of post-conviction relief. Their work is a central component to the CSE Institute's mission to put the needs of survivors first in the battle to end commercial sexual exploitation in the Commonwealth.



Alexia Tomlinson, Esq., Dickinson School of Law, Class of 2018
Junior Justice for Victims Fellow

The Justice for Victims Clinical Fellowship was made possible through the generosity of our dedicated stakeholders including the Uebler/Wall Family Charitable Trust, and the Carole Landis Foundation for Social Change.

Faculty Advisor

Michelle Madden Dempsey, Harold Reuschlein Scholar Chair and Professor of Law, is the CSE Institute co-founder and faculty advisor. Her scholarship draws on legal and philosophical methods to explore the criminal law's response to gender-related violence, including domestic violence, sexual assault, and commercial sexual exploitation. She has published on these topics in *University of Pennsylvania Law Review*, *American Criminal Law Review*, *Journal of Human Trafficking*, *Criminal Law Review (UK)*, *Modern Law Review (UK)*, *Criminal Law & Philosophy*, and other peer-reviewed journals and books. Her academic work on commercial sexual exploitation has been republished in collected volumes on feminist jurisprudence ("Sex Trafficking and Criminalization: In Defense of Feminist Abolitionism," reprinted (as edited) in Cynthia Bowman, et al. (eds.) *Feminist Jurisprudence: Cases and Materials* (West 2018)) and moral philosophy ("How to Argue About Prostitution," reprinted (as edited) in Shari Collins, et al. (eds.) *Being Ethical: Classic and New Voices on Contemporary Issues* (Broadview Press 2016)).

Professor Dempsey is currently pursu-

ing several scholarly projects regarding commercial sexual exploitation and sexual offenses. In her chapter, "Sex, Work, and Criminalization," a contribution to the edited collection, *Crime at Work* (Oxford University Press, forthcoming 2020), Dempsey focuses on the intersections of labor law and criminal law through a philosophical lens and examines reasons why commercial sexual exploitation is not properly understood as "work." Additionally, Dempsey is currently writing an article which examines the philosophical implications of shifting norms regarding sexual exploitation and coercion, and she is completing a co-authored book regarding sexual wrongdoing. A further project regarding comparative legal perspectives on sexual offenses reform, sponsored by the Max Planck Institute for Foreign and International Law has been postponed due to COVID-19, but plans to resume in 2021 with a conference in Freiberg, Germany.

In addition to her teaching and scholarly activities, Professor Dempsey is an elected member of the American Law Institute (ALI), a fellow of the American Bar Association, and an associated research scholar at the University of



Michelle M. Dempsey, JD, LLM, DPhil
Faculty Advisor & Co-Founder

Pennsylvania Ortnier Center on Violence and Abuse. In her work with the ALI, she serves on the membership committees working to revise the Model Penal Code's sexual assault and related offenses, and to develop a set of model guidelines for campus sexual misconduct procedures. In 2020, Dempsey was appointed Co-Editor-in-Chief of the premiere international, interdisciplinary journal in her area, *Criminal Law & Philosophy* - and she continues to serve on the editorial board of the *Journal of Legal Education*.

“As typically practiced, commercial sex is both a cause and consequence of structural inequalities, especially at the intersection of patriarchy and economic inequality.”

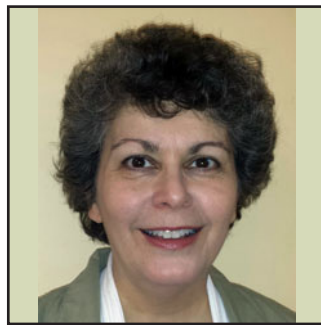
– Michelle M. Dempsey in
Sex, Work, and Crime” in Bogg (et al.)
CRIMINALITY AT WORK
(Oxford University Press, 2020)

2. Our Board of Advisors

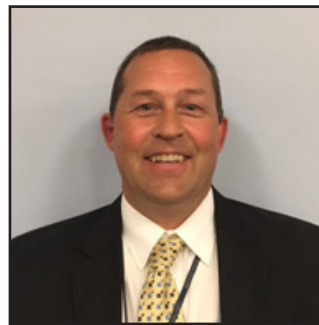
Our Board of Advisors represents a diverse set of backgrounds and work in various legal and non-legal capacities throughout the Commonwealth of Pennsylvania. Their on-the-ground and multi-disciplinary expertise has been instrumental in the success of the CSE Institute. With their guidance, we have been able to promote policies and develop best practices for eradicating commercial sexual exploitation in the Commonwealth.



Nadeem Bezar, Esq.
Partner, Kline & Specter



Mary DeFusco, Esq.
Director of Training, Defender
Association of Philadelphia



Les Glauner
Detective, Upper Merion
Township Police Department



Kelley Hodge, Esq.
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Honorable Viktoria Kristiansson
Judge, First Judicial District of
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Emergency Physician, Public
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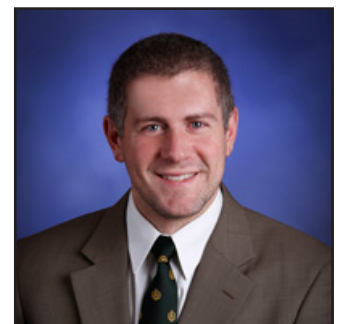
Rep. Joanna E. McClinton, Esq.
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3. Law on the Books: Implementation of Laws to Address Commercial Sexual Exploitation

3.1 Current Law

Pennsylvania enacted a comprehensive anti-trafficking statute in September of 2014. The law is codified in Chapter 30 of the Commonwealth's Crimes Code. The law is comprehensive and focuses on three key components: prosecution of perpetrators, prevention of the crime altogether, and protection for victims and survivors.

Prosecuting Human Trafficking

To prosecute the crime of Trafficking in Individuals (18 Pa. Cons. Stat. § 3011), a prosecutor for the Commonwealth must establish that a trafficker committed an act, accomplished by a means, for the purpose of subjecting a victim to involuntary servitude –through labor or sexual servitude. If the victim is a minor, however, prosecutors do not need to prove any means defined in § 3012(b). In this framework, a commercial sex act is defined as any sex act performed in exchange for anything of value.

Section 3011(a) criminalizes Trafficking in Individuals and enumerates the acts which violate this statute. The acts are recruiting, enticing, advertising, soliciting, harboring, transporting, providing, obtaining, or maintaining an individual if the person knows or recklessly disregards that the individual will be subjected to involuntary servitude [1]. The act of “advertising” was added into the law on April 6, 2020, as part of Act 1(2020) – also known as Pennsylvania’s Buyer Beware Act. (For further discussion of The Buyer Beware Act, see page 8). While comprehensive, this statute currently lacks one of the most important

acts already covered by federal law – patronizing. To remedy this flaw, the Pennsylvania legislature should pass House Bill 2170, which would add this act to § 3011. (To learn more about House Bill 2170, please refer to page 10).

Meanwhile, § 3012(b) sets forth the means by which a trafficker may subject an individual to involuntary servitude. The list of means includes thirteen factors which include causing or threatening to cause serious harm to any individual, physically restraining or threatening to physically restrain another individual, kidnapping or attempting to kidnap any individual, abusing or threatening to abuse the legal process, taking or retaining the individual’s personal property or real property as a means of coercion, engaging in unlawful conduct with respect to documents, extortion, fraud, criminal coercion, duress, debt coercion, facilitating or controlling the individual’s access to a controlled substance – or, using any scheme or plan intended to cause the individual to believe that, if the individual does not perform the labor, services, acts or performances, that individual or another individual will suffer serious harm or physical restraint [2]. Both §§ 3011 and 3012 work together as legislative tools to empower prosecutors to hold traffickers and sex buyers accountable.

Finally, § 3012(a) defines the offense of Involuntary servitude and spells out the purpose of the crime which is if the

This year, the act of “Advertising” was added into Pennsylvania’s Human Trafficking law. However, until “Patronizing” is also included, our law will remain behind its’ Federal counterpart.

person knowingly, through any of the means described in subsection (b), subjects an individual to labor servitude or sexual servitude, except where the conduct is permissible under Federal or State law other than this chapter [3]. Sexual servitude is defined as “Any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual, and is induced or obtained from: (1) A minor. (2) Any other individual by any of the means set forth in § 3012(b)(relating to involuntary servitude)” [4].

Section 3011, “Trafficking in Individuals” and § 3012 “Involuntary Servitude” are used more often by prosecutors, compared with § 3013, “Patronizing A Victim of Sexual Servitude”. Currently, § 3013 is an underutilized and redundant portion of Chapter 30. Prior to the implementation of the Buyer Beware Act in April 2020, the mens rea knowledge requirement made it difficult for prosecutors to convict offenders of this crime [5]. Further, nearly identical criminal conduct is already addressed in §§ 3011 and 3012. As a result, since its enactment in 2014 through the end



Shea Rhodes (CSE Institute Director), Alexis Krieger (FBI Victim Specialist), Sue Jones (Project Manager at The Salvation Army of Greater Philadelphia), and Lindsay Mosser (Anti-Human Trafficking Staff Attorney at The Nationalities Service Center) presenting on a Human Trafficking panel on January 17, 2020 at Lansdale Hospital.

of 2019, § 3013 has only been charged seven times [6], and was used as the lead charge in one prosecution. Matthew Sipps was convicted after a jury trial of § 3013- “Patronizing A Victim of Sexual Servitude” in 2017, when he claimed that he kept his underage victim captive in his home for a month to “rescue her” from her original trafficker and current environment [7]. Because Sipps’ victim was a minor, he should have been charged under § 3011(b), “Trafficking in minors” and prosecuted as a trafficker. Under Pennsylvania law, when a victim is a minor, the means set forth in § 3012(b) are not an element of the crime. A prosecutor must prove that the defendant engaged in at least one of the acts defined in § 3011(a) for the purpose of a commercial sex act. In this case, Sipps solicited his victim through the notorious and now shuttered Backpage internet site, obtained her, transported her to his home, where he harbored and maintained her for weeks of sexual servitude. Chapter 30 is intended to target those who traffic

persons, third-party facilitators who profit from trafficking, and, in certain circumstances, people who purchase sex, the very demand that drives the market for human trafficking to flourish as a multi-billion dollar world-wide industry [8].

In 2019, prosecutors for the Commonwealth successfully convicted 31 people of trafficking-related offenses under § 3011 and § 3012. And, prosecutors for the Commonwealth only utilized the charge of § 3013 in two cases – both in Jefferson County [9].

Prevention of Human Trafficking Through Public Awareness

The second goal of Chapter 30 is prevention through raising public awareness about human trafficking and the efforts being made to combat it in Pennsylvania [10]. Although the Commonwealth has yet to commit substantial funding to a statewide public awareness campaign, the Pennsylvania Alliance Against Trafficking in Humans

(PAATH), which represents over twenty anti-trafficking governmental and non-governmental organizations, has taken on this responsibility. In 2017, PAATH unveiled a website (www.educateandadvocate-paath.com) that educates the public and lists victim service providers. As part of our public awareness efforts, the CSE Institute regularly engages with communities and organizations throughout the Commonwealth to conduct human trafficking trainings in schools and universities, in places of worship, amongst others.

This year, the CSE Institute engaged in educational workshops and several lecture series to help educate the medical community in Pennsylvania on the warning signs and procedural care for victims of human trafficking. Among others, we presented to healthcare professionals at the 2019 Pennsylvania Human Trafficking Summit hosted by the Pennsylvania Office of Rural Health, at Lansdale Hospital, at Thomas Jefferson University for graduate nursing students, at Chester County Hospital for the Penn Medicine Symposium, and at the College of Physicians of Philadelphia for their “Pop-Up Public Health” Program for Human Sex Trafficking. These presentations to the public – and to the medical and public health communities in Pennsylvania – gave participants insight into the nuances of commercial sexual exploitation, and the impact that physicians and other medical personnel can have in the lives of survivors. As healthcare workers are on the front-lines of victim identification, they are vital allies in the fight to end human trafficking.

Additionally, the CSE Institute had the privilege of collaborating with Kristina Borham, a recent graduate from Geisinger Commonwealth School of Medicine. The CSE Institute worked with Ms. Borham to identify state laws mandating trafficking training for healthcare workers. After completing a fifty-state analysis, it became clear that there is a wide range of approaches taken by states. These approaches varied from states with no required human trafficking training for healthcare workers, those with suggested training, and only nine states requiring specialized trafficking training. This project was an opportunity engage in cross disciplinary collaboration with the medical profession to reckon with human trafficking's legal and medical consequences. The CSE Institute has been honored to work with Ms. Borham, who will be completing her residency in obstetrics and gynecology at Walter Reed National Military Medical Center.

Working alongside medical professionals to combat human trafficking is an important part of the CSE Institute's work in Pennsylvania and beyond, and we look forward to collaborating in the future to strengthen this interdisciplinary approach. If you would like to have the CSE Institute train your community, please contact us.

Protecting Victims and Empowering Survivors

Finally, Chapter 30 also provides victims and survivors of human trafficking with protections within the context of the criminal justice system. For example, the "rape shield" provision set forth

in § 3018 prohibits evidence of specific instances of a victim's past sexual conduct – as well as evidence on opinions or reputations from the victim's past sexual conduct – from entering into evidence at trial [11].

Exploiting an individual for a commercial sex act, regardless of the individual's sexual history, is a crime. However, there are instances where this kind of evidence may help to prove the required "purpose" element to prosecute human trafficking. Therefore, law enforcement and prosecutors have an obligation to communicate honestly with victims about what may occur throughout the trial, as there remains the potential for the victim's past sexual conduct to still be referenced for this narrow purpose.

Chapter 30 currently recognizes that, in many cases, individuals arrested and convicted of prostitution are not committing a crime – but rather, a crime is being committed against them. Prostituted persons are victims of commercial sexual exploitation. Under Pennsylvania law, any individual charged with prostitution may assert an affirmative defense at trial, claiming that they engaged in prostitution under duress, compulsion or coercion [12]. The availability of an affirmative defense reinforces the notion that victims of CSE are vulnerable to unjust criminalization.

Chapter 30 also empowers trafficking survivors by creating a civil cause of action. Section 3051 provides survivors with a mechanism to sue individuals who participated, facilitated, or otherwise knowingly benefited financially

from their own victimization through trafficking [13]. (For further discussion of ongoing civil litigation, see page 21).

Finally, trafficking survivors who have been criminalized for conduct related to their sex trafficking victimization can also file a petition for vacatur to remove parts of their criminal record [14]. This remedy is an important provision of Pennsylvania's anti-trafficking statute because it acknowledges the stigma associated with criminal histories and empowers survivors to move forward with their lives beyond their victimization. (For further discussion of the vacatur remedy, see page 26).



The needs of survivors will continue to be unmet with isolated changes in legislation or healthcare policies. It is our duty, across all disciplines, to provide evidence based training for the prevention and identification of human trafficking, with a comprehensive response for long-term recovery of survivors. In order to deliver true trauma-informed care, a multidisciplinary approach including healthcare and legislative perspectives is greatly needed, and the work we have done together has demonstrated the value of such collaboration.



– Dr. Kristina L. Borham

3.2 Legislative Changes

On February 5, 2020, Governor Tom Wolf signed Senate Bill 60, the “Buyer Beware Act” into law [1]. This legislative change expands the acts that constitute trafficking in Pennsylvania, increases penalties for both trafficking and buying sex, and expands the definition of “child” to provide protections for all minors. The changes implemented by this legislation mark important steps in the fight against sex trafficking throughout the Commonwealth.

First, and importantly, the Buyer Beware Act added “advertises” to the list of acts that constitute trafficking. This addition brings Pennsylvania law closer in line with the federal crime of sex trafficking [2] and gives Pennsylvania’s law enforcement the same tools the federal government has to investigate and prosecute traffickers. Despite the federal criminal matter pending against

the owners and subsequent seizure of Backpage.com, [3] there are still hundreds of advertisements for the sale of sex posted online every day [4]. Commonly used websites and social media platforms like Craigslist, Facebook, Instagram, and Twitter host these advertisements, as do more overt “sexual” websites such as Eros and Erotic Monkey. Though many companies attempt to keep these ads off their sites, it is a fight against a hydra that uses its own underground vocabulary. Adding “advertises” to the list of acts that constitutes trafficking, gives Pennsylvania law enforcement another tool to target these bad actors.

