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An analysis of federal human trafficking cases, including the effect  
of prostitution arrests on trafficking charges filed

A proposal for a grant from the National Institute of Justice,  
Solicitation: Research and Evaluation on Human Trafficking

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## Abstract

Human trafficking for labor and sexual services is a serious crime that incurs severe personal and social costs. Anecdotal evidence and qualitative research indicate that demand for trafficking in the U.S. is fueled by increases in the number of migrant workers and the use of internet advertising services, along with the presence of a large military population and a strong local economy. Concern over an apparent growth in trafficking led the U.S. Congress to pass legislation in 2000 designed to strengthen anti-trafficking efforts, thus adding to the range of statutes under which trafficking suspects may be tried. However, few studies exist that analyze quantitative data on trafficking, that assess the impact of statutory changes, or that examine the characteristics of defendants and their cases from arrest to resolution.

To address this gap in research, this study will use publicly-available data from the National Archive of Criminal Justice on federal criminal cases in which the lead charge involves human trafficking or a related crime, and combine these data with other publicly-available data measuring factors related to demand for trafficking. The study will also use FJSP linking files that permit defendants and cases to be tracked from arrest to final disposition across the multiple datasets compiled by the FJSP.

Using these data, the study will: 1) estimate fixed effects models analyzing the effect of factors relating to demand for trafficking on the incidence of trafficking-related crime; 2) examine the effect of the Victims of Trafficking and Violence Protection Act of 2000 on federal trafficking-related cases; 3) produce a summary of the characteristics of defendants charged under trafficking-related statutes and the outcome of their cases; 4) estimate multinomial logit models to predict the effect of the choice of trafficking-related statute for charging on the likelihood of different categories of outcomes in trafficking cases; and 5) estimate the incidence of county-level prostitution arrests where the data are complete or where the missing data may be imputed via multiple imputation techniques and analyze the relationship between these arrests and federal trafficking cases.

The study is expected to produce at least one longitudinal dataset containing variables measuring the number of statutory charges in trafficking-related cases within each federal judicial district and associated demand factors for years 1994-2008. Variables measuring associated factors will include county-level prostitution arrests as reported to the FBI's Uniform Crime Reports, using multiple imputation techniques to correct for missing data in counties where reporting is incomplete and data is missing at random. The study will also produce at least one dataset tracking defendants in trafficking-related cases from arrest to final disposition for the same time period.

Further, in addition to interim and final reports to the National Institute of Justice, the study will produce at least two papers for publication in peer-reviewed journals. Results from these papers will be presented at academic conferences regarding policy and criminal justice issues and at conferences and meetings for lawmakers and policy practitioners. The overarching goal of the study is to inform the efforts of policymakers and other government officials in combating human trafficking.

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## PROGRAM NARRATIVE

### I. Introduction and purpose

Trafficking of men, women, and children into the United States for labor and sexual services is a serious crime that incurs severe personal and social costs. These costs are borne primarily by women and children. Federal law enforcement officials estimate that of those individuals trafficked into the U.S. in recent years, about 70 percent were female victims who were forced into the commercial sex trade (Dalrymple, 2008; Clawson, Dutch, Lopez, and Tiapula, 2008). More recent estimates are even higher, indicating that almost 83% of reported trafficking incidents involved forced sexual services, with the remaining incidents concerning construction, farming, or domestic servitude (Kyckelhahn, Beck, and Cohen, 2009).

In order to better understand human trafficking and related crimes and to inform anti-trafficking efforts, this study will use publicly-available data from the National Archive of Criminal Justice for the following purposes: 1) to examine demand-related correlates of federal human trafficking cases and related crimes; 2) to estimate the effect of changes in federal law to prosecute traffickers; 3) to gather summary statistics on defendants in trafficking and related cases by tracking defendants from arrest to final disposition; 4) to analyze the association between the resolution of these cases, defendant characteristics, and the statutes used to charge them; and 5) to estimate the incidence of county-level prostitution arrests where the data are complete or where the missing data may be imputed via multiple imputation techniques and analyze the relationship between these arrests and federal trafficking cases. By providing statistical information on trafficking cases, prostitution arrests, and the relationship between the two crimes, this study meets National Institute of Justice (NIJ) objectives for research proposals

that estimate the size of the unlawful commercial sex economy in the United States and that focus on ties between unlawful commercial sex acts and sex trafficking.

## II. Objectives

The overall objectives of this study are to help fill the gap in quantitative research on trafficking and to inform the efforts of law enforcement officials, prosecutors, and policymakers in combating trafficking and related crimes. Researchers and policymakers frequently cite the lack of reliable quantitative studies on trafficking as an impediment to anti-trafficking efforts. Further, the shortage of quantitative work has contributed ongoing debates about the prevalence of trafficking and the effectiveness of legislative responses. Such uncertainty may lead government officials, victim advocates, and other researchers to spend time and resources in areas that do not address the trafficking problem in the most effective manner possible. This study proposes to inform these and similar efforts in order to make a long-term, positive impact on reducing the trafficking problem.

## III. Literature review

The NIJ previously funded a review of research-based literature on human trafficking (Gozdziak and Bump, 2008), as did the U.S. Department of Health and Human Services (Clawson, Dutch, Solomon, and Goldblatt Grace, 2009). In addition, Schauer and Wheaton (2006) reviewed literature related to sex trafficking in particular, while Clawson, Layne, and Small (2006) incorporated an extensive literature review of human trafficking in their NIJ-funded research that developed a methodology for estimating human trafficking into the U.S.

The body of research that these and other authors have reviewed reveal continuing debates among researchers, government officials, and trafficking victim advocates in two areas that are relevant to this study: the definition of human trafficking and estimates of its prevalence.

In addition, the literature reviewed raises two other issues addressed in this study: problems raised in the prosecution of trafficking cases and the impact of demand factors that are associated with the underlying crime.

#### A. Debates over definitions

Under federal law, a variety of longstanding statutes define and criminalize actions related to trafficking, such as involuntary servitude, peonage, the slave trade, forced labor, transportation of persons for criminal sexual activity, and sex trafficking (see, e.g., 18 U.S.C. §§ 1581 et. seq. and 18 U.S.C. §§ 2421 et. seq). However, many of these statutes fail to reach “the more nuanced forms of coercion often used by modern traffickers to force victims into service, such as brainwashing, psychological coercion, or . . . blackmailing . . .” (Venkatraman, 2003, pp 35-36). Recognizing these limitations, Congress passed the TVPA in 2000, providing prosecutors with additional options for prosecuting trafficking cases involving psychological coercion. For example, the TVPA and its reauthorizations in 2003, 2005, and 2008, define “severe forms of trafficking in persons” as:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or *coercion*, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or *coercion* for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 U.S.C. §§ 7102(8), emphasis added).

The act defines “coercion” as:

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern *intended to cause a person to believe* that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of law or the legal process (18 U.S.C. §§ 1591(c)(2), emphasis added).



The definition used in U.S. federal law is by no means universally accepted, leading to difficulties in estimating the scope of the problem. For example, as of January, 2010, 41 states had enacted anti-trafficking legislation that may have broader or narrower definitions than federal law (see Center for Women Policy Studies, 2010). A 2000 United Nations Protocol offers one of the broadest definitions of trafficking, expanding the definition beyond coercion to include:

(a) . . . the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, *or the abuse of power or of a position of vulnerability* . . . to achieve consent of a person having control over another person for the purpose of exploitation (United Nations Protocol, Art. 3, 2000, emphasis added).

Moreover, on a global level, disagreement over the appropriate breadth of trafficking definitions has caused victim advocates, research groups, and non-governmental organizations to be openly hostile to one another (Bales, 2000). Many of these disagreements have their roots in diametrically opposed views of prostitution. Some groups argue that prostitution and related sex activity can be legitimate choices for some women (Kempadoo, 2005), while others argue that prostitution and sex trafficking represent violence or an abuse of power against women that is driven primarily by male sexual demands (Farr, 2005; Raymond and Hughes, 2001).

Trafficking definitions under U.S. law have also been the subject of considerable debate. For example, in the 110<sup>th</sup> Congress, the House and Senate provided different versions of the definition in their 2008 bills reauthorizing the TVPA (see H.R. 3887 and S. 3061, 110<sup>th</sup> Congress, 2008). Again, much of the debate centered over the inclusion of the terms “force” and “coercion” in the definition of trafficking (see, e.g., Women’s Policy, Inc., 2008).

Proving force and coercion in the prosecution of sensitive cases such as rape and sex trafficking has long been problematic (Kelly, 2003). Thus, some researchers and victims’

advocates have argued that proof of force or coercion should not be required in these cases (Anderson, 2005). The House reauthorization of the TVPA followed this argument, treating acts of trafficker fraud, force, or coercion as grounds for enhanced punishment, not as a baseline proof requirement for conviction. However, the definition that ultimately prevailed used the language of the original 2000 act, maintaining the requirement of such proof.

While acknowledging these definitional debates and the limitations inherent in the definitions used under U.S. law, this study will focus on trafficking and trafficking-related crimes as defined under current federal statutes. A federal focus is necessitated largely because databases tracking the disposition of federal criminal cases provide the only available source of quantitative information regarding the enforcement of anti-trafficking measures in the U.S. Further, relatively few trafficking cases are currently prosecuted at the state level (Center for Women Policy Studies, 2010), in part because trafficking operations frequently cross state and national borders, and because trafficking cases require extensive resources to investigate and prosecute. In addition, given that the majority of human trafficking involves the illegal sex trade, this study will focus on sex trafficking in particular. The study will not exclude cases that may involve labor trafficking, however, and acknowledges that labor trafficking remains an issue deserving of further analysis (see, e.g., Gozdzia and Bump, 2008).

The cases examined in this study will incorporate those prosecuted under the trafficking-specific statutes provided in the TVPA. The study will also analyze cases charged under the transportation statutes in the so-called “Mann Act” (18 U.S.C. §§ 2421 et. seq.) and in 8 U.S.C. § 1328 (importation of alien for immoral purpose). These latter statutes permit prosecution for transporting individuals for the purpose of prostitution or other criminal sexual conduct even where coercion may not be present. The Mann Act, passed in 1910 by federal lawmakers

concerned over the supposed expansion of prostitution and so-called “white slavery,” was updated in 1978 and 1986 to remove outdated language and add protection for minors, while retaining the essence of the act as a weapon in the fight against human trafficking (Keire, 2001). Prior to the 2000 passage of the TVPA, the Mann Act and 8 U.S.C. § 1328 offered the only specific statutory authority for prosecuting federal human trafficking cases (Teifenbrun, 2005; Keire, 2001).

Even in the post-TVPA era, however, prosecutors continue to file charges under the Mann Act and 8 U.S.C. § 1328, and refer to such cases as trafficking cases (see, e.g., United States Immigration and Customs Enforcement, 2009). Prosecutors may be filing charges under the transportation statutes when they determine that the TVPA elements of coercion, force, or fraud would be too difficult to prove, or because longstanding practices within a given judicial district make prosecution under the transportation statutes more efficient in certain cases. Regardless, because the TVPA, the Mann Act, and 8 U.S.C. § 1328 are all used to prosecute cases related to trafficking, this study will include each of these statutory provisions in its analysis, and will use the term “trafficking” to refer to all the crimes chargeable under their provisions.

#### B. Prevalence of trafficking

In addition to definitional debates, an understanding of the prevalence of trafficking may also be complicated by differing estimates from national government and non-governmental organizations. The U.S. State Department estimates that between 14,500 to 17,500 people, primarily women and children, are trafficked into this country annually (United States Department of State, 2007), an estimate that is frequently cited in trafficking research and reports. According to additional estimates, the U.S. ranks as the world’s second largest

destination, after Germany, for women and children trafficked for sexual exploitation (Mizus et. al., 2003).

Prior to 2003, however, the U.S. State Department had estimated that as many as 50,000 women and children were trafficked into the U.S. annually (United States Department of State, 2002). Officials revised those estimates downward following the adoption of better estimation techniques, yet some non-governmental organizations believe the figures to be even higher than the State Department's original estimates (Schauer and Wheaton, 2006). The U.S. Justice Department has noted the difficulty of developing accurate figures, stating that such difficulties "reflect the challenges of quantifying the extent of victimization in a crime whose perpetrators go to great lengths to keep it hidden" (Schauer and Wheaton, 2006, p. 153). Despite the lack of firm quantitative evidence, government and law enforcement officials, along with victims' advocates, are rarely contradicted when they state that human trafficking in general, and sex trafficking in particular, is one of the fastest-growing and most serious of all international crimes in this century (Schauer and Wheaton, 2006).

That experts still argue over the extent of trafficking in the U.S. is not surprising due to the lack of reliable quantitative research on the topic in both government and academic circles. To date, little published research exists that quantifies and analyzes trafficking data, particularly longitudinal data. Few research dollars have been allocated towards funding longitudinal investigations into the causes of trafficking and assessments of the impacts of different policy responses (Laczko, 2005). For example, no statistical analysis has yet been conducted on the extent of trafficking nationwide, the correlates of trafficking across states, or the impact of the TVPA on trafficking prosecutions. These research issues will be addressed in the study.

### C. Problems with prosecuting

Prosecuting the perpetrators of trafficking cases can present more complex and difficult issues than those raised in the prosecution of other federal crimes. Prosecution of trafficking cases requires overwhelming amounts of paperwork and the full-time dedication of numerous investigators and U.S. Attorneys (Clawson, Dutch, Solomon, and Goldblatt Grace, 2009; Tiefenbrun, 2005). Further, trafficking victims, many of whom are in the U.S. illegally and who have a limited ability to speak and read English, are often afraid to appear in court. Investigators may have to work for months to convince a single victim to testify (Price, 2009; Moossy, 2009). When prosecutors have required women to testify against “powerful, brutal traffickers,” at least one researcher has reported that their cases tend to fall apart because the women “crack and have a meltdown on the witness stand” (Freyer, 2008 (quoting Hughes, Donna)). The prosecution of trafficking cases is further complicated by the need to prove the element of force or coercion (see, e.g., Collins, 2007), and by a lack of training and knowledge among local police in differentiating between prostitution and trafficking (see, e.g., Schauer and Wheaton, 2006; Sweet, 2006). Given these difficulties, it is not surprising that prosecution of trafficking cases is relatively uncommon.

In light of concerns over possible increases in trafficking, difficulties in prosecuting trafficking cases, and a lack of resources to cope with the problem, Congress passed the TVPA in 2000 by an almost unanimous vote in both houses. Not only was the act designed to make prosecution of trafficking easier, it toughened penalties for traffickers, in addition to providing immigration, witness protection, and other types of services for trafficking victims (22 U.S.C. §§ 7101-7112). Advocates noted that following the TVPA’s implementation, benefits and services to victims did increase (Tiefenbrun, 2005). However, it is not clear whether the additional criminal provisions in the TVPA have made any significant impact on the arrest and prosecution

of traffickers. According to several U.S. Attorneys, the act has made it significantly easier for prosecutors to try sex trafficking cases (Clawson, Dutch, Solomon, and Goldblatt Grace, 2009; Tiefenbrun, 2005). However, no study has yet examined whether the TVPA has resulted in higher conviction rates. In addition, the number of trafficking prosecutions under all applicable statutes, not just the TVPA, has increased since the TVPA's passage. Further, the number of prosecutions for federal crimes in general – not just trafficking crimes - has increased since passage of the TVPA (Motivans, 2006). Thus, it is not clear whether the TVPA has resulted in higher conviction rates, or whether the increase in trafficking prosecutions is the result of the TVPA's impact or simply related to a broader increase in federal prosecutions. This study will address these issues by examining the effect of the TVPA on the incidence of trafficking cases and the associations between statutes used in trafficking cases and case outcomes.