The Buyer Beware Act also expands the definition of “Patronizing a Victim of Sexual Servitude” in Pennsylvania’s Criminal Code, 18 Pa. Cons. Stat. § 3013. In order to convict defendants under the previous law, prosecutors had to prove the defendant knew the person from whom they were purchasing sex was a victim of human trafficking. In order to establish the mental element of knowledge, the prosecution had to prove the defendant was aware that the victim was a minor or was subjected to one or more of the illicit means listed in § 3012(b) [5]. In the nearly six years this crime has been in the crimes code, it has only been charged as the lead crime in one case - *Commonwealth*

v. Sipps [6]. The Commonwealth met its burden in Sipps due to the unique fact-pattern in that case: the defendant, Matthew Sipps, knew the child he purchased for sex was only sixteen years old, and he admitted his knowledge of this fact while testifying at his trial [7]. In most cases, however, the mens rea requirement of knowledge is an incredibly high bar to overcome.

The Buyer Beware Act expands the mens rea requirement set forth in § 3013, by adding in a new section that states, “A person commits [the offense of Patronizing a Victim of Sexual Servitude] if the person engages in any sex act or performance with another individual with reckless disregard for whether the act or performance is the result of the individual being a victim of human trafficking [8].” Under this new provision, it is easier to secure a conviction because the Commonwealth need not prove that the defendant was actually aware the victim was subjected to human trafficking - rather, it must only prove the defendant “consciously disregarded a substantial and unjustifiable risk” that this was so [9]. For example, if a defendant suspects that a victim is a minor, but he decides to go ahead and buy sex from her nonetheless, he can be convicted under revised §3013(a)(2), whereas such a conviction would have been unattain-

Act 1 (2020) shifts the focus of state law from punishing the victims of trafficking to punishing those who traffic individuals and those who buy sex from them.

“ The Buyer Beware Act builds on bipartisan efforts over the last several years to combat human trafficking. The victim advocates, the survivors, and law enforcement came together to target the demand for this egregious industry that exists in every corner of our Commonwealth. It is time to treat victims as victims and those who solicit the services of these victims as criminals. This new law is due to the tireless advocacy of the Villanova Law Institute to Address Commercial Sexual Exploitation and many others who are fighting every day to protect victims and punish criminals. ”

– Senator Kristin Phillips-Hill
Representative for the 28th District of Pennsylvania
Lead Sponsor of The Buyer Beware Act, Act 1 (2020)

able under the previous law. Therefore, the addition of reckless disregard as a mental element expands the scope of this offense and allows for a broader range of cases to result in conviction.

While the change does not yet bring Pennsylvania in line with federal law, it improves the existing law and enables prosecutors to target the demand for commercial sex. That said, the crime still is unlikely to be utilized given the high burden of proof and current unwillingness of investigators to target the demand for commercial sex as perpetrators of human trafficking crimes.

The Buyer Beware Act also increases penalties for trafficking offenses across the board. Those who sex traffick minors now face up to 40 years incarceration if the behavior is part of a course of conduct. Fines have increased both for traffickers, who now face a \$25,000

fine for a first-degree felony, and sex buyers convicted under § 3013, who face increasing fines with each conviction. Sex buyers now face a \$1,000 fine for a first offense, up to \$25,000 fine for a second offense, and up to a \$50,000 fine for a third or subsequent offense [10]. Some of the funds raised through these fines will go toward reimbursing law enforcement agencies investigating these crimes. The remainder will be split with 30% going toward increasing prosecution and 70% to grants supporting victim services.

The Buyer Beware Act also expanded the definition of a “child” under 42 Pa. Cons. Stat. § 5982, relating to judicial procedures, specifically the testimony of victim witnesses. Until now, a minor was only given the expanded protections available to child witnesses until they turned 16. With this legislative change, the protections due to child

witnesses and victims in a courtroom are expanded until the child reaches the age of 18. These protections may include: appointment of a child advocate to represent the best interests of the child [11]; recorded rather than live testimony [12]; and testimony given from another place, for example through closed circuit television [13]. These changes mark important protections for minor victims of sex trafficking that will also likely improve law enforcement’s ability to successfully prosecute traffickers.

The Buyer Beware Act marks the continued support by the Pennsylvania General Assembly for victims and survivors of commercial sexual exploitation and sex trafficking throughout our Commonwealth. We commend the General Assembly for passing this bill and encourage their continued support for our legislative recommendations.

3.3 Legislative Recommendations

The Commonwealth of Pennsylvania has made great strides over the past five years in addressing commercial sexual exploitation within our borders. However, the laws as written do not provide the best protections to victims nor properly allow prosecutors to target perpetrators. The existing framework of Chapter 30, our anti-trafficking statute, and 18 Pa. Cons. Stat. § 5902, “Prostitution and Related Offenses,” makes it difficult to prosecute both trafficking and sex buying crimes, while encouraging the continued stigmatization of those who are sexually exploited. In an effort to address these inadequacies, Representatives Joanna McClinton and Tarah Toohil have proposed House Bill 2170 (“H.B. 2170”). H.B. 2170 incorporates many of the CSE Institute’s legislative recommendations and importantly rewrites 18 Pa. Cons. Stat. § 5902 to more accurately codify the crimes of trafficking and buying sex.

H.B. 2170 is designed to target the demand that drives commercial sexual exploitation. It gives law enforcement additional tools and incentive to focus their efforts on the men buying sex rather than on prostituted persons. At present, despite their equal grading, the crimes of selling sex [1] and buying sex [2] are policed at alarmingly different rates. In 2019, there were 401 cases for selling sex (70%) and 172 cases for buying sex (30%) charged by prosecutors throughout Pennsylvania [3]. In 2018, there were 678 cases for selling

sex (79%), while there were only 181 (21%) cases for buying sex [4]. Though we’ve seen improvements, continuing to focus on criminalizing those who sell sex while infrequently targeting the demand will have no quantifiable impact on human trafficking in our Commonwealth.

The CSE Institute recommends addressing this discrepancy by first changing the law to accurately reflect the culpability of those engaged in (1) trafficking in individuals; (2) selling sex; and (3) buying sex, and then educating law enforcement and prosecutors across the Commonwealth on the impact of these changes [5]. House Bill 2170 represents the first step in this process.

As currently written, 18 Pa. Cons. Stat. § 5902, “Prostitution and Related Offenses,” contains five distinct crimes: (a) prostitution, or selling sex; (b) promoting prostitution; (b.1) promoting prostitution of a minor; (d) living off prostitutes; and (e) patronizing prostitutes, or buying sex. This is confusing and results in mischarging across the Commonwealth. Individuals charged with 18 Pa. Cons. Stat. § 5902(a) are often also charged with 5902(b). Those who could have been charged with Trafficking in Individuals, are instead charged with “Promoting Prostitution” [6] or “Living Off Prostitutes,” [7] which should properly be categorized as trafficking offenses in Chapter 30. (See

page 5 for a more in-depth discussion). Section 5902 must be redrafted to properly reflect the culpability of those it criminalizes and address the stigmatizing language in our laws. Moving the sections (b) promoting prostitution; (b.1) promoting prostitution of a minor; and (d) living off prostitutes, which are trafficking offenses, to Chapter 30, where they belong, would be an indication that the Commonwealth refuses to conflate this conduct with prostitution and be a step toward justice for victims of sex trafficking and CSE.

In addition, moving § 5902(e) Patronizing Prostitutes to Chapter 30 is appropriate and shows that without the demand that drives commercial sexual exploitation, sex trafficking would not occur. Necessarily, this includes renaming “Patronizing Prostitutes” to “Commercial Sexual Exploitation.” H.B. 2170 proposes making exactly these changes with the goal of modernizing Pennsylvania law to reflect reality.

House Bill 2170 also proposes expanding the list of acts that characterize the crime of trafficking in individuals [8]. Specifically, H.B. 2170 proposes the addition of “patronizes,” to bring Pennsylvania’s crime of human trafficking in line with its federal counterpart, Sex Trafficking of Children or by Force, Fraud, or Coercion [9]. Our Commonwealth’s prosecutors must have the same tools to target traffickers and the demand that drives trafficking that

federal prosecutors already have. The recent changes made by the Buyer Beware Act to 18 Pa. Cons. Stat. § 3013 do not represent an effective legislative change. In terms of statutory analysis and application, § 3013 is an outlier. To date, this crime has been charged seven times, but only utilized once as the lead charge resulting in one successful prosecution [10]. (See page 6 for further discussion). When the remainder

of the human trafficking crimes are interpreted and applied correctly, § 3013 is redundant and unnecessary. Law enforcement and prosecutors already have the means to charge those who buy trafficking victims for sex with a trafficking crime using the terms “obtains” or “solicits.” Adding the term “patronizes,” and eliminating § 3013 altogether resolves these concerns and enables the Commonwealth’s prosecutors to

fully use our law in the same way federal prosecutors already can and do.

House Bill 2170 proposes additional steps to reorganize our anti-trafficking laws, reduce redundancy, and ensure the language in our criminal code adequately reflects the severity of the crimes it defines.

Statute	Law through 2019	Act 1 (2020) changes	HB 2170 proposed changes
§ 3011(a)	“A person commits a felony of the second degree if the person (a) recruits, entices, advertises, harbors, transports, provides, obtains or maintains an individual will be subject to involuntary servitude. (b) knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph 1”	Disaggregates sex trafficking and labor trafficking so the law reads: (a) A person commits a felony if (1) Felony of the first degree if a person recruits...for sexual servitude (2) Felony of the second degree if the person finically benefits from sexual servitude (3) Felony of the second degree if the person recruits...for labor servitude. (4) Felony of the second degree if the person financially benefits from labor servitude. Adds “advertises” to the list of verbs in (a)(1).	Adds “patronizes” to the list of verbs in (a)(1).
§ 3011(b)	“Trafficking in Minors: A person commits a felony of the first degree if the person engages in any activity listed in subsection (a) that results in a minor’s being subjected to sexual servitude”	Removes grading language for trafficking in minors and instead sets a maximum penalty of 40 years incarceration for trafficking in minors as part of a course of conduct.	No changes.
§ 3013(a)	“Offense Defined—A person commits a felony of the (1) second degree if the person engages in any sex act or performance with another individual knowing that the act or performance is the result of the individual being of human trafficking”	Adds (b): patronizing a victim of sexual servitude in reckless disregard of that fact. Adjusts grading. “Knowing” graded as a first degree felony. “Reckless disregard” graded as a third-degree felony as a first offense, and a first-degree felony thereafter.	Removes § 3013. Adding “patronizes” to § 3011 encompasses this conduct.

This chart simplifies the prior two sections, by delineating the changes made by Act 1 (2020) and those proposed by House Bill 2170.

4. Law in Action: On the Ground Efforts & Continued Stigmatization

4.1 Criminal Law Overview and Statistics

Each year since its inception, the CSE Institute has tracked the criminal charges across the Commonwealth for crimes related to sex trafficking and prostitution. These charges fall under two umbrellas: sex trafficking charges under Chapter 30 [1] and Prostitution and Related Offenses under § 5902 [2]. Since Act 105 was enacted in 2014, 30 counties in Pennsylvania have charged at least one person with either Trafficking in Individuals [3] or Involuntary Servitude [4], or both. These charges have resulted in 151 cases across the Commonwealth.

Transactions involving commercial sex are, unfortunately, more often prosecuted under § 5902 which criminalizes “Prostitution and Related Offenses.” (See page 18 for further discussion). Over the past five years, we have seen a marked decrease in charges for selling sex [5]: in 2019 there were 401 cases under § 5902(a) as opposed to the

678 we tracked in 2018 [6]. However, law enforcement, on the whole, has not refocused their efforts on the demand as there has also been a decrease in charges for buying sex [7]. Of the 33 counties that reported data to the AOPC in 2019, only 10 charged violations of buying sex [8] at a higher rate than selling sex [9]: Centre, Delaware, Lancaster, Mercer, Monroe, Montgomery, Northampton, Pike, Wayne, and Wyoming. Despite efforts to educate law enforcement and the general public, there has not been an end to the criminalized stigmatization of prostituted people or the continued practice of minimizing the crimes of buying sex and trafficking. These practices contribute to the exploitation of women and girls across our Commonwealth. Law enforcement must change their approach by whole-heartedly targeting the demand that drives sex trafficking, providing resources and strategic exit options for victims, and refusing to further exploit prostituted women.

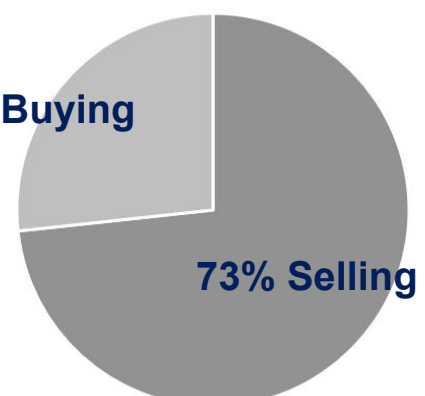


Only **10** out of the **40** counties that reported arrests targeted the demand for commercial sexual exploitation, by arresting buyers more frequently than sellers.

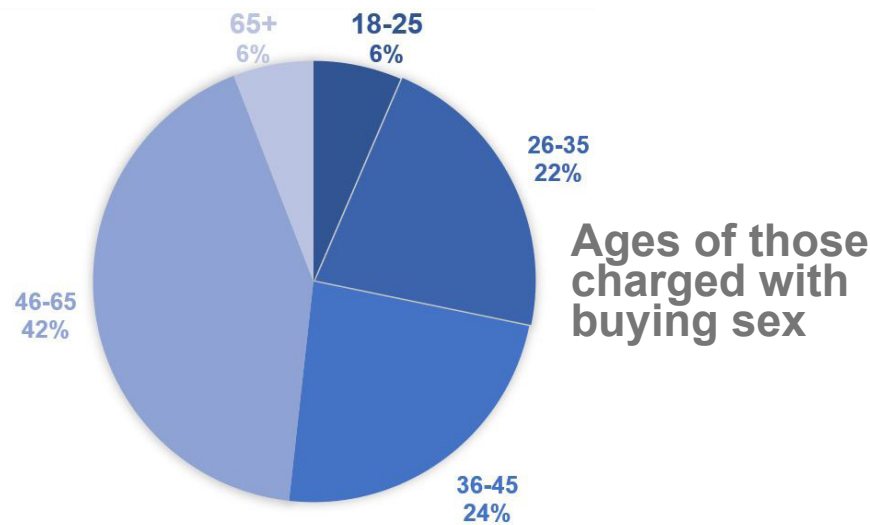
100%
of those charged with buying sex in 2019 were men.

93%
of those charged with selling sex in 2019 were women.

27% Buying

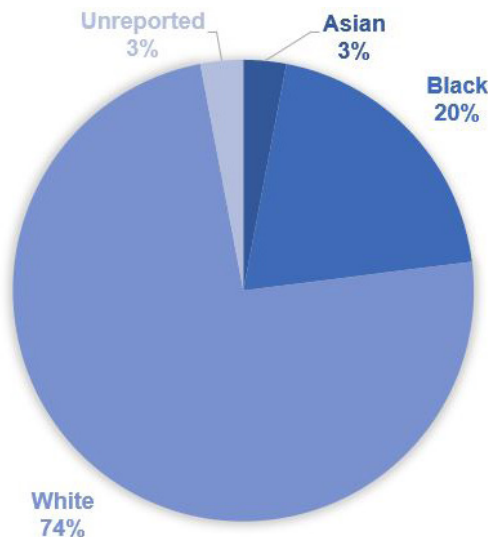


Data from the Administrative Office of Pennsylvania Courts



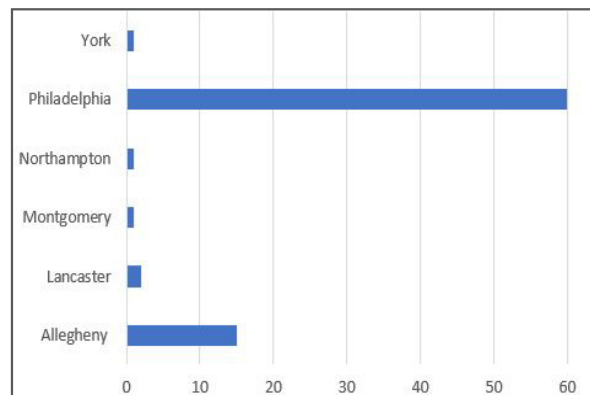
Races of those charged with buying sex*

*Excluding Philadelphia County



Black persons charged with buying sex

75% of all charges against black persons for buying sex took place in Philadelphia County.



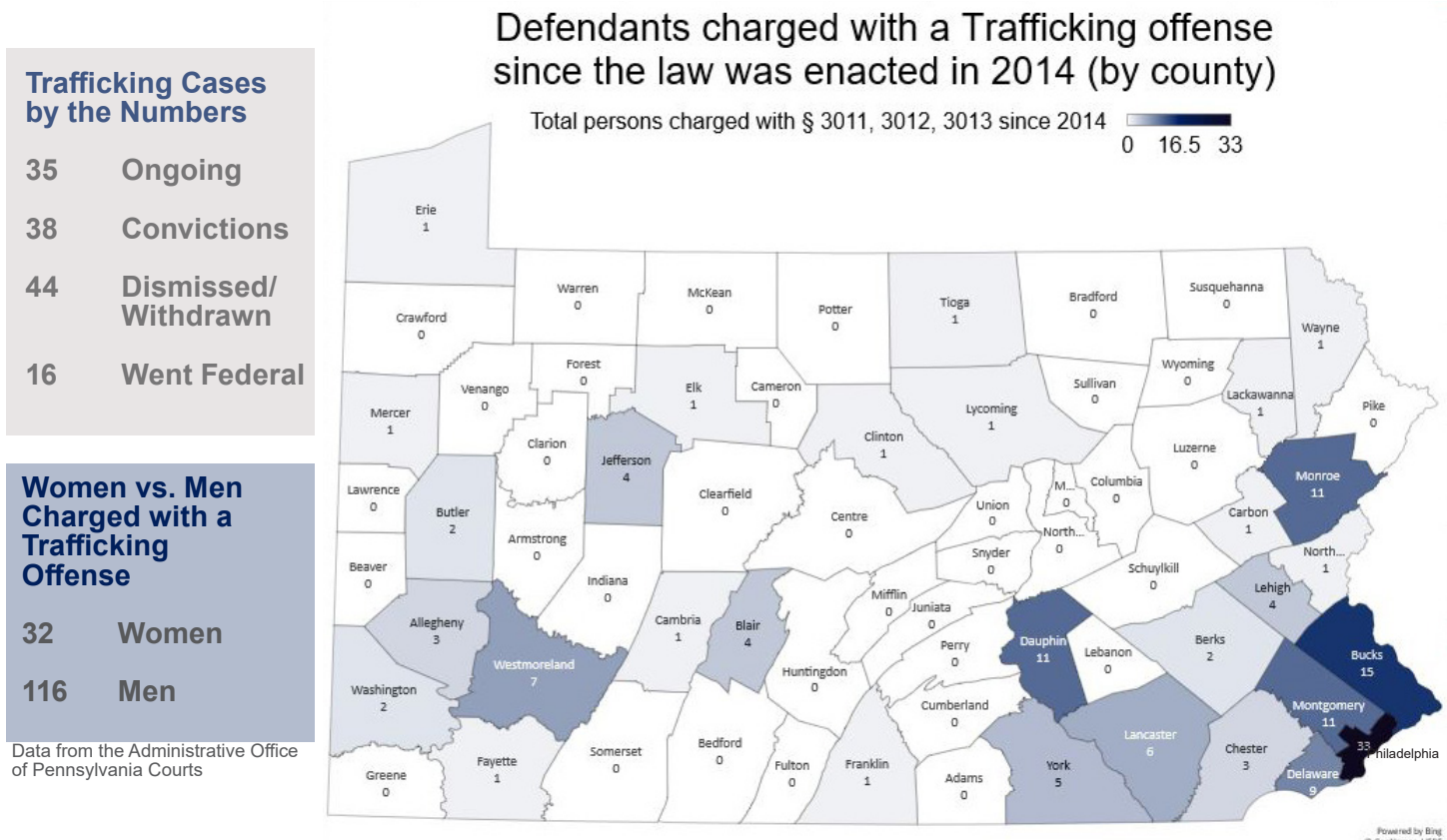
Data from the Administrative Office of Pennsylvania Courts

Charges for § 5902 (a) selling sex vs. § 5902 (e) buying sex

County	Selling	Buying
Adams +	0	0
Allegheny	124	38
Beaver	6	0
Bedford ^	1	0
Berks	4	1
Bucks	40	0
Butler	2	1
Centre *	2	3
Chester	4	0
Clearfield +	0	0
Columbia	1	0
Crawford ^	1	1
Cumberland	2	1
Dauphin	27	8
Delaware *	0	1
Erie	11	0
Fayette +	0	0
Franklin	1	1
Greene +	0	0
Lackawanna	10	1
Lancaster *	6	7
Lawrence	2	0
Lebanon ^	1	0
Lehigh	46	0
Luzerne	2	2
Lycoming	1	0
McKean +	0	0
Mercer ^ *	1	2
Monroe *	3	5
Montgomery *	5	10
Northampton *	2	4
Perry ^	1	0
Philadelphia	74	72
Pike ^ *	2	6
Union +	0	0
Washington +	0	0
Wayne *	1	2
Westmoreland	5	0
Wyoming ^ *	0	1
York	13	5
Total	401	172

* Counties where reported arrests for buying sex outnumbered arrests for selling sex.
+ Counties which reported arrests in 2018, but did not in 2019

^ Counties which reported arrests in 2019, but did not in 2018
Counties not represented did not report any Prostitution arrests for 2019 or 2018.



Targeting the Demand: A Tale of Two Counties

Lehigh and Northampton Counties are neighbors in the Commonwealth. While the two may be close to one another geographically-speaking, when it comes to addressing the demand for commercial sex, they could not be further apart. Over the past five years, Lehigh County has charged the crime of selling sex a total of 252 times, and the crime of buying sex only 10 times. Meanwhile, Northampton County has been arresting those who purchase sex at a greater rate than those who sell it since 2016, bringing their arrest totals to 56 for selling and 64 for buying.

Data from 2019 revealed that Lehigh County failed to charge a single person for buying sex [1], yet managed to charge the crime of selling sex [2] 46 times. In 2018, Lehigh County authorities charged the crime of selling sex 17 times and the crime of buying sex only once [3]. In 2017, there were 23 charges for selling sex and zero charges for buying [4]. Again, in 2016, Lehigh County did not charge a single case for buying sex, but charged those accused of selling it 39 times [5]. Finally, in 2015, Lehigh County initiated a staggering 127 cases for selling sex and only 9 cases for buying [6].

In sharp contrast, adjacent Northampton County has consistently been targeting the demand for commercial sex since 2016. In 2019, Northampton County charged the crime of buying sex twice as much as selling: with arrest data showing four charges for buying sex and only two charges for selling. In 2018, the county brought eight charges for buying sex and five for selling [7]. 2017 also saw twice as many buying charges, with Northampton County authorities charging selling sex three times and buying six [8]. In 2016, the county charged buying sex 22 times [9].

Human trafficking is driven by the demand for commercial sex acts. When jurisdictions neglect to target those who buy sex, and instead focus solely on arresting those who sell it, they are ultimately failing current and future victims of human trafficking. These tactics present a missed opportunity to drive down the market traffickers seek to fill and derive profit from. They also make it more difficult for prostituted persons to exit “the life” by creating devastating collateral consequences associated with having a criminal record. Traffickers prey off that vulnerability, fueling a vicious cycle.

4.2 Pennsylvania Sex Buyers Continue to Evade Criminalization

Prostitution is gender-based violence. All available evidence points to males being the primary consumers of commercial sex [1]. In fact, according to the data we have collected from the Administrative Office of Pennsylvania Courts, zero women were arrested for the crime of patronizing prostitutes § 5902 (e) in 2019 [2]. Conversely, out of the 402 persons arrested for selling sex § 5902 (a) in 2019, only 25 were reported to be male. This means that women are overwhelmingly the recipients of the untold number of physical and psychological harms [3] associated with being in the male-driven commercial sex trade.

With such inequality at play, the CSE Institute firmly believes in and advocates for the Equality Model [4], which criminalizes only those who facilitate and purchase commercial sex acts. We believe the most effective way to police prostitution is in a demand-driven fashion by convicting buyers of a § 5902(e) offense. This practice is essential to curbing commercial sexual exploitation in the Commonwealth.

To begin, a credible threat of arrest can be a meaningful deterrent for sex buyers. A study published by Demand Abolition in July of 2019 found that, along with personal safety and sexual health, freedom from arrest was a primary concern for active sex buyers [5]. Further, the respondents in that study also indicated that when they do perceive a risk of arrest, it can lead them to alter their activities [6].

Additionally, a § 5902(e) conviction triggers recidivist penalties [7]. With each § 5902 (e) conviction, the defendant faces a harsher offense grading and, thus, a harsher penalty [8].

In Pennsylvania, we are pleased to see that in 2019, Montgomery County charged ten people for buying sex § 5902(e) and only five people for § 5902(a), the act of selling sex. However, after a closer look at the data, we found that none of the § 5902(e) charges carried through to a conviction to date. While five of these cases are still pending, the other five resulted in a changed charge or accelerated rehabilitative disposition [9],

neither of which trigger a recidivist penalty. Similarly, in Pike County, six sex buyers were charged, and only two people were charged with prostitution. However, none of the sex buyers were convicted and instead were allowed accelerated rehabilitative dispositions.

Failure to diligently pursue and prosecute the crime of purchasing sex sends a universal message that this behavior is not harmful. This cavalier practice only confirms antiquated stereotypes that “boys will be boys” and “prostitution is a victimless crime,” neither of which are likely to deter buying sex in the future. While the CSE Institute is encouraged by the initial targeting of sex buyers, we want to emphasize the importance of treating buying sex as a serious crime that results in convictions for those who choose to buy sex in Pennsylvania as a method of both punishment and deterrence. We sincerely hope that the Commonwealth’s criminal justice stakeholders begin to acknowledge prostitution as a form of gender-based violence and adjust their practices accordingly.

4.3 Allegheny County Engages in Coercive Upchargin

In 2019, Allegheny County charged 128 individuals with selling sex according to arrest data from the Administrative Office of Pennsylvania Courts. Of those 128 individuals, 62 were also charged with possessing an “instrument of crime [1].” Allegheny County has a history of charging those alleged to be selling sex with an additional possession of an “instrument of crime” charge. In 2017, an analysis conducted by the Tribune-Review reported that Allegheny County police charged 100 individuals with both prostitution and possession of an “instrument of crime [2].”

In these cases, prostituted persons were criminalized for carrying condoms or cellphones as the “instrument of crime”. A person commits a misdemeanor of the first degree if he possesses an instrument of crime with intent to employ it criminally. Pennsylvania’s statute defines “instrument of crime” as “anything specifically made or specially adapted for criminal use” or “anything used for criminal purposes and possessed by the actor under circumstances not manifestly appropriate for lawful uses it may have.” If someone is convicted of a misdemeanor of the first-degree, they face a maximum

penalty of up to five years in state prison [3].

A prostituted person’s possession of condoms and cellphones provides safety in incredibly vulnerable situations. The majority of prostituted persons are individuals performing sex acts due to desperate circumstances. Prostituted persons are in inherently unsafe situations and are constantly at risk for abuse. Cellphones and condoms provide these individuals some level of protection in these unsafe environments in which both items are considered necessary to prevent harm.



Pittsburgh is the urban center of Allegheny County.

The risk of sexually transmitted diseases, especially HIV, are heightened for persons involved in commercial sex [4]. Condoms reduce the risk of contracting STDs, which is especially important in populations that are often denied access to proper healthcare and resources. It is also critical for authorities to understand the possession of a cell phone provides prostituted persons with a vital link to

safety in an environment overwhelmed by potential violence and abuse.

The practice of upcharging prostituted persons does nothing to end the vicious cycle of the commercial sex trade. We believe Allegheny police officers have broadly interpreted this law to coerce already vulnerable individuals into guilty pleas for the underlying prostitution

charges, instead of offering assistance and an opportunity to engage with social services that come with exit strategies. These coercive charging tactics are an abuse of law enforcement and prosecutorial discretion. The CSE Institute is discouraged by the Allegheny County Police Department for conducting investigations that result in the criminalization of those who are sexually exploited.

4.4 Outrageous Governmental Conduct Persists During Police Investigations

Massage business related sex trafficking is one of the most prevalent forms of trafficking in the United States [1]. Research has shown that, each year, thousands of victims are trafficked into the nine thousand illicit massage businesses throughout the country [2]. The unfortunate reality is that the Commonwealth of Pennsylvania is not free of these parlors; they are here, right in our own backyard [3].

The CSE Institute urges law enforcement to investigate and bring an end to illicit massage businesses. But we urge law enforcement to do so in a way that is trauma-informed and consistent with the Equality Model. Currently, the most common tactic employed by law enforcement to investigate illicit massage businesses here in the Commonwealth [4] has been to use confidential informants

or undercover law enforcement officers to engage in sexual activity with prostituted persons. A recent example of an undercover law enforcement officer engaging in sexual activity with a prostituted person is an early 2019 case involving Angel Spa in New Holland, Pennsylvania [5]. In that case, an undercover officer of the Lancaster County Drug Task Force visited Angel Spa and paid \$40 for a massage. At the conclusion of the massage, it is alleged the prostituted person made a gesture with her hands simulating masturbation and asked the officer, “You want?” The officer replied to the woman “How much,” and the woman stated “\$20.” The prostituted person then allegedly performed a sex act on the officer for several minutes. Only after the undercover officer received manual stimulation, did he notify police about the alleged sex act. The prostituted person was later arrested and charged

with one count of promoting prostitution [6] and one count of prostitution [7].

This tactic, in addition to being a crime in itself [8], is at best inefficient, and has been identified by the Pennsylvania Superior Court to be “outrageous governmental conduct [9].” In *Commonwealth v. Su Cha Chon*, the defendant, a prostituted person, was charged with two counts of promoting prostitution [10] and one count of prostitution [11] after law enforcement directed a confidential informant, on four separate occasions, to enter into a massage business and purchase sexual acts from her [12]. Law enforcement provided the confidential informant with the money to purchase sexual acts and, on at least one occasion, instructed the confidential informant to take “universal precautions regarding sexual contact with any employees [13].” The confidential informant, in

response, indicated that he had brought condoms [14]. After the confidential informant purchased sex, law enforcement joked with him about the particulars of his interactions with the defendant and compensated him for his time in the amount of \$180 [15]. The Pennsylvania Superior Court dismissed the case against the defendant, finding that law enforcement directing a confidential informant into a massage business to have sex with a prostituted person constituted outrageous governmental conduct [16]. The Court stated that the decision to send the confidential informant into the spa on four separate occasions for “a smorgasbord of sexual activity violate[d] principles of fundamental fairness” and that it could not condone the police’s decision-making [17]. The Court went on to state that they “expect more from the police, and demand that they conduct their investigations and utilize their resources without resorting to such embarrassing investigative techniques [18].”

The defense of outrageous governmental conduct in Pennsylvania stems from the 1998 Third Circuit case *U.S. v. Nolan-Cooper* [19]. The Third Circuit in that case held a defendant “need only show that the government consciously set out to use sex as a weapon in its investigatory arsenal, or acquiesced in

such conduct for its own purposes once it knew or should have known that such a relationship existed [20].” The Court also held that such standard should be adapted to other contexts whenever “the government’s conduct was so ‘shocking, outrageous, and clearly intolerable’ that Due Process is offended [21].” What is “shocking, outrageous, and clearly intolerable” was not defined by the Court, however. It did state, though, that a one-time sexual encounter that did not serve an investigatory purpose was not [22].