#### D. Associated demand factors

The study also will examine demand factors associated with trafficking. For example, although some research indicates that organized crime groups in the U.S. and abroad control most trafficking operations (Gozdziak and Bump, 2008), recent statements by public officials reflect a growing belief that small groups or even individual “entrepreneurs” control a higher percentage of the trafficking business. Schauer and Wheaton (2006) maintain that most trafficking into the U.S. is controlled by loosely connected groups of organized specialists. To facilitate their trafficking operations, these specialists appear to take advantage of certain geographic and economic characteristics in a given area. For example, many reports indicate that the presence of heavily-traveled interstate highways and international seaports or airports help traffickers establish operations in nearby cities (see, e.g., Sheehan, 2006; Spener, 2001). Also, the presence of a U.S. military base tends to attract the same infrastructure of sex-oriented

businesses that proliferate near military bases abroad (see, e.g., Sturdevant and Stoltzfus, 1992). This infrastructure often serves as the ostensible legal front for sex trafficking enterprises (Parsons, 2006; Venkatraman, 2003; Raymond and Hughes, 2001).

In general, urban areas with well-established transportation systems and areas near military bases appear to have the stable economies and male-dominated populations that spur demand for the illegal sexual services that traffickers provide (Hughes, 2003). Trafficking in these areas also appears to be facilitated by the spread of internet advertising. Easily accessible internet advertising services such as Craigslist assist sex traffickers in expanding their operations (Walsh and Chanen, 2008; Raymond and Hughes, 2001). Craigslist officials themselves have recognized the problem. In 2008, under pressure from attorneys general in 40 states, Craigslist agreed to implement a variety of measures to discourage sex operators from using the service for illegal purposes (Stone, 2008), although the success of these measures remains questionable (Stone, 2010).

In addition to geographic and economic factors, the incidence of trafficking also appears to be related to growth in the number of foreign-born migrant workers in certain regions (Vargas, 2008; Demleitner, 2001; Raymond and Hughes, 2001). For example according to FBI officials, roughly 23 percent of people trafficked into the U.S. arrive in the Southeast (Dalrymple, 2008), as a disproportionate share of migrant workers continue to move into the region. This growth in migrant labor may be associated with an increase in human trafficking overall as well as sex trafficking specifically. For example, law enforcement officials in North Carolina and Georgia have investigated cases of sex trafficking operations in isolated houses and trailers that traffickers have established in areas near migrant farm worker camps (Sheehan, 2006).

The women who are caught in these and other trafficking operations primarily come from Mexico, Asia, and former Soviet bloc countries, although the U.S. is a destination country for women from every source country of the world (Kyle and Koslowski, 2001). Of course, U.S.-born women and children, especially runaway minors, are victims of trafficking as well, particularly when the presence of “force, fraud, or coercion” converts a prostitution case into one of sex trafficking (Schauer and Wheaton, 2006). Indeed, a high rate of prostitution in a given area likely permits traffickers to operate more openly (see, e.g. Moossy, 2009).

#### IV. Research questions:

In examining these issues, this study will address the following questions:

- 1) What is the effect of changes in factors related to trafficking demand on the number of federal trafficking cases?
- 2) What is the effect of the passage of the TVPA on the number of federal trafficking cases filed and the disposition of those cases?
- 3) What are the demographic characteristics of defendants in trafficking cases?
- 4) Do the statutes under which defendants are charged have a significant effect on the disposition of trafficking cases?
- 5) What is the incidence of local prostitution arrests in the United States and the relationship between these arrests and the number of federal trafficking cases?

##### A. Effect of demand factors on trafficking

Because previous research and literature on trafficking indicate that the crime is fueled primarily by demand for victims’ work, this study will examine the specific demographic and economic factors that, based on the research anecdotal evidence described previously, may be related to demand for the exploitative sexual services that trafficking victims provide.



Trafficking cases typically begin with an investigation of a potential trafficking crime by local, state, or federal law enforcement officials. If successful, the investigation leads to the arrest of a suspected trafficker and the filing of a charge against the trafficker by a prosecutor, usually in a federal court. At the filing stage, each charge represents an incident in which a U.S. Attorney has determined that probable cause<sup>1</sup> exists that a defendant has violated a federal statute. Thus, the arrest and filing of a charge represent the first stage at which the government has officially determined that a reasonable person could believe a crime has been committed. This study will therefore use the filing of a trafficking charge as a proxy for the probable existence of an underlying incident of trafficking. No other longitudinal, quantitative measure of trafficking in the U.S. is currently available.

The study will next examine demographic and economic characteristics that drive demand for trafficking. Demographic characteristics include the presence of a large military population, a factor which has long been thought to be associated with the illegal sex trade (see, e.g., Raymond and Hughes, 2001). Also, because demand for trafficking may be greater in areas with a higher proportion of migrant workers, the study analyzes the effect of the percentage of the population that is foreign born. However, the foreign-born population alone is not associated with trafficking. Instead, trafficking appears to be connected to the illegal immigration activity that may be associated with large foreign-born populations (see, e.g., Demleitner, 2001). Thus, the study will include immigration-related crimes as a demand factor as well.

Other criminal activity, such as the presence of organized crime syndicates and high levels of criminal drug activity, are also thought to be associated with trafficking (Kyle and Koslowski, 2001). However, organized crime and drug trafficking are likely to be related to the

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<sup>1</sup> As it is typically defined, probable cause “exists where the facts and circumstances would warrant a person of reasonable caution to believe that an offense was or is being committed.” Black’s Law Dictionary (2000). St. Paul, MN: West Publishing Co.

supply of trafficked persons, rather than to the demand for their exploitation. Thus, in its analysis of demand characteristics, the study will not include measures of drug trafficking and organized crime. In addition, geographic characteristics that are associated with trafficking, such as the presence of interstate highways and international seaports and airports, are likewise related to the supply of trafficked persons and will not be included in the analysis.

The study will also examine economic characteristics that may increase trafficking demand, such as a strong local economy that permits the proliferation and purchase of illegal sex services, and the increasing availability of untraceable internet advertising, using services such as Craigslist, for sex-oriented businesses (see, e.g., Gutierrez, 2007).

Other factors that may affect the filing of a trafficking charge include prosecutorial discretion, state anti-trafficking statutes, and state task forces that have been developed to coordinate trafficking investigations and prosecutions. For example, in states that have passed anti-trafficking statutes, district attorneys may choose to prosecute traffickers at the state rather than federal level, a choice that would affect the number of federal trafficking charges filed. In addition, the presence of a task force to coordinate local, state, and federal law enforcement efforts may affect the number of federal charges filed if task force members recommend delegating cases to state prosecutors instead of their federal counterparts. Further, the very decision to file a charge is subject to a prosecutor's discretion, discretion that varies depending on the facts presented by each case.

Although state anti-trafficking laws, state task forces, and prosecutorial discretion do not drive demand for trafficking, they do affect the likelihood that prosecutors will file a federal trafficking charge. Thus, the models used in the study will control for these three factors so that

their presence will not confound an examination of the characteristics relating to trafficking demand.

#### B. Effect of the TVPA

This study will also examine the effect of the TVPA on federal trafficking prosecutions. Congress designed the TVPA, in part, to facilitate the prosecution of traffickers by U.S. Attorneys. As a result, the expectation among law enforcement officials, policymakers, and anti-trafficking advocates was that the number of charges filed in trafficking cases would increase following the TVPA's passage. However, prosecutors may file charges in trafficking cases under statutes other than the TVPA, and federal prosecutions under all statutes have been increasing in recent years. Thus, it is not yet clear whether any increases in trafficking charges filed are attributable to passage and implementation of the TVPA. This study will therefore examine the effect of the TVPA on trafficking charges filed, while controlling for other factors that are associated with changes in trafficking demand.

#### C. Effect of defendant characteristics and trafficking statutes

The study will also track defendants in trafficking cases from their initial arrest to the final disposition of their cases. Because prosecutors may use the TVPA or the transportation statutes found in the provisions of the Mann Act and 8 U.S.C. § 1328 to charge trafficking defendants, the disposition of these cases may vary according to the statute used. For example, because certain Mann Act provisions do not require proof of coercion, jury trials may be less frequent and guilty pleas more common under the Mann Act than under the TVPA. Because the sentences imposed will vary by statute, the study will not examine sentencing outcomes but will focus on case dispositions occurring prior to sentencing. Focusing on pre-sentencing

dispositions will also permit the inclusion of trafficking cases that, due to dismissal, fail to reach the sentencing stage.