In addition to being outrageous governmental conduct, law enforcement should not employ such tactics to investigate illicit massage businesses, as they further traumatize prostituted persons. Dr. Maryann Layden, a psychologist and director of a sexual trauma and psychopathology program at the University of Pennsylvania, has testified to the fact that “each instance of being prostituted deepens the damage” that the prostituted person suffers [23]. It also deepens the mistrust the prostituted person already has of law enforcement.

For these reasons, the CSE Institute urges law enforcement throughout the Commonwealth to stop using informants and undercover law enforcement officers to engage in sexual activity with prostituted

persons. It is a repulsive practice that does little more than further traumatize an already traumatized individual. The CSE Institute is encouraged by the response of the Lancaster County District Attorney’s Office in response to its Drug Task Force’s investigation at Angel Spa. According to Brett Hambricht, the spokesman for the District Attorney’s Office, “the sexual contact of several minutes’ duration was ‘entirely inappropriate’” and “steps were immediately taken to ensure all officers involved in these sorts of details have appropriate training [24].”

However, reprimands and additional trainings are not enough – law enforcement should not engage in this conduct in the first place. Therefore, we urge law enforcement to shift their perspective on handling cases related to illicit massage businesses. Rather than investigating the prostituted persons within the illicit massage businesses, law enforcement should implement an anti-demand approach and investigate the sex buyers that frequent these establishments. Only when law enforcement adopts such an approach will the Commonwealth of Pennsylvania see a decrease in the number of illicit massage parlors within its borders. Without patrons, these “businesses” will be forced to close, permanently.

Philadelphia Takes Dynamic Approach to Combatting Commercial Sexual Exploitation

The Salvation Army and the city of Philadelphia’s Police Assisted Diversion (PAD) Program provides a trauma-informed and client-centered alternative to arrest for adults exploited by Philadelphia’s commercial sex industry. A pre-arrest diversion program involves unique and active collaboration between law enforcement, social service providers, and local government [1].

The Salvation Army works with the Philadelphia Police Department’s VICE squad to intervene in the abuse-to-prison cycle many prostituted persons face. Launched in June of 2019 as a limited pilot program, PAD has already seen tremendous success. PAD has assisted 106 prostituted persons, 100 referred

by law enforcement and six walk-ins. The program also provided 447 resource referrals, which include but are not limited to: basic necessities, housing referrals, state identification card purchases, benefit access and navigation, legal support, victim advocacy, medical health and mental health referrals, safety planning and referrals, substance use treatment support, and employment and income referrals [2].

Arielle Curry, Director of Anti-Trafficking at The Salvation Army, observed that PAD referrals are “engaging and genuinely looking for support and change but either previously were unsure how to connect with social services or were not at a safe point

in the journey that they were able to do so.” As Curry emphasized, “PAD diversions allow us to meet individuals in a crucial moment in their journey and offer to walk along side of them.”

Moving forward, PAD plans to assist more persons exploited in the commercial sex trade by expanding its hours into the eve-

nings. The CSE Institute commends the ingenuity and success of this collaborative program. We hope to see more jurisdictions in the Commonwealth take similar steps to properly address some of the root causes of commercial sexual exploitation, rather than maintaining the ineffective status quo.

4.5 Charging Demonstrates Misunderstanding About Child Sexual Exploitation

In 2018, Safe Harbor for Sexually Exploited Children [1] became law, marking an important change in Pennsylvania law: no longer would exploited and abused children be considered prostitutes. Commercial sexual exploitation is now considered child abuse, with all the requirements of mandated reporting that entails. Minors cannot be criminally liable for prostitution; conduct that would previously result in criminal sanctions should now result in support and referrals to social services. And yet, the stigmatization of sexually exploited minors remains. In many instances, law enforcement, district attorneys, and the media still refer to sexually exploited children as “prostitutes”, and the conduct of buyers and sellers is minimized by this distinction.

In 2019, Indiana County charged “Patronizing Prostitutes” under 18 Pa. Cons. Stat. § 5902(e) one time. David Oswald, Sr., a 56-year-old man, was charged with § 5902(e) along with a slew of other criminal infractions [2]. This was not a straightforward case of buying sex; the charges resulted from an 8-month investigation into Oswald’s sexual exploitation of a fifteen-year-old girl [3]. The investigation and indictment reflected that Oswald had paid the minor victim to have sex with him, between five and ten times, beginning when she was just fourteen-years-old [4]. And yet, Oswald was charged with “Patronizing Prostitutes,” and the media surrounding his arrest and prosecution was rife with victim-blaming and justifica-

tion for his abhorrent actions. *The Indiana Gazette* detailed the victim’s refusal to cooperate with law enforcement and wrote about the justifications and cover-ups from Oswald’s girlfriend. The story tells much more about the conduct of the minor victim than it does about the 56-year-old man who abused her. While it is important that the Indiana Borough Police extensively charged Oswald for his conduct, that does not change the fact that they charged him with “Patronizing Prostitutes” for paying a minor victim of commercial sexual exploitation, one who cannot legally be considered a prostitute, for sex.

Even when police departments engage in thorough, demand-focused trafficking investigations, district attorneys minimize the charges or accept lower pleas that do not force men to bear the consequences of their decisions. In 2019, the Brookville Borough Police Department, led by Chief Vince Markle, began to investigate trafficking in its small community. Over the course of 2019, law enforcement arrested several men who responded to false advertisements selling underage girls for sex [5]. Most were initially charged with “Trafficking in Minors [6].” However, over the course of prosecution, the charges were dropped, changed, or the defendants pled to significantly lower charges including criminal use of a communication facility [7], possession with intent to deliver [8], and patronizing prostitutes [9]. While there are many reasons for a

district attorney’s office to accept a plea to lower charges, a pattern of accepting pleas to minor charges for such serious sex offenses is a miscarriage of justice. This is a pattern we see across the Commonwealth: the minimization of exploitive conduct against minor victims of trafficking.

This pattern is most clear where defendants could be charged and convicted under § 3011 [10] or § 3012 [11] and instead are charged with § 5902(b) [12] or (b.1) [13]. The conduct outlined under these “Promoting Prostitution” or “Promoting Prostitution of a Minor” charges, are near identical to the acts in § 3011 that qualify as trafficking. Each section includes “transporting” [14] and “soliciting [15].” “Encouraging” and “inducing” [16] prohibit the same conduct as “entices [17].” All of the prohibited conduct outlined under § 5902(b) and (b.1) is covered by one of the acts specified in § 3011(a). And while there is an additional burden of proving “force, fraud, or coercion” [18] if the victim is an adult, the same is not true if the victim is a minor. Where the victim is a minor, there is *per se* trafficking if one of the acts outlined in § 3011 occurs for the purpose of commercial sex [19]. And yet, we continue to see prosecutors across the state charge and convict defendants under § 5902(b.1), a crime which bears a lesser sentence [20].

In several instances in 2019, Pennsyl-

vania counties have charged adult male defendants who raped minor victims in exchange for money with “Promoting Prostitution of a Minor [21].” In one Blair County case, defendant Jeffrey Guo lured two thirteen-year-old girls to a Motel 6 where he raped them and then offered them \$10.00 [22]. Blair County charged him with § 5902(b) Promoting Prostitution, § 2901 Kidnapping of Minors, § 3121 Rape, and other charges, but notably not § 3011 Trafficking in Minors [23]. Similarly, in Beaver County, an adult male defendant offered an 11-year-old boy \$10.00 for a sex act [24]. This defendant was also charged with § 5902(b.1) Promoting Prostitution of a Minor, § 6318 Unlawful Contact with Minors, § 3126 Indecent Assault of a Person Less than 13 Years of Age, and several others, again, glaringly lacking a charge of § 3011 Traf-

ficking in Minors [25].

Additionally, the problem with charging § 5902(b.1) Promoting Prostitution of a Minor in the above cases is mirrored when § 5902(e) Patronizing Prostitutes is charged for similar or even identical conduct. Again, there is no “prostitution” occurring as minors cannot, by law, be prostitutes. These minors are victims of sex trafficking and their perpetrators must be charged with § 3011 Trafficking in Minors, rather than either § 5902(e) Patronizing Prostitutes or § 5902(b.1) Promoting Prostitution of a Minor. This charging distinction is crucial, as grading and plea deal options, along with the potential penalties and sentencing guidelines, are more significant when trafficking is charged, compared to the lesser charges of buying sex or promoting

prostitution. A trafficking charge also inherently influences the manner in which judges approach these cases, as trafficking is viewed as a more serious crime and the victims are more likely to be viewed as such.

Despite the General Assembly’s efforts to protect minor victims of trafficking through support and resources, criminal justice stakeholders and media across our Commonwealth have failed to adopt the same mindset. District Attorneys continue to give leeway to men engaged in buying sex from minors either by incorrectly charging them or by offering plea deals that fail to recognize the severity of their conduct. Until all criminal justice stakeholders hold exploiters fully accountable, minor victims of sex trafficking will continue to suffer.

Chrystul Kizer Waits for Justice in Milwaukee

The criminal justice system’s repeated failure to criminalize sex buyers and traffickers markedly contrasts to their treatment of victims, even child victims, of trafficking. Chrystul Kizer’s case is an especially egregious example. Kizer has been charged with arson and first-degree intentional homicide, which, if convicted, will result in a mandatory life sentence according to Wisconsin law [1]. Kizer is a victim of child sex trafficking, on trial for allegedly killing her trafficker, Randy Volar [2].

In February 2018, Volar was taken into custody, finger printed and released pending a summons and complaint for charges of second-degree sexual assault of a child, child enticement, prostitution and use of a computer to facilitate a child sex crime [3]. His arrest came after a 15-year-old girl told police that Volar had given her drugs and was going to kill her. No charges were filed before his death in June. During discovery in Kizer’s case, defense counsel was given evidence that was seized at Volar’s residence, including hundreds of child pornography videos with girls as young as twelve, and about twenty home videos of Volar raping numerous underage girls of color, including Kizer [4]. There is also audio of Volar describing himself as an “escort trainer.” In an interview with The Washington Post Kizer alleges that

Volar also posted ads of her on Backpage.com and drove her to Milwaukee where he would force her to have sex with older men. Volar kept all the money paid by the sex buyers. “There’s no dispute that the defendant is the victim of felony sex crimes by Mr. Volar,” District Attorney Michael Graveley told the court [5].

Kizer maintains that she was defending herself when Volar died. That night, Volar paid for an Uber to bring Kizer to his home. When she got there, he began to touch her despite her refusals. She fell, and Volar got on top of her, trying to take off her pants. Kizer says that the details are not clear, but at some point during the struggle her gun went off [6]. While asserting self-defense, Kizer is also attempting to rely on Wisconsin’s affirmative defense for trafficking victims [7]. This law allows for acquittal where the defendant can prove the crime was committed as a result of their being a victim of trafficking. The trafficker need not be convicted for this defense to apply. In a gross miscarriage of justice, Judge David Wilk has refused to allow Kizer to raise this defense at trial. The racist oversexualization of women and girls of color in popular culture has led to the criminal justice system’s refusal to see Kizer as she is: a child victim, not a premeditated murderer.

Spotlight on Heather Castellino, Senior Deputy Attorney General

The CSE Institute recently had the opportunity to speak to Senior Deputy Attorney General Heather Castellino about the changes in Pennsylvania's concurrent jurisdiction [1] over the crime of human trafficking and the success her team has had combating trafficking [2]. Senior Deputy Castellino works in the Organized Crime Section of the Attorney General's office. She is based in Norristown. Castellino discussed the importance of knowing the signs of trafficking, and the large allocation of resources necessary to bring these cases forth, emphasizing the importance of community partners.

Since the Norristown Regional Office of the Attorney General started tackling trafficking cases in 2018, Castellino started implementing changes to best assist survivors. Building trust with victims is simultaneously one of the most important, and the most difficult parts of prosecuting trafficking cases. For this reason, Castellino has ensured that a member of her staff is certified as a victim advocate to provide support and resources for her victim-witnesses. Our conversation came shortly after a defendant in one of her cases was sentenced to 38-78 years for his violent involvement with a human trafficking ring [3]. The hope is that, in addition to serving justice, this type of sentence will act as a deterrent to other people thinking about becoming perpetrators of trafficking.

4.6 Jurisdictional Changes Mark Important Step Forward

Effective December 24, 2018, jurisdiction over the crime of human trafficking was made concurrent between the Attorney General and county district attorneys [1]. Previously, the law only allowed the Attorney General's involvement in a trafficking investigation if they were invited into an investigation by a District Attorney. This was a legal barrier on the Attorney General's power to take referrals directly from state police to prosecute trafficking and command a greater role in the fight against trafficking. Additionally, it limited the power of our Attorney General in comparison to their federal counterparts. Now, the Attorney General's office can independently initiate an investigation, expanding the likelihood of much needed trafficking prosecutions in Pennsylvania.

This change occurred, in part, so the weight of prosecuting the notoriously resource intensive human trafficking cases could be shared with the Attorney General's office. The investigations require a lot of time, manpower, and money. Proving force, fraud or coercion is challenging because, as with many interpersonal crimes of violence, these manipulation tactics do not happen in the open. Additionally, unlike traditional crime victims, those who are trafficked are often unwilling to speak with law enforcement, as they fear being arrested themselves. We know that traffickers build close, "trauma bonds" with the persons they victimize [2]. These victims are often entirely dependent on their traffickers for food, shelter, and other basic needs. Emotionally, victims are tied to their traffickers whom they may be in a relationship or have children with [3]. Traf-

fickers threaten their safety and well-being and encourage perceptions that only the trafficker can keep them safe. Thus, survivors require holistic services to be able to safely leave their traffickers, such as affordable counseling, housing, and addiction services. Law enforcement, including the Attorney General's office, play integral roles in connecting survivors to those services [4]. Since the change in the law, the Attorney General's office has also begun to offer specialized training on trafficking laws [5]. The CSE Institute commends the state legislature for making this necessary change, and encourages continued support of survivors and victims.

We hope this expansion will result in increased prosecutions across the Commonwealth, and that the Attorney General's office will begin to explicitly target the demand for commercial sex in accordance with the Equality Model [6]. (For more information on the Equality Model please turn to page 32.) Now that the Attorney General's office can initiate their own investigations, they can steer their efforts in a more demand-focused way. This change will allow their office to lead this important philosophical shift in prosecuting trafficking, rather than be forced into the backseat by other decision makers. Though it is unclear whether the office will take this approach, the Attorney General has historically been known for its innovative approaches to prosecution. This legislative change presents a unique opportunity for the office to take a major step forward in the fight against trafficking.

4.7 Impact Litigation Brings Justice for Survivors, Change to Major Industries

The CSE Institute has been tracking impact civil litigation brought against third-party facilitators of sex trafficking since 2015. The first of these lawsuits were filed in 2010 against Backpage.com (Backpage). Since then, dozens of lawsuits have been filed against third-party facilitators of sex trafficking, including Backpage, hotel and motel chains, social media platforms, and others.

Backpage Litigation

There have been two distinct waves of civil litigation against Backpage. The first, beginning in 2010, consisted of several similar cases alleging claims of sex trafficking against the online advertising website. Each case in this first wave was dismissed based on court rulings that Backpage was immune from liability under the Communications Decency Act (CDA) [1]. In 2018, in response to these court rulings, Congress passed SESTA-FOSTA (Stop Enabling Sex Traffickers Act - Allow States and Victims to Fight Online Sex Trafficking Act), which amended the CDA to disallow blanket immunity to internet service providers who facilitate commercial sexual exploitation and sex trafficking through their websites [2].

After SESTA-FOSTA passed, a second wave of civil litigation against Backpage commenced. These cases have met yet another roadblock: the criminal prosecution against Backpage's Chief Officers. In every civil suit, Backpage has filed motions to stay discovery proceedings pending the outcome of the criminal prosecution. In each case, courts have granted Backpage's motions to stay. Last year at

this time (as reported in the 2019 CSE Institute Report on Commercial Sexual Exploitation in Pennsylvania), the Illinois Circuit Court was the only court to deny any of these motions, in the case *Ambrose Yvonne v. Backpage, LLC* [3]. However, this ruling was overturned in July 2019 and the Ambrose case is now on hold as well, pending the conclusion of Backpage's criminal case [4].