The study will also collect data on the following demographic characteristics of defendants in trafficking cases: age, gender, race, state of birth, citizenship, and marital status. Using these data, the study will summarize defendants' demographic characteristics and examine whether different statutory charges are significantly associated with the disposition of trafficking cases. Previous studies funded by the NIJ (Clawson, Dutch, Lopez, and Tiapula, 2008) and the Bureau of Justice Statistics (Motivans and Kyckelhahn, 2006) have examined selected federal trafficking cases brought under the TVPA. This study, however, will differ from that work because it will track trafficking defendants charged under the broader range of statutes used by prosecutors, and will track them throughout the case process and for the complete time period – 1994-2008 - for which data are currently available.

#### D. Incidence and effect of local prostitution arrests

As part of its trafficking analysis, the study will also estimate the incidence of prostitution arrests in the United States over time, and analyze the relationship between prostitution arrests and numbers of federal trafficking cases. Controlling for prostitution arrests may be necessary in a trafficking analysis because local law enforcement officials often lack the training and experience to distinguish between prostitution and sex trafficking (Louwagie, 2008; Sweet, 2006; Clawson, Layne, and Small, 2006). Government officials and victims advocates suspect that, as a result, many trafficking cases are disposed of as simple prostitution cases (see, e.g., Vargas, 2008; Sweet, 2006). If such results are widespread, regions with a relatively high incidence of trafficking operations may not be associated with large numbers of charges filed in trafficking cases, but may have relatively high rates of prostitution arrests instead.

Prostitution arrests are reported to the FBI by local law enforcement agencies as part of the FBI's Uniform Crime Reports (UCR). Such arrests may serve as a proxy for the probable existence of an underlying incident of a prostitution crime, much as the filing of a trafficking charge represents a probable instance of trafficking. Thus, prostitution arrest data provides a measure of the incidence of prostitution crime in the United States throughout the time period studied. The study will also use these data to analyze the between local prostitution arrests and federal trafficking charges filed.

#### V. Hypotheses tested

First, I hypothesize that, after controlling for the presence of state anti-trafficking laws and task forces and the time-invariant factors unique to each judicial district, the number of trafficking charges filed is positively associated with increases in measures of the following demand characteristics:

- 1) the percentage of the population that is active-duty military personnel
- 2) the percentage of the population that is foreign born
- 3) immigration-related federal crimes
- 4) the strength of the district's economy
- 5) the availability of free internet services for advertising illegal sex services

Second, I hypothesize that, after controlling for these factors, passage of the TVPA is associated with increases in the number and percentage of trafficking charges filed, in accordance with the act's legislative purpose.

Third, I hypothesize that the statutes under which defendants are charged have a significant effect on the final disposition of trafficking cases.

Fourth, I hypothesize that, after controlling for other relevant factors, the number of trafficking charges filed is negatively associated with increases in prostitution arrests.

#### VI. Data sources: Demand factors and the effect of the TVPA

To analyze demand-related factors and the effect of the TVPA on trafficking cases, this study will use panel data from the National Archive of Criminal Justice, Federal Justice Statistics Program (FJSP), showing charges filed by a U.S. Attorney in each federal judicial district between 1994 and 2008, the complete time period for which data are currently available.

The dependent variables used this study will measure the crime of trafficking in incident units, with each incident being represented by a trafficking charge filed in federal court, as described earlier. The six trafficking-related statutes examined in this study include 8 U.S.C. § 1328, 18 U.S.C. § 1591, and 18 U.S.C. §§ 2421-2424. Appendix 4. The study will use not only raw numbers of charges filed under these statutes as an outcome measure, but also the percentage of all charges filed in a judicial district that are represented by a trafficking-related statute. The latter measure can be viewed as the percentage of all federal crime within a judicial district that is trafficking-related. Using a percentage measure helps to control for variation between districts in the total number of federal charges filed. But because each trafficking charge filed represents the prosecutor's reasonable belief that a crime has occurred, the actual number of charges filed is a more appropriate measure of the underlying incidence of the crime.

The study will use data on charges filed in a longitudinal, quasi-experimental research design, with federal judicial districts serving as the unit of analysis. Within the U.S., 27 states comprise a single judicial district, while 24 others contain two or more districts within their boundaries. Using judicial districts as the unit of analysis permits the use of statistical models, described below, that control for time-invariant factors unique to each district. The unique district factors that are related to the incidence of trafficking can be termed a "district effect."

Unfortunately, the use of judicial district-level analyses can also lead to difficulties in collecting data for demographic and economic control variables. Where the boundaries of a

judicial district and a state are the same, state-level data can serve as district-level data. Because state-level data are commonly available, control variables for these types of districts are relatively easy to obtain. But where a state contains two or more judicial districts within its boundaries, collecting district-level data becomes more difficult. Demographic and economic data typically are not collected at the level of a federal judicial district. Still, each judicial district comprises individual counties, and no judicial district crosses a county border. Thus, county-level data may be aggregated to compose district-level data. The availability of county-level data, however, is more limited than state-level data. The data used to test some of the hypotheses described in this study will therefore be restricted by the availability of county-level data.

This county-level data will be compiled from the U.S. Census Bureau, the federal labor and defense departments, and Craigslist. A compilation of state trafficking laws and states with anti-trafficking task forces is available online from the Center for Women Policy Studies (2010).

## VII. Analysis plan: Demand factors and the effect of the TVPA

To test the hypotheses that certain demand-related factors and the TVPA are significantly associated with increases in trafficking charges, the study will use standard regression techniques. But simply pooling the data over the available 1994-2008 time period and estimating a standard ordinary least squares regression model could result in biased estimates. In particular, such a model may be vulnerable to unobserved heterogeneity from unmeasured, time-invariant factors within a federal judicial district that contribute to trafficking. One approach for controlling for such time-invariant factors is a fixed effects model. The fixed effects approach can control for unobserved characteristics in a judicial district that do not vary over time but that affect trafficking in the district nonetheless. These factors may include longstanding and

influential political, cultural, or religious beliefs that are shared among the population, the experience of local law enforcement officers in investigating trafficking, and the propensity of prosecutors to file charges in trafficking cases. The fixed effects approach permits these unmeasured characteristics to be correlated with the other explanatory variables in the model, a correlation which is likely in this model.

Under this approach, the dependent variable used will be either the raw number of charges filed or the percentage of all charges filed that are related to trafficking. The dependent variable, measured over time, is regressed on the independent variables described below, also measured over time. The model includes year dummy variables to estimate the effect of the passage of the TVPA in 2000 and indicators for the presence of state anti-trafficking laws and task forces. It is represented by the following equation:

$$(\text{district trafficking charges})_{dt} = \beta_1(\text{demand variables})_{dt} + \beta_2(\text{state law})_{dt} + \beta_3(\text{state task force})_{dt} + \alpha(\text{district effect})_d + \gamma(\text{year effect})_t + e_{dt}$$

where the subscripts  $d$  and  $t$  represent observations for each judicial district and year,  $\beta$ ,  $\alpha$ , and  $\gamma$  are parameters to be estimated, and  $e$  is the error term.

In preparation for this study, I gathered selected data for this model for years 1994-2006. An examination of these data demonstrated that a standard fixed effects model may not provide the best fit for the independent and dependent variables to be measured in this study. For example, the number and percentages of trafficking charges filed and the foreign-born and military population percentages are not strictly continuous variables but instead, are count variables, with zero being the lowest value these variables can assume. As the table of summary statistics in Appendix 2 shows, the distributions of these variables are skewed, with zero being the most common value. Given this distribution, the study will therefore investigate the use of a



negative binomial model that incorporates the fixed effects approach to examine the relationship between demand factors and trafficking charges filed (see, e.g. Allison and Waterman, 2002).

#### A. Military population

The first demand factor to be used is the percentage of the adult population in a judicial district that is active-duty military personnel. The study will measure military personnel as a percentage of the adult population rather than as a percentage of the total population. The study will exclude children under age 18 and focus on the population age 18 and over to more accurately measure the effect of the portion of the population – that portion composed of adults – that drives demand for trafficking.

I filed a Freedom of Information Act request with the U.S. Department of Defense to obtain data on numbers of active-duty military personnel over time. The department complied with the request and provided longitudinal data on the numbers of military personnel stationed in the U.S. by zip code. I have aggregated these data to the federal judicial district level.

#### B. Foreign-born population

The next demand factor to be used in the study is the estimated foreign-born population<sup>2</sup> in each U.S. county, aggregated to the judicial district level. The U.S. Census Bureau provides county-level estimates of the foreign-born population only in the decennial census reports. State-level estimates are available for years 2002-2008, but not 2001. The study will use extrapolation techniques to estimate county-level populations for those years in which the Census Bureau does not provide them.

#### C. Illegal immigration activity

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<sup>2</sup> The Census Bureau indicates that its estimates of the foreign-born population include persons residing in the U.S. legally and illegally.

An additional demand factor to be used as an independent variable is immigration-related crime.<sup>3</sup> As with the trafficking measure, the study will measure these crimes in both raw numbers of charges filed and as a percentage of the total charges filed in each district.

#### D. District economy

Another demand factor to be used as an independent variable is the strength of a district's economy. The only general economic measurement available at the county level over time is the unemployment rate, available from the U.S. Bureau of Labor Statistics. Thus, the study will use county-level unemployment rates, aggregated to the judicial district level and calculated as the percentage of the district's labor force that is unemployed and seeking work.

#### E. Internet advertising

The final demand factor to be used as an independent variable is the availability of free internet advertising for the commercial sex trade. To measure this factor, the study will use a dummy variable representing the presence of Craigslist in a given judicial district. The use of Craigslist is appropriate because it appears to be the primary internet advertising service used by traffickers (Stone, 2008; Raymond and Hughes, 2001).<sup>4</sup> At the start of the time period studied, no judicial district was served by Craigslist, but by 2006, 84% of districts contained cities with Craigslist advertising (Craigslist).

#### F. State anti-trafficking laws and state task forces

As noted earlier, although state laws and task forces do not affect demand for trafficking, they do affect the likelihood a prosecutor will file a federal trafficking charge. The study will

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<sup>3</sup> The 10 immigration charges to be examined in this study are: 8 U.S.C. §§ 1321-1327, 8 U.S.C. §§ 1252-1253, and 18 U.S.C. § 1546. These charges are felony offenses, carrying minimum prison sentences of at least one year.

<sup>4</sup> Craigslist began in San Francisco in early 1995 and rapidly expanded into cities throughout the U.S. during the next decade (Craigslist, 2008). The cities that Craigslist selected for expansion, and the dates on which the service began, vary over the time period studied and are available online from Craigslist itself.

measure these factors with dummy variables indicating the presence or absence of a state law or task force.

Because the period between the initial investigation of a federal crime and the filing of a related charge is typically about 12 months, the study will lag the variables described above, except for the measure of immigration crime, by one year when estimating their effect on trafficking charges. The immigration crime variable will not be lagged because the criminal activity that resulted in the charge likely occurred in the previous year (Scalia and Sabol, 1999; Price, 2009).

#### VIII. Data sources: Summary statistics and the disposition of trafficking cases

To create summary statistics on defendants in trafficking cases and to analyze factors associated with the resolution of those cases, the study will use the FJSP data described previously that shows charges filed by a U.S. Attorney in each federal judicial district between 1994 and 2008 under one of six trafficking-related statutes. A preliminary analysis of these data for years 1994-2007 shows wide variation in the number of trafficking-related charges filed and the statutes used in each district. For example, as the tables in Appendix 3 show, charges under four trafficking-related statutes range from zero in some years to as high as 15 in 2006 in the Eastern Judicial District of New York, 17 in 2001 in the Central Judicial District of California, and 54 in 2001 in the Northern Judicial District of Georgia.

To analyze the disposition of trafficking cases, the study will also use FJSP linking files. These files track defendants in trafficking-related cases through a series of datasets compiled from several reporting agencies. The study will use the files to link data from the U.S. Marshals

Service regarding arrests,<sup>5</sup> the Executive Office for U.S. Attorneys regarding matters and cases filed, and the Administrative Office of the U.S. Courts regarding cases tried. The linking files permit tracking of every defendant in a given federal criminal case (referred to in the linking files by a “defendant-case” identifier) from arrest to prosecution and adjudication, where applicable. The final disposition of a case may occur at any of these stages.

#### IX. Analysis plan: Summary statistics and the disposition of cases

To produce a summary of the characteristics of defendants charged under trafficking-related statutes and the outcome of their cases, the study will link the demographic information contained in defendant arrest data with data on charges filed against those defendants and data indicating the disposition on their cases. Available defendant characteristics include age, gender, race, state of birth, citizenship, and marital status. The most common case dispositions appear to be prosecutorial declination, conviction under either a guilty plea or jury trial, or a failure to convict via dismissal or acquittal (Motivans and Kyckelhahn, 2006).

Additionally, to examine whether the statute used to charge a trafficking defendant has a significant effect on the final disposition of trafficking cases, the study will model the likelihood that a defendant’s case is resolved under one of several disposition categories, such as prosecutorial declination, conviction, or failure to convict. To isolate the effect of the charging statute, the model will also control for defendant characteristics, the “district effect” described earlier, and any temporal effects that could influence outcomes. Because the disposition of a case is a multi-categorical outcome, estimation of a multinomial logit model is appropriate; disposition categories may be combined, if appropriate, to simplify the estimation. The multinomial logit model includes control variables for defendant characteristics, dummy

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<sup>5</sup> Additional arrest data involving federal drug offenses is available from the Drug Enforcement Agency. Because these data may include defendants who are later charged with trafficking offenses, the study may use DEA arrest data as well, although I assume trafficking defendants are more likely to be arrested by the U.S. Marshals Service.

variables for the lead statutory charge in the case, and dummy variables for the year and judicial district in which the case was resolved. It is represented by the following equation:

$$(\text{case outcome})_d = \beta_0 + \beta_1(\text{defendant characteristics})_d + \beta_2(\text{lead statutory charge})_d + \alpha (\text{district effect})_d + \gamma(\text{year effect})_t + e_d$$

where the subscript  $d$  represent observations for each defendant-case,  $\beta$ ,  $\alpha$ , and  $\gamma$  are parameters to be estimated, and  $e$  is the error term.

Controlling for judicial district and year effects results in a model with a large number of dummy variables. However, an initial examination of defendant data indicates that they include sufficient observations to permit the use of such dummy variables. Moreover, while interpreting the parameter estimates for these district and year dummies would be difficult, interpreting them is not necessary in this study. But controlling for their effects is. Also, the use of large numbers of dummies is not uncommon in situations where researchers wish to control for such effects but cannot use a standard fixed effects estimator (see, e.g., Allison and Waterman, 2002; Allison, 2007).

#### X. Data sources: Incidence and effect of local prostitution arrests

To estimate the incidence of prostitution arrests nationwide over time, the study will use county-level UCR data from 1994 through 2008. The National Archive of Criminal Justice Data (NACJD) creates UCR arrest data at the county level for use by researchers. In counties where data from individual law enforcement jurisdictions are incomplete or missing, NACJD imputes values using an algorithm that approximates the estimation procedures used by the FBI in its UCR reports (Maltz, 1999). However, this county-level UCR data has been criticized as containing too many errors in measurement for use in policy evaluation (Maltz and Targonski, 2002 and 2003).

If measurement error arises from missing data, relatively new techniques for imputing missing data values may correct for such errors, particularly when the data are missing at random (see, e.g., Royston, 2004). These techniques may produce unbiased estimates in samples that are missing up to 50% of their data or more (Schafer and Graham, 2002). Where feasible, this study will use these missing data techniques to impute arrest data in counties and years for which data from individual law enforcement agencies are incomplete or missing. The resulting imputed dataset will be combined with the data measuring trafficking demand factors to analyze the relationship between prostitution arrests and the filing of trafficking charges.

#### XI. Analysis plan: Incidence and effect of local prostitution arrests

As part of its county-level UCR data files, NACJD includes a “coverage indicator” variable that represents the proportion of arrest data in a county that is received directly from law enforcement agencies and thus, is not imputed by NACJD. The variable’s values range from 100, indicating that all agencies in a given county reported data for every month of the year, to zero, indicating that no agencies reported data and NACJD therefore estimated all data for that county. For those counties in which the coverage indicator for prostitution arrests is 100, the study will use the values as given. If the coverage indicator is less than 100, the study will impute prostitution arrest data for the county, where feasible, using a method of multiple imputation by chained equations. This method may be incorporated into Stata’s statistical software package using a program written by Patrick Royston (2004, 2009).