The criminal case against Backpage and its chief officers is set to go to trial in August 2020 [5]. Meanwhile, no new cases have been filed against Backpage as a sole defendant; but, much of the new litigation filed against the hospitality industry and social media platforms includes Backpage as a co-defendant. In those cases, even if discovery is proceeding against some defendants, it cannot progress against Backpage.

Hospitality Industry Litigation

Victims of sex trafficking have also brought dozens of cases against hotels and motels, including major chains, for facilitating and knowingly benefitting from sex trafficking. There are currently thirty-eight cases pending in more than a dozen federal district courts around the country [6]. On December 9, 2019, six of these cases petitioned the United States Judicial Panel on Multidistrict Litigation to consolidate twenty-one of these actions pending in several different judicial districts [7]. Since filing that petition, seventeen similar cases have been filed and plaintiffs estimate an additional 1,500 similar actions may be filed in the future [8].

The plaintiffs in all of these cases are victims of sex trafficking that allegedly occurred in hotels across the country. All allege that the hotels are liable under the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA") and under state laws [9]. In the petition before the Panel on Multidistrict Litigation, the plaintiffs averred that the lawsuits all contained the same core factual allegations and that the convenience of the courts, witnesses, parties, and counsel would all be served through consolidation [10]. However, on February 5, 2020, the Panel on Multidistrict Litigation rejected the petition to centralize the litigation [11]. In denying the petition, the Panel explained: "We recognize the seriousness of these allegations and are sympathetic to counsel's concern for the fair treatment of victims. But the concerns they have raised do not satisfy the requirements of Section 1407. The vast majority of actions involve different alleged sex trafficking ventures, different hotel brands, different owners and employees, different geographic locales, different witnesses, different indicia of sex trafficking, and different time periods. Thus, unique issues concerning each plaintiff's sex trafficking allegations predominate in these actions. Indeed, there is no common or predominant defendant across all actions, further indicating a lack of common questions of fact [12]."

Therefore, these cases will now proceed individually, coordinating informally [13]. Most of these cases are still in their preliminary stages, with a few beginning the discovery process.

There are four cases pending in Pennsylvania Courts of Common Pleas brought by victims of sex trafficking against several local hotels. *M.B. v. Roosevelt Inn* (filed March 10, 2017), *E.B. v. Motel 6* (filed May 2, 2017), *C.A. v. Wyndham Worldwide Corporation* (filed March 27, 2019), and *B.H. v. Roosevelt Inn* (filed March 28, 2019) [14]. Attorneys Tom Kline and Nadeem Bezar, of Kline & Specter, PC represent the plaintiffs in these cases. Mr. Bezar has championed the fight against sex trafficking in Pennsylvania by representing victims in Philadelphia for many years and currently serves on the CSE Institute's Advisory Board. These cases are still proceeding through the discovery process.

Social Media and Other Online Litigation

Survivors are also suing social media and other online platforms as third-party facilitators of sex trafficking including, Facebook and Instagram, and a corporation called Salesforce [15]. There are currently two cases pending against Facebook and Instagram in Harris County District Court in Texas. *Jane Doe v. Facebook, Inc.* was filed in October of 2018 [16] and *Jane Doe (As Next Friend of J D #19) v. Facebook, Inc. (D/B/A Instagram)* was filed in March of 2019 [17]. In both cases, discovery is proceeding and both parties have filed document requests and are taking depositions. *Jane Doe (As Next Friend of J D #19) v. Facebook, Inc. (D/B/A Instagram)* is currently set for trial on January 18, 2021 [18]. *Jane Doe v. Facebook, Inc.* is not yet set for trial. It is notable that these cases have reached the discovery phase of civil litigation, as that is further than any of the cases against Backpage have reached in their ten years of litigation.

Jane Does #1 through #50 v. Salesforce, Inc. was filed on March 25, 2019 in the California Superior Court, San Francisco and is also still pending [19]. On September 23rd, 2019 the Court dismissed the case, reasoning that “if Backpage itself is immune under section 230 [the CDA], it is difficult to fathom why a third-party software provider such as Salesforce, whose connection to the offending advertisements is far more attenuated, would not be entitled to the same protection [20].” Plaintiff Jane Doe filed an appeal on December 20, 2019 and the appeals court will begin its briefing schedule soon.

Importantly, the ruling of the California Superior Court in this case is erroneous and, hopefully, the appeals court will correct its error. Although originally courts did hold that Backpage was immune from suits alleging sex trafficking under the CDA, [21] Congress retroactively passed SESTA-FOSTA, which amended the CDA. Specifically, SESTA-FOSTA amended the CDA to create a limited exception for liability for websites that intentionally aid in or blatantly disregard their role in the facilitation of sex trafficking on their platform [22]. Therefore, the reasoning in *Jane Does #1 through #50 v. Salesforce* is fundamentally flawed and should be reversed on appeal.

SESTA-FOSTA Litigation

After Congress passed SESTA-FOSTA in 2018, Woodhull Freedom Foundation, working on behalf of the pro-prostitution lobby, spearheaded a challenge to the constitutionality of the amendments in the case *Woodhull Freedom Foundation, et al. v. United States*, filed on June 28, 2018 [23]. The plaintiffs argued that the FOSTA amendment to the CDA is un-

constitutional, as it violates the First and Fifth Amendments and the Ex Post Facto Clause of Article 1 of the Constitution because “it is overbroad, vague, impermissibly targets speech based on viewpoint and content, pares back immunity from certain state law claims, erodes the scienter requirement, and wrongly criminalizes conduct that was lawful at the time committed [24].” On September 24, 2018, the United States District Court for the District of Columbia granted the Defendant's Motion to Dismiss, reasoning that each of the five plaintiffs had failed to allege adequate standing and, thus, that the Court lacked subject-matter jurisdiction [25].

The plaintiffs filed an appeal of the District Court's holding to the United States Court of Appeals for the District of Columbia Circuit. On January 24, 2020, the Court ruled on the appeal [26]. The Court held that two of the five plaintiffs had established standing in the case: a website operator who allowed prostituted persons to share information (including information about online payment processors) on her website and a licensed massage therapist who had online advertisements for his legitimate therapeutic services removed following the passage of FOSTA [27]. The Court held that the website operator had demonstrated that threat of future enforcement under FOSTA against him was substantial and the massage therapist “demonstrated that a favorable decision would create a significant increase in likelihood that he would obtain relief [28].” The Court reversed the District Court's decision and remanded the case to the District Court for further proceedings.

The CSE Institute remains hopeful that

victims of sex trafficking will eventually be successful in their fight to obtain civil remedies for their victimization in the sex trade. With the conclusion of the criminal case against the CEOs of Backpage scheduled for August of 2020 and various hotel

and online platform litigation entering the discovery phase, the next year will likely bring about progress in these cases. This progress will demonstrate whether victims will be able to recover from third-party facilitators or whether they will have to

continue to fight this battle for recovery. The CSE Institute is encouraged by the amount of lawsuits that are being filed by victims against third-party facilitators each year and is hopeful that the law will eventually achieve justice for victims.

5. Law and Social Change

5.1 A Local Survivor Voice: Ann Marie Jones

Meet Ann Marie Jones, a survivor, a full-time Recovery Specialist at Dawn's Place, and an avid anti-trafficking advocate. But the role Ann Marie enjoys most is being a mother to her three daughters. Despite facing hardships most people cannot even imagine, Ann Marie has learned how to thrive no matter what life has in store.

Early Life

Like many survivors of human trafficking, Ann Marie's story began with a series of adverse childhood experiences. She endured both physical and verbal abuse at the hands of her family members. She witnessed her loved ones struggle with the daily horrors of alcoholism. She barely remembers her mother being at home, as she spent most of her time at work or the bar. Ann Marie credits her oldest sister with raising her.

When she was thirteen, Ann Marie was sexually abused by one of her brothers. Desperate, she went to her mother for help and support. Instead, the assault was swept under the rug. Her brother faced no repercussions and Ann Marie was devastated. Betrayed by her mother and family, Ann Marie began to feel unwanted and unloved by the very people that were supposed to protect her. It was

in that grief and frustration that she first gave herself the nickname "No Name." She was alone, even though she was surrounded by family.

History Repeats Itself

As Ann Marie grew older, she prioritized starting her own family to provide the support and affection that had evaded so much of her childhood. At eighteen, Ann Marie met the man who would become her husband. They rented an apartment and began to build their own life together. The two had a daughter and eventually got married. They were well on their way to becoming the family Ann Marie had so yearned for.

Years later, while Ann Marie was at work, she got a call that changed everything. Her daughter, thirteen at the time, had been sexually abused by one of Ann Marie's brothers, though not the one who had abused her. The past was repeating itself. Ann Marie tried to temper her grief, as suppressed memories of anger and abandonment resurfaced. Determined to support her daughter, she immediately acted. She confronted her family and involved the police. Instead of supporting her, her family took the side of her brother, as he suffered from intellectual disabilities. They wanted the problem to be



handled internally, but Ann Marie refused to let her daughter down the same way that she had been.

Ann Marie, once again, felt cast aside by her family. Her husband had also experienced sexual abuse as a child, so he too felt a wave of trauma resurfacing when he heard the news about their daughter. Ann Marie's husband had a hard time coping with the situation. He turned to alcohol and eventually moved to Pittsburgh. Ann Marie later learned that he moved in with

“Ann Marie Jones is my mentor. When I first met her, I was a prosecutor in Philadelphia and part of the Project Dawn Court team. The adversity she has overcome in her life is a shining example of not only survival - but perseverance and strength. She has taught me to be a better attorney, what being trauma-informed means in practice, and makes me strive to be a better woman every single day. She encouraged me to start the CSE Institute and is someone I routinely call upon for advice.”

– Shea Rhodes, Esq.,
Director, CSE Institute

a woman with whom he had been having an affair.

Heartbroken, Ann Marie and her daughter were forced to move in with her older sister. However, this meant Ann Marie had to make the difficult decision to send her daughter to live with her ex-husband across the state to keep her safe from the family member who had sexually abused her. Ann Marie felt abandoned, yet again. She lost the family she had spent her life trying to build in an instant. She was left with only those who had continuously let her down and were complicit in the abuse of her and her daughter.

With a mountain of trauma resting on her shoulders, Ann Marie withdrew into herself, attempting to escape the pain. Her sister-in-law introduced her to crack cocaine. Ann Marie began chasing the numbness, looking for anything to help her forget about the agony of being separated from the only thing that brought her happiness – her daughter. She was slowly pulled into addiction and eventually, homelessness.

Substance Use Leads to Trafficking

While living on the streets, Ann Marie met a man who promised to take care of her. Instead, he became her trafficker. He sold her for sex, kept her in an abandoned house, took her money, and beat her. She would spend hours waiting for him to return with jugs of cold water just so she could bathe and quench her thirst a bit. Despite the abuse, Ann Marie trusted him completely. She held onto the belief that he would change. Without any support from her family or a place to call “home”, he was all she had left to rely on. For Ann Marie, family and love had al-

ways been intertwined with abuse, and this relationship was no different. The expectation that abuse was a by-product of love made it even more difficult for Ann Marie to see this man for what he was. She had become the grown-up version of “No Name”.

It wasn't long before Ann Marie became pregnant with twins. Her trafficker was the father. She asked him for help but he refused, slapping her when he heard the news. At a time when she needed support the most, she was again abandoned. Ann Marie was still struggling with substance use disorder, and she knew she needed immediate help for the sake of her unborn babies. She sought assistance and began treatment at Friends Hospital.

Ann Marie spent much of her pregnancy in rehab, working on herself and getting clean. Her counselor advised her that her best chance at sobriety was to stay away from her trafficker, but it wasn't that easy. He was the father of her newly born twin girls and she remained grateful to him for getting her off the streets. She still loved him, and nothing could change that. He continued to reach out throughout her time in rehab, effectively stunting any progress she tried to make.

Ann Marie's trafficker promised the pair and their daughters would live happily ever after as a family. This, like so many other things he had told her, was a lie. When Ann Marie took her daughters to his house to start their new life, she found him living with another woman. He took her children, beat Ann Marie and told her she would never see them again. Ann Marie recalls

this as the darkest time of her life.

She was arrested and accepted into Philadelphia's Project Dawn Court (PDC), a problem-solving court for women with 3 or more prostitution convictions. But she ran from anyone who offered to help, including the PDC treatment team. She languished on the streets of the notorious drug-filled neighborhood of Kensington, Philadelphia. Ann Marie stopped caring whether she would live or die.

Turning Point

It was always rough in Kensington, but the cold weather and snow made it unbearable. Ann Marie was homeless and desperate for a moment of reprieve from the dirty, frigid streets. When a woman in a car approached her and asked for help finding marijuana, she jumped at the chance and got in the car. The woman, who turned out to be an undercover police officer, solicited Ann Marie for sex. She verbally agreed and was subsequently arrested. But in the back of Ann Marie's mind she was relieved, thinking to herself, "no, you're rescuing me."

On the run from Project Dawn Court at the time of her arrest, Ann Marie was sanctioned with a period of incarceration. She sat in her jail cell, knowing this arrest was different, but not quite sure what to do next. Her probation officer visited and asked, "Ann Marie, why don't you see in yourself what I see in you?" Ann Marie didn't know what she meant at the time but kept an open mind. When the sanction was over, Ann Marie entered inpatient treatment at Interim House. This was the first time she felt peace; she knew she was going to be okay. People were there to help her.

For the next few years, Ann Marie worked diligently on her treatment plans. She was a resident at Interim House, where she successfully completed the program. Graduating from Interim House was the first time Ann Marie felt like she had accomplished something. After graduation, Ann Marie chose to continue her treatment at Dawn's Place, a residential program for women with a history of sexual exploitation. Knowing only that Dawn's Place was run by nuns, Ann Marie was skeptical to say the least, but she was willing to do anything to continue the progress she had been making.

Arriving at Dawn's Place was a shock to Ann Marie, the building reminded her of a dollhouse she had played with as a child. She was greeted by Sister Michelle Loisel, who told her, "welcome home," upon arrival. Little did Ann Marie know, this place would not only become her first real home, but the impetus for an entirely new way of life.

Over time, Ann Marie adjusted to living free from exploitation and substance use. She learned how to prosper on her own; getting an apartment, and most importantly, repairing her relationship with her children. She now considers her eldest daughter her "best friend." After two years of fighting for custody of her twins in New York state, she was eventually awarded full physical and legal custody. They now live with Ann Marie full time.

"No Name" No More

Ann Marie turned recovery into advocacy. She worked as a Peer Mentor at Interim House, began speaking to the public about her life, and was ultimately offered a full-time position at Dawn's Place. She now has a career helping women who have faced similar hardships. She also been able use her own story to spread awareness about human trafficking. Ann Marie has spoken to audiences across the United States and Canada, some with over 700 people in attendance. She has also written a book entitled *A Shield Against the Monster* and is currently working on a docu-drama about her experiences. She has an upcoming speaking engagement in England to talk about her book.

Once she started working at Dawn's Place, Ann Marie finally started to understand what her probation officer had meant all those years ago. She was now able to see herself the way her probation officer did - as a mother, a career woman, an advocate, and an extraordinarily strong human being. Her family accepts and loves her, she is no longer under the control of a trafficker, and she is someone who can help others. The only thing left is for the criminal justice system to see her the way everyone else does. That is why the CSE Institute is working with Ann Marie to get her criminal record vacated. This process allows for survivors of human trafficking to move forward in life without their prior trafficking-related convictions holding them back. For many, vacatur opens the doors for new career paths, housing opportunities, higher education, and so much more. For Ann Marie, it will confirm to the world that she is so much more than what happened to her - she is someone to admire.