The multiple imputation by chained equations method imputes variables with missing observations, based in part on a given a set of predictor variables. Because the demand factors, described previously, that are associated with trafficking are often linked to prostitution as well (see, e.g., Monto and Julka, 2009), the imputation predictor variables used will include these

factors. The predictor variables will also include factors that are correlated with prostitution in particular. For example, the association between drug crimes and prostitution has been well-documented (see, e.g., Sterk and Elifson, 1990). Additional research estimating demand for local prostitution has noted that the prevalence of female-headed households in a given area is negatively associated with prostitution arrests (Levitt and Dubner, 2009). Thus, predictor variables will include county-level drug arrests as compiled by the NACJD and the county's percentage of female-headed households, as reported by the U.S. Census Bureau.

The study will use these predictor variables to impute prostitution arrest data for counties with coverage indicators of less than 100. The resulting imputed data may be used to measure the incidence of county level prostitution crime throughout the time period studied. These data will then be incorporated into the fixed effects model described previously to determine the significance and direction of the association between prostitution arrests and trafficking charges filed.

## XII. Limitations

This study has several limitations. First, trafficking charges are an imperfect measure of the presence of trafficking and represent only a portion of the underlying crime. Because trafficking cases involve extensive resources and time, U.S. Attorneys probably charge defendants only in those cases in which the facts clearly support the elements of trafficking and witnesses are readily available (Price, 2009; Moossy, 2009). Trafficking incidents that are more difficult to prove are less likely to be charged and prosecuted, and therefore cannot be examined. Thus, because the study's fixed effects models will use a dependent variable that indicates charges filed in trafficking cases, it will likely focus only on the most severe cases of trafficking or on those cases with the most compelling evidence. At the present time, however, no other

data is available to measure the incidence of trafficking. Further, this limitation is shared by almost all measures of criminal activity.

In addition, the multinomial logit model used to analyze the relationship between the statute used for charging and case outcomes could be vulnerable to omitted variable bias. Such bias could result from the unavailability of a measure for the difficulty of prosecuting a given case, a measure that may affect the outcome of a defendant's case. To an extent, the statute under which a defendant is charged controls for some of the complexity inherent in prosecuting the case. But additional factors, such as the availability of witnesses and the effectiveness of defense counsel, may affect case outcomes in ways for which the statute, year, and district variables cannot control. Thus, careful interpretation of any significant results will be necessary.

Also, imputing prostitution arrests for each county with missing or incomplete data may not be feasible if the percentage of missing data is too large or if the predictor variables do not perform well. If a nationwide imputation is not feasible, an alternative approach may involve estimating the incidence of prostitution for a subset of counties and analyzing the relationship between arrests and trafficking charges in a sample of judicial districts.

### XIII. Research independence and integrity

As principal investigator for this study, I will be responsible for ensuring the independence and integrity of the work involved. In my previous work as a public sector lawyer - first serving as a state [redacted] and later representing state lawmakers of both political parties - I gained a wide range of experience in managing difficult issues regarding the independence and integrity of the legal advice I provided to clients, many of whom did not want to hear the advice I nevertheless had a duty to give them. That work, combined with my experience studying ethics and public policy as an [redacted] Fellow in the [redacted] program at UNC-



Chapel Hill, and my work with confidential data as research assistant with UNC's Department of [redacted] and the [redacted] Center, has prepared me to assume responsibility for the independence and integrity of this study.

In particular, I have experience conducting independent research on trafficking and related issues as a volunteer mentor and research assistant for several undergraduate projects at UNC-Chapel Hill that have examined links between prostitution and trafficking in North Carolina. Based on documents I drafted and research designs that I created, each of these projects received approval from UNC's Institutional Review Board. However, while implementing these projects, I and other faculty members became concerned about biases that undergraduate researchers may have brought to their work and about the potentially negative effects on these students of working with the emotionally-charged issues related to sex trafficking. To help ameliorate these concerns, we held several so-called "de-briefing" meetings with students involved in the projects to discuss issues relating to the independence and integrity of the work. I also drafted volunteer agreements guiding the research practices of the students involved in these projects and required participating students to review and sign the agreements. I will use these experiences to guide my own research throughout this study.

Last, I will ensure that my work is reviewed by my faculty advisor, Dr. [redacted], an economist and Assistant Professor in UNC's Department of Public Policy, and by other faculty members at all stages of the study to ensure its independence and integrity. Indeed, because I am a doctoral student, my work is subject to a higher degree of review and scrutiny than it would be if I were a faculty member.

#### XIV. Implications for criminal justice policy and practice

As discussed in the Objectives section, the overarching goal of this study is to inform the anti-trafficking efforts of policymakers and law enforcement officials and thus, to make a long-term, positive impact on reducing the trafficking problem. In pursuing this goal, the results of the study will have several practical implications for criminal justice practice and policy.

First, if the study can demonstrate that certain demand factors are significantly and positively associated with trafficking cases while others are not, anti-trafficking resources may be focused on the significant factors. For example, if a high prevalence of military personnel in a given area is positively associated with trafficking cases, anti-trafficking advocates could target members of the military in their education campaigns. Moreover, law enforcement officials could work more closely with military personnel on programs for detecting and preventing trafficking.

In addition, if the TVPA has led to an increase in trafficking charges above and beyond increases attributable to other factors, the act may serve as an example of an effective legislative response that could be replicated in other countries. Similarly, if prosecution under one statutory trafficking-related provision rather than another appears to decrease the likelihood of case dismissal, law enforcement officials may consider charging cases under those provisions more frequently, and policymakers may consider replicating the language of those provisions in future legislation at both state and federal levels.

Last, if, as hypothesized, the study shows that prostitution arrests are negatively associated with trafficking cases, these results would provide evidence to law enforcement officials and policymakers that sex trafficking crimes may be evinced in prostitution, and prostitution cases should be examined more closely for indicators of trafficking.

## XV. Management plan

Although I alone am responsible for completing the work outlined in this study, my progress on this study will be reviewed at bi-weekly intervals by my faculty advisor, Dr. [redacted]. I will also consult with additional faculty members of UNC's Department of Public Policy and outside experts when needed. In addition, the Director of the [redacted] Center, Dr. [redacted], has agreed to review my work. Dr. [redacted] is an expert on issues related to human trafficking and I have worked closely with her on a number of trafficking-related research projects. I would again note that as a doctoral student, my work is subject to more management scrutiny than work of faculty members.

#### XVI. Dissemination strategy

I will report the results of this study in at least two papers, the first examining the correlates of federal trafficking cases, including an analysis of local prostitution arrests, and the second analyzing the characteristics of federal trafficking cases and the relationship between the statutes used to charge these cases and case outcomes. I will submit these papers for presentation at conferences concerning criminal justice, human trafficking, and public policy topics. Applicable conferences include those sponsored by the National Institute of Justice (NIJ), the Academy of Criminal Justice Sciences, and the Association for Public Policy Analysis and Management (APPAM). Although criminal justice topics represent just one of many policy areas discussed at APPAM conferences, APPAM conference attendees include lawmakers and policy practitioners. Thus, presenting research at an APPAM conference will enable me to reach a wider audience than one composed of academic researchers alone. In addition, the U.S. Department of Justice's National Conference on Human Trafficking may offer another opportunity for presenting study results to a broad audience of researchers, government officials, and practitioners.

Moreover, I will present the study's results to practitioner audiences through avenues such as RIPPLE (Recognition, Identification, Protection, Prosecution, Liberation, Empowerment), a collaboration of organizations and professionals from multiple fields, including law enforcement, legal services, and social services, who work to support efforts to prosecute traffickers and to identify and assist victims in North Carolina. I will discuss my progress in the study and the results with RIPPLE members at the organization's meetings, and seek their assistance in disseminating the findings to practitioners in North Carolina and beyond. Further, I have received a fellowship through UNC-Chapel Hill to create a database of incidents involving prostitution in selected North Carolina counties, and will use the contacts and experience I will gain through this work to develop additional avenues to dissemination the study's results to practitioners and anti-trafficking advocates.