5.2 Using and Improving Pennsylvania's Vacatur Law

When the General Assembly passed Pennsylvania's comprehensive anti-trafficking law in 2014, they recognized the need to provide survivors of sex trafficking with a remedy for the injustice they have experienced in the criminal justice system. Following the examples of New York [1] and Maryland [2], Pennsylvania incorporated a "vacatur" provision into its anti-trafficking law [3]. Vacatur is a form of post-conviction relief that effectively erases certain criminal convictions from a survivor's criminal history. An Order to Vacate is a legal recognition that the petitioner was undeserving of criminalization due to their status as a victim of sex trafficking. A single criminal conviction can serve as a massive barrier to stable employment, housing opportunities, immigration opportunities, federal student loans, and more. A series of prostitution convictions over a course of years does irreparable damage to a survivor's security and opportunity to escape the life. This remedy is critical to assisting survivors in moving forward.

Vacatur provides much stronger protections than the more widely available post-conviction remedies of sealing and expungement [4]. Only available to survivors of sex trafficking, vacatur nullifies a conviction and expunges all derivative information from the originating arrest through the criminal trial. To vacate a conviction, a survivor must petition the convicting court for relief. A petition must include four elements: it must (1) be in writing [5], (2) be consented to by the attorney for the Commonwealth [6], (3) describe the supporting evidence with particularity [7], and (4) include copies of any documents showing that the moving party is entitled to relief [8]. Courts must grant an Order to Vacate if the court finds that the conviction was the direct result

of the survivor's trafficking victimization [9].

The Commonwealth acknowledges that trafficking victimization is not limited to forced prostitution, and has enumerated six offenses eligible for vacatur [10]: prostitution [11], criminal trespass [12], disorderly conduct,[13] loitering and prowling at nighttime [14], obstruction of highways [15], and simple possession of a controlled substance. By adopting an expansive stance on the crimes eligible for vacatur, Pennsylvania acknowledges the broader impact of trafficking on a survivor's life and actions during their victimization. By comparison, neighboring states like New Jersey and Maryland only permit petitions to vacate prostitution convictions. However, these six crimes do not represent a complete picture of the crimes victims are forced to commit by their traffickers. Other states have recognized retail theft [16] or misdemeanor theft offenses [17], possession of forged writing [18], kidnapping [19], or even indecent exposure [20]. Some states permit vacatur for any conviction, as long as the conduct was a result of being a victim of human trafficking [21]. To remain survivor-centered, Pennsylvania should expand the list of crimes eligible for vacatur.

This is not the only portion of the vacatur remedy in need of legislative correction. As written, prosecutorial consent is required to file a petition for vacatur [22]. Pennsylvania and Maryland are the only states which require the procedural hurdle of prosecutorial consent to file a petition seeking the remedy. Requiring this consent can dangerously lead to wholesale prohibition on vacatur motions depending on a survivor's jurisdiction. Survivors effectively can be, and have been, denied their day in court, unable to

access the remedy the General Assembly has provided them based purely on the whims of a District Attorney's office, or an individual Assistant District Attorney. Allowing prosecutors, those whose job it is to enforce the laws of our Commonwealth, the sole discretion as to whether an individual was mis-prosecuted is unacceptable. This, as in other post-conviction matters, belongs in the hands of our judiciary.

A more effective solution would be to merely require the survivor give notice to the District Attorney that the petition is being filed. This is the requirement in most states with vacatur remedies. This alternative retains the prosecuting authority's opportunity to object, while empowering survivors to use this critical legal remedy.

Finally, the statute should be altered to eliminate the requirement that supporting evidence be described with particularity [23]. Survivors of trafficking are likely to have experienced trauma as a result of their victimization [24]. Trauma has an extensive impact on the brain both in the short and long term, for survivors this often takes the unique form of complex trauma [25]. Research confirms that trauma impairs an individual's ability to encode memories properly [26]. Details like dates and locations may not be recalled because they were not properly encoded [27]. Survivors may misremember when, where, or even if they were arrested. [28] Further, speaking in detail about traumatic instances forces a survivor to relive the event and may cause re-traumatization [29]. Requiring evidence be described with particularity discourages survivors from rightfully using this remedy, as the Commonwealth intended. Several of the CSE Institute's clients have

avoided seeking the vacatur remedy for months or years, knowing it would require them to speak candidly about the most painful moments of their lives and have it reduced to writing in an affidavit that is filed with the court in a public record.

While the Commonwealth of Pennsylvania has taken strong steps toward pursuing justice for survivors of sex trafficking, it has not yet done enough. Making these necessary legislative changes is an important step for our Commonwealth. However, while waiting on the General Assembly, individual District Attorneys can, and have, implemented their own procedures to ensure the vacatur process is trauma-informed and victim-centered. Philadelphia criminal justice stakeholders have been especially supportive of the vacatur remedy. Our colleagues at the Philadelphia District Attorney's Office

(DAO) have consistently empowered survivors by providing consent for vacatur petitions to be submitted to a judge for review. In a trauma-informed fashion, the DAO has also waived appearances for survivors who do not feel comfortable attending vacatur hearings, which have the potential to be extremely retraumatizing. Additionally, in late 2019 the First Judicial District created a streamlined process for filing and scheduling hearings for vacatur petitions. As this remedy is unique and still relatively new, having a judicial district create an avenue for these petitions to proceed has been invaluable for survivors already wary of the court system. Philadelphia's DAO position on vacatur has not only been beneficial in changing survivor's opinions of the criminal justice system at-large but has also had a hand in changing their lives.

The expansion and application of a robust vacatur practice throughout the Commonwealth continues to be a key objective of the CSE Institute's Justice for Victims Fellowship. Since the Fellowship began, the Fellows have helped over 10 survivors successfully vacate their eligible convictions. These survivors had anywhere from 2 to almost 80 now-vacated criminal charges on their records. Unfortunately, if more jurisdictions do not begin welcoming these petitions with an open mind, an untold number of survivors will continue to face immense challenges as a result of their unwarranted criminal convictions. In the interest of justice, we hope all district attorneys offices in the Commonwealth will openly encourage survivors to use this remedy to get back what was taken from them.

Cyntoia Brown's Case Captures Hearts of Americans

In August 2006, Cyntoia Brown was convicted of aggravated robbery and first-degree murder [1]. She was 16 years old [2]. The man she was accused of killing was a 43-year-old sex buyer who picked her up from a Sonic to solicit her for sex [3]. Under federal law, Cyntoia Brown was a *per se* victim of sex trafficking because she was under 18 years old when the man obtained her for sex [4].

The sex buyer took Brown to his house, where he showed her multiple firearms [5]. When they arrived, he became threatening, grabbing her in bed and acting aggressively [6]. When it seemed as if he was reaching for a gun, Brown, scared for her life, grabbed a firearm and fatally shot him [7]. She told the police the truth, that she was afraid of the man and defended herself [8]. Despite this, Brown was convicted and sentenced to life in prison with the possibility of parole only after 51 years [9]. 2055 would have been the earliest she could have been released [10].

During the appeals process, Brown spoke about her experience in an abusive relationship with a drug dealer who forced her into prostitution [11]. In 2011, PBS produced a documentary about her victimization titled, "Me Facing Life: Cyntoia's Story."

[12] The documentary tells the story of Cyntoia growing up and being forced into sex trafficking [13]. Her case garnered national attention during the #MeToo movement [14]. Celebrities Rihanna and Kim Kardashian West posted about the injustice of Cyntoia, a teenage victim of sex trafficking, facing such a significant criminal sentence [15]. Petitions and letters circulated online as people began to advocate for Brown's clemency [16].

While incarcerated, Brown received her GED and completed a bachelor's degree [17].

Activists continued to pressure the Governor of Tennessee, Bill Haslam, to grant Brown clemency given the trauma she endured as a victim of sex trafficking [18]. The Governor granted Brown clemency on January 7th, 2019, and she was released from prison on August 7, 2019 [19]. She was 31 years old [20].

After her release, Brown said: "I look forward to using my experiences to help other women and girls suffering abuse and exploitation." [21] She has already done so, writing a book about her experience entitled "Free Cyntoia: My Search for Redemption in the American Prison System [22]," and serving as a symbol of hope as she advocates for survivors across the country.

5.3 Department of Corrections Undertakes Anti-Trafficking Efforts

The Pennsylvania Department of Corrections (DOC), under the leadership of Secretary John Wetzel and with the support of Governor Tom Wolf, has made great strides regarding sex trafficking prevention and training. Throughout the past few years, the CSE Institute has been proud to work with the DOC as it takes important steps in the fight against sex trafficking throughout the Commonwealth.

Most notably, three training sessions stand out as turning points in the DOC's efforts. First, in November of 2018, Secretary Wetzel joined several survivors at Villanova University Charles Widger School of Law for a screening of *The Guardian's* "The Trap: The Deadly Sex-Trafficking Cycle in American Prisons" (The Trap) [1]. Viewing "The Trap" alongside survivors was an essential moment for Secretary Wetzel's development of anti-trafficking policies [2]. Within four months, Secretary Wetzel worked with the CSE Institute to implement a concrete plan to combat in-prison trafficking [3]. "The Trap" details how incarceration serves as part of the trafficking cycle [4]. Namely, traffickers use mugshot websites to research potential victims to send letters to in hopes of

starting a relationship [5]. The traffickers writing these letters intentionally appeal to potential victims' emotions by feigning love and appealing to the isolating atmosphere of jails and prisons [6]. To further manipulate potential victims, traffickers will put money for food and other commissary items on their books [7]. Consequently, Secretary Wetzel, vowed to implement stronger policies preventing trafficking both in and out of the prison system: "What our commitment is, and what we're working through with Shea, is to first step, quantify the issue; second step, identify what the best practices are, and then, initiate them [8]."

Second, in April 2019, CSE Institute Director, Shea Rhodes conducted a DOC training in Erie, Pennsylvania for the Prison Warden's Association [9]. She partnered with survivor-leader Nikki Bell, the CEO and founder of LIFT (Living in Freedom Together) to educate prison employees [10]. After screening the "The Trap," Shea and Nikki went through Pennsylvania and federal trafficking laws. They then presented on how the DOC can work to provide trauma services for female survivors while also building strategies for in-

carcerated victims transitioning back into the community. Both the legal foundation and a concrete plan for transitioning from prison to outside life are essential for the DOC to better develop an anti-trafficking policy.

Finally, in November 2019, the CSE Institute conducted another screening of "The Trap," along with a panel presentation for all DOC leadership in Elizabethtown, Pennsylvania. The training also included Secretary Wetzel and guidance from survivor-leaders Nikki Bell and Audra Doo- dy, both from LIFT [11]. Since the panel took place at the DOC Training Academy in Elizabethtown, Secretary Wetzel made an implicitly strong and admirable statement to DOC leadership and employees that serious efforts are being made to put an end to the prison-to-trafficking cycle. Secretary Wetzel's statements on the DOC's trafficking policies demonstrate the importance of these training sessions [12]. In a 2020 Pennsylvania Senate hearing, Secretary Wetzel eloquently summarized the mission of the DOC moving forward, which lines up with the CSE Institute's mission:

CSE Institute Educates Pennsylvania's Minor Judiciary

This academic year, The CSE Institute had the privilege of training the Commonwealth's Minor Judiciary about human trafficking and trauma-informed practices through the Administrative Office of Pennsylvania Courts (AOPC). The curriculum provided Magisterial District Judges (MDJ) with an in-depth breakdown of the laws that address human trafficking and commercial sexual exploitation.

The year old law, "Safe Harbor for Sexually Exploited Children", and the vacatur remedy were also covered during these trainings. To achieve a more comprehensive understanding about the nuances of commercial sexual exploitation, the trainings discussed the neurobiology of trauma and how to incorporate trauma-informed practices into the courtroom.

In addition, the curriculum included 4 live webinars specifically designed to teach MDJ court staff about human traf-

ficking and empower these "front line" employees to identify potential red flags. These webinars also covered the basics of trauma and dispelled many of the common misconceptions about human trafficking, such as that the crime requires a victim to be physically moved from one location to another to qualify as "trafficking".

Finally, we authored and designed a bench card for judges who attended the training. The bench card covers Pennsylvania's human trafficking law, offenses victims are often charged with, the vacatur remedy, the importance of being trauma-informed, as well as potential red flags.

This curriculum was supported by Subgrant No. 30268, awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD) to the Administrative Office of Pennsylvania Courts (AOPC).

“[W]e’ve been working with Villanova University and [the CSE Institute] on human trafficking and . . . identifying people who have been trafficked or potentially could be trafficked going out [of prison]. We have made significant progress trying to make that systemic [by] being able to create a risk profile so we can target the right people. We are currently exploring a position specifically to work with ladies at our female facilities who are most likely to be—not that men aren’t being trafficked, it’s very rare compared to females—looking at a position specific to work with ladies who are trafficked and working with our community parole staff . . . to make it less likely that they will be trafficked moving forward. There’s really not a model in the county and we are working with Shea to make one in Pennsylvania [13].”

Cleary, Secretary Wetzel recognizes the urgent necessity to end trafficking throughout Pennsylvania. To bolster the principles presented in these trainings, Governor Tom Wolf signed into law Act 1(2020), the Buyer Beware Act, which amends three sections of Pennsylvania human trafficking law to strengthen punishments against convicted traffickers [14]. (See page 8 for further discussion of the Buyer Beware Act). Ultimately, the stronger punishments are meant to deter continued involvement in trafficking [15]. The employees of the DOC are taking steps to implement Secretary Wetzel’s policies. The DOC is focusing on three preventive and rehabilitative measures to better reach this goal. Captain Jim Giles, the DOC’s representative on the FBI’s task force, is an essential piece to these reforms. As a part of his efforts, Captain Giles’ seeks to understand the minds of traffickers and victims to fill the gaps in treatment and deterrence within the

DOC. In his capacity working with victims of trafficking and traffickers themselves, Captain Giles and his team utilize the DOC’s database to identify traffickers and trafficking victims. He travels across the state to interview these inmates in order to learn and understand the signs of a trafficking victim, the signs of a trafficker, and how both enter “the life”. Moreover, Captain Giles wants to know how they operate: how many people are involved, whether the hotels involved know, or even whether corrupt law enforcement is involved. The information is then relayed to the Commonwealth’s Office of the Victim Advocate and appropriate law enforcement [16]. Consequently, Captain Giles is following through with Secretary Wetzel’s promise to “create a profile” of traffickers and victims to better identify and understand what makes certain individuals more vulnerable to these dangers [17].

The DOC currently places traffickers in rehabilitative training that is geared towards sex offenders, not human traffickers. While traffickers are sex offenders, in the minds of the traffickers, a sex offender program is not relevant to their past experience. To traffickers, the “businesses” they ran outside of prison bought them a life much better than the one they knew in adolescence. Consequently, the current deterrence training is a less effective method for the DOC to teach traffickers how and why their past acts were illegal and harmful to the persons they victimized.

The DOC is also working to implement stronger substance use disorder programs. In his years of experience, Captain Giles can confirm that trafficking victims who leave prison are extremely vulnerable to being victimized, yet again. One of the strongest vulnerabilities faced by trafficking victims is drug addiction [18].

In fact, 84% of survivors admit to having used drugs, alcohol, or both during their exploitation [19]. To help solve this problem, the DOC has delegated officers to gather information about common characteristics of victims and traffickers. Captain Giles shared his experience with this program. He interviews inmates who are victims of sex trafficking to understand, from their own perspective, the kind of treatment they need. The DOC then shares this information with the FBI, the DOC, and state law enforcement, if necessary. As a result, the entire criminal justice system in Pennsylvania works together to rehabilitate victims and help them on a path to success before they are released from prison.

Third, the DOC is working to find the proper treatment for “bottom girls” who are at the intersection of victim and offender [20]. Women who fall into this category of victim-offender are victims who have been coerced into acting as a trafficker (see page 30 for more information about the Victim-Offender Intersectionality) [21]. These latter actions are often the results of the trauma the victim-offender has experienced from their own trafficking victimization [22]. However, because they are still seen as offenders, the DOC does not have a specific and targeted rehabilitation program to help these unique victims to recover.