Finally, I will submit papers produced from the study for publication in peer-reviewed journals that focus on law, criminal justice, and policy issues, such as *Criminology* and *Public Policy and Law and Society Review*. Results of this study would also be appropriate for inclusion in the NIJ's list of sponsored publications available on its website.

XVII. Budget detail worksheet

*A. Personnel*

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
Calendar year 2010 (December):		
[redacted]/Principal Investigator	(\$27.50/hour) X (15 hours/week) X (4 weeks)	\$1,650
Calendar year 2011 (January – December):		
[redacted]/Principal Investigator	(\$27.50/hour) X (15 hours/week) X (50 weeks)	\$20,625
Subtotal		\$22,275

*B. Fringe benefits*

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
Calendar year 2010 (December), [redacted]/Principal Investigator:		
Fringe benefit	(\$1,650) X (8.36%)	\$137.94
Health insurance (one month)	(\$1,970) / 12	\$165.00
Calendar year 2011 (January – December), [redacted]/Principal Investigator:		
Fringe benefit	(\$22,275) X (8.36%)	\$1,862.19
Health insurance (twelve months)	(\$1,970) / 12 X 12	\$1,970.00
Subtotal		\$4,135.13
Total personnel and fringe benefits		\$26,410.13

*C. Travel*

No costs requested in this area

*D. Equipment*

No costs requested in this area

*E. Supplies*

No costs requested in this area

*F. Construction*

No costs requested in this area

*G. Consultants/Contracts*

No costs requested in this area

*H. Other Costs*

No costs requested in this area

*I. Indirect Costs*

Description

Computation

Cost

Facilities and administration

(\$26,410.13) X 48%

\$12,676.86

<u>Budget Category</u>	<u>Amount</u>
A. Personnel	\$22,275
B. Fringe Benefits	\$4,135.13
C. Travel	\$0
D. Equipment	\$0
E. Supplies	\$0
F. Construction	\$0
G. Consultants/Contracts	\$0
H. Other	\$0
Total Direct Costs	\$26,410.13
I. Indirect Costs	\$12,676.86
TOTAL PROJECT COSTS	\$39,086.99
Federal Request	\$39,086.99
Non-Federal Amount	\$0

## XVIII. Budget narrative

For this study, I am requesting a total of \$26,410.13 in direct costs. This amount represents compensation and fringe benefits for me as Principal Investigator to conduct the research described in the study on a part-time basis. I am not requesting funds for any other direct costs.

### A. Personnel

The compensation rate listed in this category of \$27.50 per hour is based on the current pay rate for advanced doctoral students who work as research assistants in UNC-Chapel Hill's Department of Public Policy. Typically, the department requires research assistants to work approximately 10-15 hours per week during each semester. The rate, hours, and number of weeks used in the compensation computation reflect this practice.

### B. Fringe Benefits

UNC-Chapel Hill requires fringe benefits to be calculated as part of personnel costs and sets the rate for graduate students at 8.36% of compensation paid, as indicated in the computation for this category. UNC-Chapel Hill also requires health insurance to be calculated as part of personnel costs. The annual fee for graduate students who work part-time is \$1,970 for the calendar year, as indicated in the computation for this category.

### C. Indirect Costs

UNC-Chapel Hill has established a federally-negotiated indirect cost rate for facilities and administration of 48% of direct costs, as indicated in the computation for this category. The university's indirect cost rate agreement is attached separately.



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## Appendix 2: Texts of federal trafficking-related statutes used in study

### 8 U.S.C. § 1328. Importation of alien for immoral purpose.

The importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is forbidden. Whoever shall, directly or indirectly, import, or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall be fined under title 18, or imprisoned not more than 10 years, or both. The trial and punishment of offenses under this section may be in any district to or into which such alien is brought in pursuance of importation by the person or persons accused, or in any district in which a violation of any of the provisions of this section occurs. In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.

### 18 U.S.C. § 1591. Sex trafficking of children or by force, fraud, or coercion.

#### a) Whoever knowingly—

1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

#### b) The punishment for an offense under subsection (a) is—

1) if the offense was effected by force, fraud, or coercion or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 40 years, or both.

#### c) In this section:

1) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.

#### 2) The term “coercion” means—

A) threats of serious harm to or physical restraint against any person;

B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

C) the abuse or threatened abuse of law or the legal process.

3) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

### 18 U.S.C. § 2421. Transportation generally.

Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

### 18 U.S.C. § 2422. Coercion and enticement

a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any

person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

#### 18 U.S.C. § 2423. Transportation of minors

a) Transportation With Intent To Engage in Criminal Sexual Activity.— A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

b) Travel With Intent To Engage in Illicit Sexual Conduct.— A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

c) Engaging in Illicit Sexual Conduct in Foreign Places.— Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

d) Ancillary Offenses.— Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

e) Attempt and Conspiracy.— Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

f) Definition.— As used in this section, the term “illicit sexual conduct” means

1) a sexual act (as defined in section [2246](#)) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or

2) any commercial sex act (as defined in section [1591](#)) with a person under 18 years of age.

g) Defense.— In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

#### 18 U.S.C. § 2424. Filing factual statement about alien individual

a) Whoever keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any individual, knowing or in reckless disregard of the fact that the individual is an alien, shall file with the Commissioner of Immigration and Naturalization a statement in writing setting forth the name of such individual, the place at which that individual is kept, and all facts as to the date of that individual's entry into the United States, the port through which that individual entered, that individual's age, nationality, and parentage, and concerning that individual's procurement to come to this country within the knowledge of such person; and

Whoever fails within five business days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien individual to file such statement concerning such alien individual with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within that person's knowledge or belief with reference to the age, nationality, or parentage of any such alien individual, or concerning that individual's procurement to come to this country—

Shall be fined under this title or imprisoned not more than 10 years, or both.