While the DOC still has steps to take, Pennsylvania’s prison system is moving in the right direction by becoming a more trauma-informed organization. None of these steps would be possible, however, without Secretary Wetzel and his leadership with the DOC. The CSE Institute would like to commend Secretary Wetzel for taking such incredible action to further improve the Pennsylvania DOC and protections for trafficking victims.

5.4 Researching the Victim-Offender Overlap in Commercial Sexual Exploitation

Victim-offender is a term applicable to victims of trafficking who are forced by their traffickers to engage in the trafficking of other victims. The patriarchal structure common in human trafficking networks places a male trafficker at the top of the network, with a designated female or “bottom-girl” as second-in-command. As defined in *the United States v. Pipkins*, [1] the bottom-girl is both trafficked and engages in acts of trafficking others, as she is typically responsible for keeping other victims complacent, arranging dates, and reporting back to the male trafficker. The bottom-girl occupies a conflicting space in the legal community. She exists both as a victim and as an offender, an oxymoronic dilemma that legal scholars and practitioners have yet to reconcile.

This year, the CSE Institute contributed to two separate research pieces which focused on the Victim-Offender overlap, colloquially known as the “Bottom-Girl” phenomenon. The first is a paper entitled “I Got Sold a Dream and it Turned into a Nightmare’: The Victim-Offender Overlap in Commercial Sexual Exploitation,” which is co-authored by Shea M. Rhodes and Dr. Angie C. Henderson. Dr. Henderson holds a Ph.D. in Sociology and is a professor at the University of Northern Colorado, specializing in family, gender, sociology, and commercial sexual exploitation. The other is a comprehensive

guide, co-authored by the CSE Institute and Shared Hope International’s JuST Response Council, entitled “Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders.” An overview of these two pieces follows, reflecting the new research the CSE Institute has conducted on this evolving legal issue.

“I Got Sold a Dream and it Turned into a Nightmare’: The Victim-Offender Overlap in Commercial Sexual Exploitation.

“I Got Sold a Dream and it Turned into a Nightmare’: The Victim-Offender Overlap in Commercial Sexual Exploitation” compiles research generated from a community-based research method to support the conclusion that the victim identity of the bottom-girl should be prioritized in a criminal justice context. To date, the modest research dedicated to understanding the victim-offender overlap in sex trafficking has relied solely on data from those involved in the criminal justice system. The present study broadens the scope of this area of work by including a community-based sample of adult women who self-identify as having filled the role of a bottom girl in pimp-controlled, familial, and illicit massage parlor sex trafficking. In-depth interviews provide the first empirical definition of a “bottom girl,” including their roles and responsibilities. The

research also provides insight into the costs of surviving abusive traffickers, providing context for criminal justice practitioners regarding the complexities of being simultaneously victim and offender in a sex trafficking operation.

This study reveals that women who self-identified as bottom-girls consider their role a product of physical violence, emotional manipulation, and life-threatening abuse – all seventeen women interviewed stated that they had been subject to force, fraud and/or coercion. Several research questions guided this study, including: How is a “bottom-girl” defined by those who occupied the role? What responsibilities are associated with the role? What forces lead victims of sex trafficking into the role of victim-offender? How do bottom-girls experience the victim-offender overlap? Are these women simultaneously victimized while being forced to commit trafficking offenses?

Participants were asked about how they became a bottom, the responsibilities of their traffickers, how victims were groomed, the daily life of victims, the interactions they had with traffickers, victims and sex buyers and how they exited the network and sought recovery. During these discussions, participants mentioned substance abuse and “hostage babies” as some of the methods traffickers used to force them to partic-

ipate in trafficking operations. Participants also discussed their experiences with both physical and emotional abuse, sometimes more frequent and violent than that experienced by non-bottom-girl victims. Finally, the paper aims to expose the realities of bottom-girls to avoid perpetuating a stigma that has both legal and social consequences on victims who occupy this role. The goal of this research is to encourage the legal community to associate the term “bottom-girl” with the term “victim” and recognize the sensibility behind voiding criminal culpability for victim-offenders.

The article was submitted upon invitation to the forthcoming Journal of Human Trafficking special issue: *The Field of Human Trafficking: Expanding on the Present State of Research*.

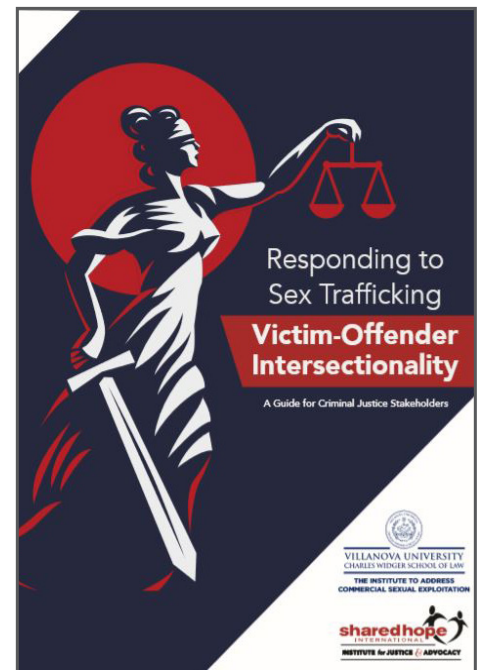
Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders

On January 23, 2020, “Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders” was released. The guide was co-authored by the CSE Institute and Shared Hope International’s JuST Response Council, a non-profit leader in the fight to eradicate domestic minor sex trafficking. A result of a three-year long

process, the guide provides actors in the criminal justice system a tool to utilize when they find themselves responding to a possible sex trafficking situation.

Specifically, the guide addresses the unique issue of the victim-offender overlap in trafficking cases, colloquially known as “bottom-girls,” who are victims of either sex trafficking or commercial sexual exploitation who have also engaged in trafficking behavior themselves. Their offender conduct often stems from the traumatization of their own trafficking experiences. As the guide details, trauma effects neurological functioning, leading individuals to engage in abnormal behavior. Thus, these women and girls are both “victims” and “traffickers” under the law. For such reasons, this guide refers to these individuals as “victim-offenders” and seeks to provide criminal justice stakeholders various tools for dealing with and addressing victim-offenders at every stage of the criminal justice process.

The Guide has three primary objectives: (1) To improve identification of sex trafficking victim-offenders who have come into contact with the criminal justice system; (2) To enhance understanding of victim-offenders’ conduct through a sex trafficking- and trauma-informed lens; and (3) To identify alternative responses to the criminalization of victim-offenders taking



into account the impact of their own victimization on their potential involvement in sex trafficking conduct. The overall goal of the guide is to shift the criminal justice system toward a victim-centered and trauma-informed approach when working with all sex trafficking victims, but especially victim-offenders. Hopefully, by using this guide, criminal justice stakeholders will be able to acknowledge the trauma sex-trafficking victims have endured and shift their mindsets and behaviors accordingly.

To learn more, you can find the report here: <https://sharedhope.org/what-we-do/bring-justice/just-response-council/>.

6. Understanding Policy Options

Throughout the world, the commodification of sex and the global sex trade continue to threaten the lives of women and children. Policy makers have attempted to address this crisis legislatively with the adoption of certain laws that typically fit within one of three paradigms: abolitionism, decriminalization, or legalization.

The policies that make up each paradigm consider the problem from radically different perspectives and impact victims differently. Abolitionism decriminalizes prostituted persons who sell sex to survive and targets demand by criminalizing sex buyers and traffickers. Decriminalization allows unregulated sexual exploitation of prostituted persons by discarding all legal penalties for facilitators of commercial sex. Legalization allows for the sale and purchase of sex but attempts to regulate these transactions through legal mechanisms. This section delves into each method and exposes the different ways in which abolitionism, decriminalization and legalization effects victims of the commercial sex industry.

Abolition

The abolitionist approach to combat commercial sexual exploitation, commonly referred to as the Equality Model or the Nordic Model, decriminalizes prostituted persons and classifies the facilitation of prostitution and the purchasing of sex as criminal offenses [1]. The abolitionist perspective acknowledges that prostitution and the commodification of bodies is a consequence of social, political, and economic inequality that is biased towards women because of the historically generated patriarchal power dynamic between the sexes [2]. The Equality Model consists of four key elements: (1) decriminalization of the prostituted person, (2) criminalization of sex buyers and facilitators with a commitment to treating buying sex as a serious crime, (3) a public education campaign about the inherent harms of prostitution, and (4) funded robust, holistic exit services for victims of commercial sexual exploitation [3]. The Equality Model shifts the focus on prostitution from the “supply” side to the “demand” side by decriminalizing exploited prostituted individuals and criminalizing sex buyers, traffickers, and other parties who facilitate demand for sex [4]. Abolitionists assert that punishment of prostituted individuals perpetuates a system of poverty, unemployment, violence, homelessness, and drug abuse while inhibiting harmful social attitudes including racism and sexism [5]. Abolitionists advocate for prostituted persons to receive social services, as well as other meaningful resources, to assist them in exiting the sex trade, manage the trauma consequence of being sexually exploited, and move forward to live a productive life. The Equality Model also aids exploited individuals in the commercial sex industry by legally penalizing the demand for sex. Criminalization of buyers and decriminalization of prostituted individuals allows victims to view law enforcement as a helpful resource where they can

report exploitation, violence, and abuse without fear of punishment [6].

First adopted in Sweden in 1999, the Equality Model was created after extensive research, focusing on firsthand experiences of prostituted persons [7]. The model was packaged in a larger Violence Against Women Act, or *Kvinnofrid Law*, aimed at preventing gender inequality by addressing gender-based violence [8]. The legislation criminalized buying or attempting to buy sexual services, while also stating that a person who sells sex “should under no circumstances bear responsibility for transactional sex but, instead, be assisted and offered help out of prostitution by social interventions [9].” The legislation also called for a widespread public awareness campaign about the inherent harms of prostitution [10]. Above all, the Equality Model was created to combat the uneven distribution of power between women and men that has fueled the commercialization of women’s bodies and violence against women [11].

Critics of the Equality Model often argue that prostituted persons voluntarily “choose” to sell sex and “sex work” should be seen as a job like any other [12]. When adopting the Equality Model, policy makers and abolitionist advocates in Sweden found that the “choice” to enter prostitution was most often a consequence of other social factors such as poverty, homelessness, drug addiction, domestic or childhood abuse and other traumatic hardships that heightened individuals’ vulnerabilities, making them prime targets for the commercial sex industry [13]. Because of these vulnerabilities, individuals who are sold for sex are far too often reliant on traffickers and buyers as a means of survival. Therefore,

the “choice” to enter the life should not be considered a free choice because more often than not, selling sex is the result of having no choice but to survive.

In order to be effective, the abolitionist approach requires a widespread public awareness campaign to educate the public about the dangers of prostitution and the unequal power dynamics between men and women perpetuated by the

commercialization of sex [14]. Increasing education and training on the model enhances understanding of how the abolitionist approach drives down the market for commercial sex while protecting exploited individuals. Through training, education and implementation, the Equality Model enhances the well-being of society and effectively works to implement the social, political and economic equality between men and women.

Legalization

Legalization policy legalizes prostitution but aims to regulate commercial sex transactions. Legalization and decriminalization are similar in that both policy frameworks are fueled by the misconception that prostitution is a matter of free choice and should be considered awarded employment rights equivalent to other professions. However, legalization does support the regulation of prostitution by subjecting the purchase and sale of sex to labor laws [15]. Advocates for legalization believe that it will improve the working conditions for prostituted persons, ensuring those who enter the industry are given certain employment protections that aim to limit exploitation and violence within the industry [16].

In countries where legalization policies have been put into place, prostitution is restricted to certain areas through zoning, there are mandatory health checks, and registration is required [17]. Germany legalized prostitution in 2002 [18]. Under Germany’s legalization laws, prostituted persons can sue clients for non-payment, contracts between workers and employers are legal, and prostituted persons theoretically have employment and benefits. Brothels must be licensed by local authorities, but research suggests these licenses can be difficult to procure [19]. Research has found that the scarcity of so-called “legal brothels” has forced prostituted persons to continue to work outside the licensed sector, despite the legalization framework [20]. In addition, the burden

of extensive regulation often falls on those in the sex trade, who need to meet certain criteria to be able to work in licensed brothels [21]. Investigation into legalization methods revealed that brothel inspections were ineffective in preventing violence against prostituted individuals by allowing for criminal gangs to act as pimps and bodyguards in certified brothels [22]. Research suggests legalization has unintentionally created more laws that can criminalize prostituted persons and incite police brutality [23].

Three years after implementation of legalization in the Netherlands, an investigation by Europol revealed that underground trafficking networks were collaborating with pimps and brothel owners, subjecting prostituted persons to violence and murder [24]. Further, Interpol and Dutch police statements reveal that the legalization methods developed in the Netherlands created and assisted pedophile networks throughout Europe [25]. The method remains ineffective in combating violence against women and children and enforces the political, social and economic inequality between men and women. The licensing and regulation of locations that facilitate commercial sex have not been effective in guaranteeing any sort of protection to prostituted persons, but rather perpetuates violence and abuse by allowing for the degrading commodification of women’s bodies [26].

Profits over People – Inside Germany’s Mega-Brothels

When Germany legalized prostitution in 2002, the industry exploded. New “mega-brothels” were opened to meet the rapidly expanding demand for commercial sex. The goal of legalization was to protect prostituted persons and give them access to benefits [1]. However, in 2015 it was reported that only 44 prostituted persons had registered for health bene-

fits in all of Germany, revealing one of the myriad gaps in the country’s policy [2]. Under the current system, mega-brothels continue rake in profits, while vulnerable individuals in the sex trade are exploited under the guise of protected, state-sanctioned prostitution.

Continued on next page

Germany is home to Europe's largest brothel, a 12-story club where prostituted people are required to rent a room for the night and have sex with at least four men to "break even [3]." The prostituted persons are considered "customers" of the mega-brothel and therefore do not have any of the benefits legalization promised [4]. Further, Germany's sex industry is comprised almost exclusively of immigrants, with an estimated 95% of prostituted persons hailing from foreign countries [5]. Most of these immigrants come from Europe's poorest nations, do not speak German, and are incapable of saying "no [6]."

Pimping is illegal under Germany's legalization model, but

many girls do have a "man"- a pimp by a different name [7]. These men are not allowed in the clubs, but the system provides little protection from pimps and traffickers [8]. Sometimes traffickers are family members sending a daughter to Germany to make money for the family. Other traffickers kidnap or trick people by promising a different type of job [9]. The legalization model was supposed to eliminate pimps and provide methods for reporting them to the police, but coercion is vastly unreported [10]. Instead, the German police have seen an explosion in human trafficking from Eastern European countries, but feel that they lack the resources to stop it [11].

Decriminalization

The Decriminalization Model supports policy initiatives that fully decriminalize the commercial sex trade [27]. Advocates of decriminalization argue that commercial sex transactions should be treated equal to other market transactions [28]. Further, advocates of decriminalization argue that this method allows prostituted persons protection from legal penalties and alleviates violence against women. This model is generated by the idea that prostitution is a choice and commercial sex transactions are made by consenting adults exercising personal autonomy [29]. However, in allowing the commercial sex industry to operate without legal penalties, criminal accountability is alleviated for exploiters and the opportunities for women and children to experience violence at the hands of buyers, traffickers, brothel owners, managers, and

other commercial sex facilitators is drastically increased.

New Zealand fully decriminalized sex work with the passage of the New Zealand Prostitution Reform Act in 2003 [30]. Under the Act, prostituted persons must be over 18 years of age and fines are distributed to businesses that do not receive proper certifications to operate or follow certain health and safety requirements [31]. By allowing prostitution to occur unregulated, decriminalization gives men the legal right to buy sex, resulting in serious societal consequences for women, at best, few consequences for men. Under this method, those in positions of power who use personal wealth to buy sex are given free rein to exercise control over the world's most vulnerable populations.

Conclusion

The CSE Institute advocates for the Equality Model and takes an abolitionist approach to the commercial sex trade crisis. We believe that the Equality Model is the only paradigm that benefits those exploited through commercial sex by decriminalizing the sale of sex while providing vital resources to assist exploited individuals leaving the life. We believe the Equality Model shifts the focus from prostituted persons to sex buyers and traffickers by criminalizing the purchase of sex and sex trafficking. By limiting demand, we believe this legal framework effectively decreases exploitation of women and children and protects vulnerable populations from violence. The Decriminalization and Legalization Models fail to protect the interests of persons who are exploited in the sex trade by instilling a market that feeds off the commodification of bodies. An approach that does not recognize the inher-

ent danger and risk faced by those in the sex trade will only result in harm and violence of prostituted persons and will continue to perpetuate systems of inequality.

We advocate for a legal framework in the United States that enforces a model of equality to combat the commercial sexual exploitation of individuals. We believe abolitionist inspired legislation works to empower women by eliminating degrading practices that enforce unequal power dynamics between the sexes. The CSE Institute believes combating sex trafficking and the global sex trade can only come from effectively enforcing abolitionist supported law and educating the public on the detrimental effects of the commercial sex industry.

7. Organizations and Groups Working Against Commercial Sexual Exploitation in Pennsylvania

The following is not an exhaustive list and does not constitute an endorsement of any agency or services provided. There are new anti-exploitation organizations forming all across the Commonwealth annually. If your organization is missing from this list, please contact us.

Organization	Web Address
Abuse Network, The	http://www.abusenetwork.org/
A Child's Place (Mercy Health Center)	https://www.achildsplacepa.org/
A Safe Place, Inc.	http://www/jlc.org/resources/county-resource-guide/forest/safe-place-inc-forest-and-warren-counties
A Way Out	http://www.myawayout.org/
A Woman's Place	http://awomansplace.org/who/contact.html
Abuse & Rape Crisis Center	http://arcceducation.wix.com/arcc#!service/c1pna
ACCESS York, YWCA York	http://ywcaYork.org/
Adams County Children's Advocacy Center	https://www.kidsagaincac.org/index.html
Alice Paul House	http://www.alicepaulhouse.org/
Beaver County Anti Human Trafficking Coalition	http://bcantihumantraffickingcoalition.weebly.com/
Berks Women in Crisis	berkswomenincrisis.org
Blackburn Center	http://www.blackburncenter.org/
Bloom Bangor	bloombangor.org/about
Bradley H. Foulk Children's Advocacy Center fo Erie County, Inc., The	http://www.cacerie.org/
Bucks Coalition Against Trafficking	http://bcatpa.org/
Bucks County Children's Advocacy Center	http://buckscac.com/
Bulter County Alliance for Children - Child Advocacy Center	http://www.butlercountycac.org/
Cambria County Child Advocacy Center	http://www.cambriacac.org/
C.A.P.S.E.A., Inc.	http://capsea.org/
Carbon & Luzerne County Domestic Violence Service Center	http://domesticviolenceservice.org/
Care Center of Indiana County, The	http://carecenterofindianaco.org/
Centre County Women's Resource Center	tp://ccwrc.org/
Chester County Anti-Trafficking Coalition (CCAT)	https://sites.google.com/site/ccatsite/
Chester County Child Advocacy Center	http://www.chesco.org/1610/child-abuse
Children's Advocacy Center of Centre County, Mount Nittany Health	https://www.mounnittany.org/childadvocacycenter
Children's Advocacy Center of Lawrence County	https://upmcjameson.com/upmc-jameson-2/childrens-advocacy-center-of-lawrence-county/
Children's Advocacy Center of Lehigh County	https://www.lvhn.org/facilities_directions/hospital_locations/community_clinics/john_van_brakle_child_advocacy_center
Children's Advocacy Center of North Eastern PA	http://cacnepa.org/
Children's Advocacy Center of McKean County	http://www.mckeancountypa.org/departments/children_s_advocacy_center/index.php
Children's Alliance Center of Berks Co.	http://opphouse.org/looking-for-help/child-sexual-abuse-information-forensic-interviews.aspx
Children's Center of Susquehanna & Wyoming Counties	http://www.fsawv.org/childac.php
Children's Home of Easton, The	http://thechildrenshome.org/
Children's House of Pittsburgh of UPMC	http://www.chp.edu/our-services/child-advocacy-center
Children's Hospital of Philadelphia	http://www.chop.edu/
Compassionate Humans Against Trafficking	http://fightwithchat717.wix.com/chat-!more-about-us/c1sxh
Congreso	http://www.congreso.net/

Organization	Web Address
Covenant House	http://www.covenanthousepa.org/
Crisis Victims' Center of Chester County	http://www.cvcofcc.org/
Crisis Victims' Center of Erie County	http://www.cvcerie.org/
Crisis Victims' Center of Fayette County	http://www.crimevictimscenter.com/
Crisis Victims Council of Lehigh County	https://cvclv.org/
Crisis Shelter of Lawrence County	http://crisissshelter.org/
Dawn's Place	http://ahomefordawn.org/
Delaware County Children's Advocacy Center	http://www.delcochildrensadvocacycenter.org/
Delaware County Women Against Rape	http://www.delcowar.org/
Department of Human Services	http://www.dhs.pa.gov/
Department of Transportation	http://www.penndot.gov/Pages/default.aspx
Domestic Violence Center of Chester County	http://www.dvccc.com/
Domestic Violence Services of Cumberland & Perry Counties	http://www.dvscp.org/
East Side Laser Center	https://eastsidelasercenter.com/the-erase-project
F.R.E.E Berks County	https://www.freefromht.org/
Faith Alliance Against Slavery & Trafficking	https://faastinternational.org/
Geisinger Child Advocacy Center	https://www.geisinger.org/patient-care/conditions-treatments-specialty/2018/12/03/17/04/child-safety-and-advocacy
Gwen's Girls	http://www.gwensgirls.org/
HAVEN of Tioga County, Inc.	http://havenoftiogacounty.org/
Helping All Victims In Need (HAVIN)	http://havinpa.org/
Huntingdon House	http://www.huntingdonhouse.org/
Joseph J. Peters Institute, The (JJPI)	http://www.jjp.org/
Justice at Work (formerly Friends of Farmworkers)	https://www.justiceatworklegalaids.org/
KidsPeace	https://www.kidspeace.org/pennsylvania/
Lancaster Anti-Trafficking Network (LATN)	https://www.facebook.com/LancasterAntiTraffickingNetwork/
Lancaster County CASE Task Force	https://co.lancaster.pa.us/705/C-A-S-E
Lancaster County Children's Alliance	http://lancastergeneralhealth.org/LGH/Our-Services/childrens-Advocacy-Center.aspx
Lancaster Initiative Against Human Trafficking (LIGHT)	facebook.com/LIGHT-Lancaster-Initiative-aGainst-Human-Trafficking-186767311856/
Lawrence County Crisis Shelter	http://crisissshelter.org/
Lehigh Valley Community Foundation	https://www.lehighvalleyfoundation.org/
Lighthouse Counseling Services, LLC	https://www.lighthousecounselingpa.com/
Lutheran Advocacy Ministry in Pennsylvania	https://www.lutheranadvocacypa.org/
Luzerne County Child Advocacy Center	https://www.luzernecountycac.org/
Mid-Atlantic Dream Center	http://midatlanticdreamcenter.org
Mission Kids	http://missionkidsac.org/
Montgomery County Anti-Trafficking Coalition (MCAT)	https://www.mcatpa.org/
Nationalities Service Center, Anti-Human Trafficking Project	http://nscphila.org/our-work/special-initiatives/anti-human-trafficking
Network of Victim Assistance (NOVA)	https://www.novabucks.org/
Not In My Back Yard (NIMBY)	https://nimby.me/what-we-do/
Northeast Regional Child Advocacy Center	https://www.nrcac.org/
North Penn Legal Services	https://www.northpennlegal.org/
North Star Initiative	https://northstarinitiative.org/
Oasis of Hope	https://www.oasisofhopeusa.org/
Over the Rainbow Children's Advocacy Center	https://overtherainbowcac.org/
Partners for Justice	http://lchscast.weebly.com
Partnership to End Human Trafficking	https://peht.org/

Organization	Web Address
PathWays PA	http://www.pathwayspa.org/
Peace Promise	https://www.peacepromise.org/
Pennsylvania Alliance Against Trafficking in Humans - 15 (PAATH-15)	http://www.educateandadvocate-paath.com/
Pennsylvania Coalition Against Domestic Violence (PCADV)	https://www.pcadv.org/
Pennsylvania Coalition Against Rape (PCAR)	https://pcar.org/
Pennsylvania Public Transportation Association	http://www.ppta.net/pages/traffickingtraining/index.html
Philadelphia Anti-Trafficking Coalition	http://patcoalition.org/
Philadelphia Children's Alliance	https://www.philachildrensalliance.org/
Philadelphia Commission for Women	https://beta.phila.gov/departments/commission-for-women/
PinnacleHealth Children's Resource Center	https://www.pinnaclehealth.org/locations/office/6685-pinnaclehealth-children-s-resource-center
Pittsburgh Action Against Rape	https://paar.net/
PPC Violence Free Network	http://www.fscas.org/ppc-vfn.htm
Salvation Army New Day Drop-In Center	https://pa.salvationarmy.org/greater-philadelphia/NewDay
She's Somebody's Daughter	http://shessomebodysdaughter.org/
Schuykill Community Action	https://schuykillcommunityaction.com/
Schuykill Women in Crisis	https://www.s-wic.org/
Southwestern Pennsylvania Legal Services, Inc.	http://www.splas.org/index-2.html
Sparrow Place	https://www.sparrowplace.org/
Sullivan County Victim Services	http://www.sulcovs.org/
Survivors, Inc.	http://enddvsa.org/
Transitions of PA	https://www.transitionsofpa.org/
Truth for Women - Truth Home	http://truthforwomen.org/purpose/
Turning Point of Lehigh Valley	http://www.turningpointlv.org/
Valley Against Sex Trafficking (VAST)	http://vast.ngo/
Valley Youth House	https://www.valleyyouthhouse.org/locations/bucks-county-shelter/
Victims Intervention Program of Wayne & Pike Counties	http://www.vipempowers.org/
Victim Outreach Intervention Center of Butler County	https://www.voiceforvictims.com/
Victim Resource Center of Carbon County	https://vrcnepa.org/
Victim Resource Center of Luzerne County	http://www.vrcnepa.org/index.php
Victim Resource Center of Wyoming County	http://www.vrncepa.org/index.php
Well of Bucks County, The	http://worthwhilewear.org
Western PA Anti-Trafficking Coalition (WPAHTC)	https://www.facebook.com/WPAHTC
Western PA CARES for Kids	http://www.carescac.org/
Women Against Abuse	https://www.womenagainstabuse.org/
Women's Center of Beaver County	https://www.womenscenterbc.org/
Women's Center of Montgomery County	http://www.wcmontco.com
Women in Need	http://winservices.org/
Women Organized Against Rape	https://www.woar.org/
Women's Resource Center, Inc.	https://wrcnepa.org/
Women's Resource Center of Monroe County	http://www.wrmonroe.org/
Women's Services, Inc. (Crawford County)	https://www.womensservicesinc.com/
York County Children's Advocacy Center	http://yorkac.org/default.aspx
Your Safe Haven	http://www.yoursafehaven.org/
YWCA Bradford/McKean County Victims' Resource Center	http://ywcabradford.org/
YWCA Carlisle	http://ywcacarlisle.org/
YWCA Greater Harrisburg	http://ywcahbg.org/programs/violence-intervention-and-prevention-services
YWCA Northcentral PA - Wise Options	https://www.ywcawilliamsport.org/our-programs/wise-options/

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Chapter 3

3.1 Current Law

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- [3] 18 Pa. Cons. Stat. § 3012(a).
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- [5] 18 Pa. Cons. Stat. § 3013.
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- [11] 18 Pa. Cons. Stat. § 3018(d).
- [12] 18 Pa. Cons. Stat. § 3019(b).
- [13] 18 Pa. Cons. Stat. § 3051.
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- [2] 22 U.S.C. § 7102. See also 18 U.S.C. § 1591.
- [3] Charlie Savage & Timothy Williams, U.S. Seizes Backpage.com, a Site Accused of Enabling Prostitution, N.Y. Times (Apr. 17, 2018), <https://www.nytimes.com/2018/04/07/us/politics/backpage-prostitution-classified.html>.
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[8] 18 Pa. Cons. Stat. §3013(a)(2).

[9] 18 Pa. Cons. Stat. § 302(b)(3) (defining the mental element of recklessness). The risk disregarded by the defendant “must be of such a nature and degree that, considering the nature and intent of the [defendant’s] conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor’s situation.” *Id.*

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[11] 42 Pa. Cons. Stat. § 5983(a).

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3.3 Legislative Recommendations

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- [6] 18 Pa. Cons. Stat. § 5902(d).
- [7] 18 Pa. Cons. Stat. § 5902(e).
- [8] 18 Pa. Cons. Stat. § 3011(a).
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Chapter 4

4.1 Criminal Law Overview & Statistics

- [1] 18 Pa. Cons. Stat. § 3011-3013.
- [2] 18 Pa. Cons. Stat. § 5902.
- [3] 18 Pa. Cons. Stat. § 3011.
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[6] *Report on Commercial Sexual Exploitation in Pennsylvania Spring 2016*. THE INSTITUTE TO ADDRESS COMMERCIAL EXPLOITATION. April 10, 2020.

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[8] See *supra* note 4.

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[3] World Without Exploitation, Get the Facts. What We Know About Sex Trafficking, Sexual Exploitation and Prostitution in the United States, World Without Exploitation, 91 (Jan. 2020). https://uploads-ssl.webflow.com/5b7ed53e01bf9702b9df675b/5e1cd98f61c439d812b34ed3_Get_the_Facts_January_2020.pdf.

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World Without Exploitation, at 26.

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4.3 Allegheny County Engages in Coercive Upcharching

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[9] *Commonwealth v. Sun Cha Chon*, 983 A.2d 784 (Pa. Super. Ct. 2009).

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[15] *Id.* at 786.

[16] *Id.* at 791.

[17] *Id.* at 789.

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[19] *U.S. v. Nolan-Cooper*, 155 F.3d 221 (3rd Cir. 1998).

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[21] *Id.*

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[10] 18 Pa. Cons. Stat. § 3011.

[11] 18 Pa. Cons. Stat. § 3012.

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[14] 18 Pa. Cons. Stat. § 3011(a); 18 Pa. Cons. Stat. § 5902(b)(6); 18 Pa. Cons. Stat. § 5902(b.1)(6).

[15] 18 Pa. Cons. Stat. § 3011(a); 18 Pa. Cons. Stat. § 5902(b)(4), (8); 18 Pa. Cons. Stat. § 5902(b.1)(4), (8).

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[17] 18 Pa. Cons. Stat. § 3011(a).

[18] 18 Pa. Cons. Stat. § 3012.

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Spotlight on Heather Castellino

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4.6 Jurisdictional Changes Mark Important Step Forward

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4.7 Impact Litigation Brings Justice for Survivors, Changes

to Major Industries

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Chapter 5

5.2 Using & Improving Pennsylvania’s Vacatur Law

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[2] Md. Code Ann., Crim. Proc. § 8-302.

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Cyntoia Brown’s Case Captures Hearts of Americans

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5.4 Researching the Victim-Offender Overlap in CSE

[1] *United States v. Pipkins*, 378 U.S. 1281, 1285 (11th Cir. 2004). See also *United States v. Daniels*, 685 F.3d 1237, 1242 (11th Cir. 2012) (describing a conversation where a Bottom Girl "briefed [another victim] on necessary hygiene, the appropriate prices to charge for certain services, and 'just how to act with a trick.'"); *United States v. Brooks*, 610 F.3d 1186, 1196 (9th Cir. 2010).

("[Bottom Girls are a] pimp's most senior prostitute, who often trains new prostitutes and collects their earnings until they can be trusted . . .").

Chapter 6

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Profits Over People: Inside Germany's Mega-Brothels

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9. About the CSE Institute

The Villanova University Charles Widger School of Law Institute to Address Commercial Sexual Exploitation (CSE Institute) provides legal research, technical assistance, policy consultation, and training to partners throughout Pennsylvania, the United States, and internationally.

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