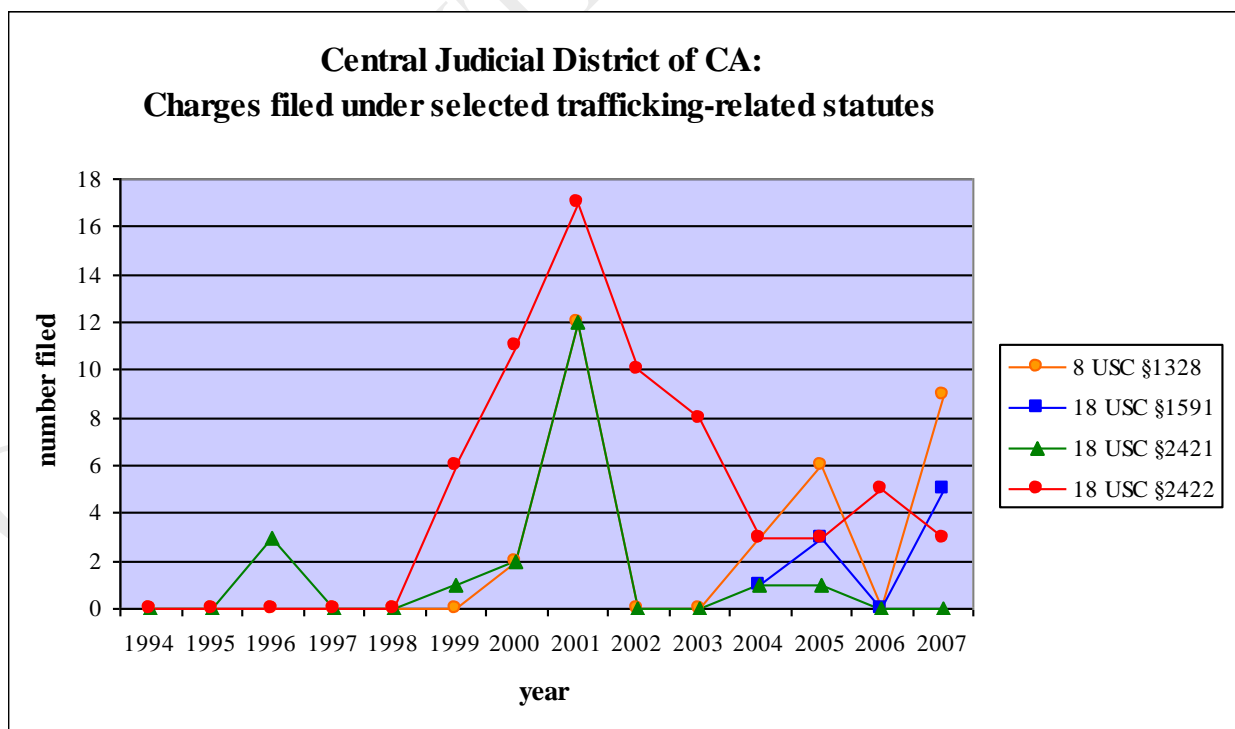
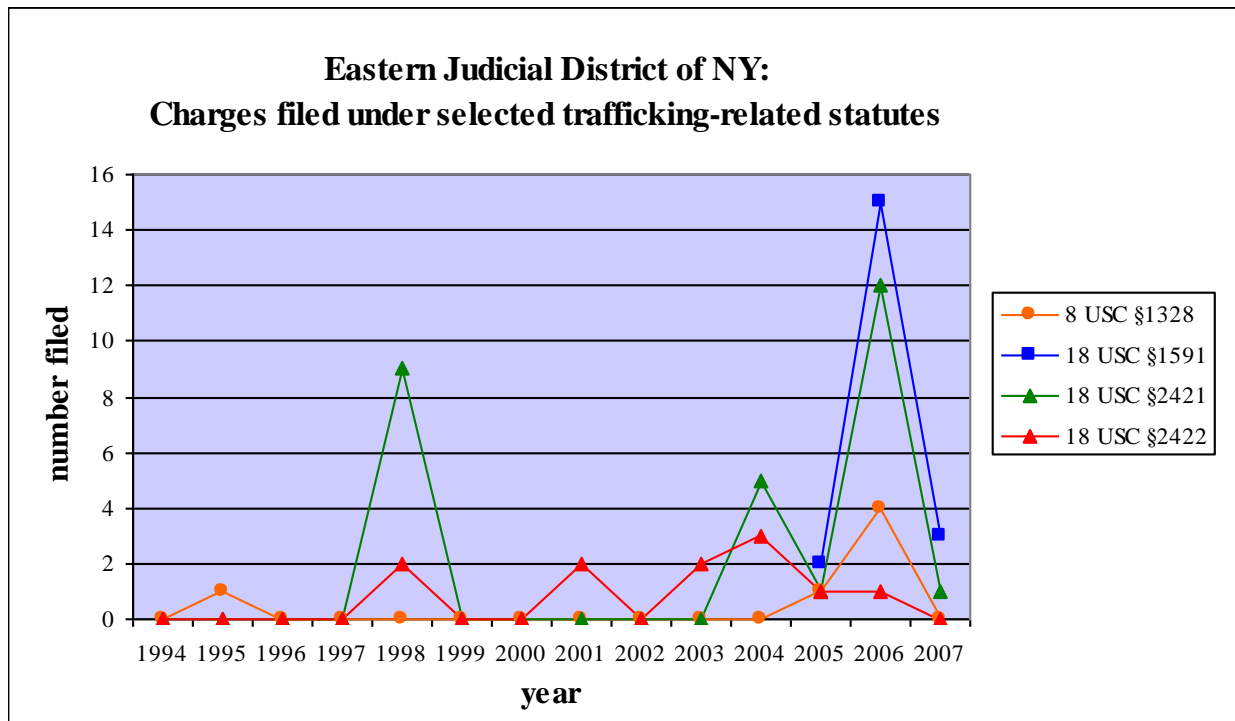
b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.



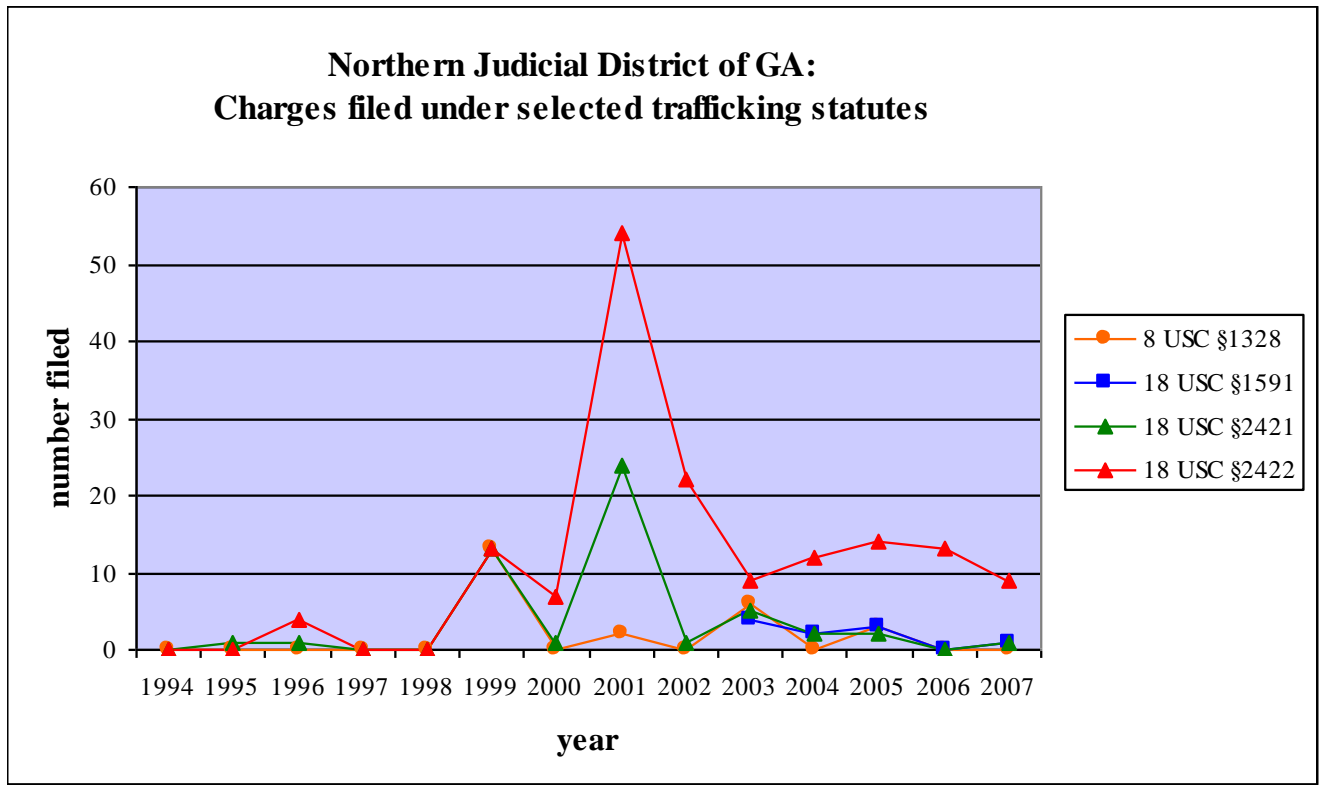
## Appendix 2. Summary statistics – preliminary trafficking analysis

Summary statistics for selected variables				
	Mean	Std. Dev.	Min	Max
<b>Dependent variables (continuous)</b>				
<i>number of trafficking charges</i>	3.889	7.385	0	112
<i>% of all charges that are trafficking</i>	0.003	0.006	0	0.086
<b>Explanatory variables (continuous)</b>				
<i>number of immigration charges</i>	181.663	545.672	0	4692
<i>% of all charges that are immigration</i>	0.065	0.095	0	0.652
<i>% of adult pop that is military</i>	0.008	0.021	0	0.408
<i>unemployment rate</i>	4.881	1.479	0.700	10.700
<i>% of total pop that is foreign-born</i>	0.067	0.067	0.007	0.322
<b>Explanatory variables (dummy)</b>				
	<b>Percent in 1994</b>		<b>Percent in 2006</b>	
<i>district in state with anti-trafficking law</i>	0		0.26	
<i>district in state with anti-trafficking task force</i>	0		0.13	
<i>district served by Craigslist</i>	0		0.84	
Note: summary statistics are calculated for years 1994-2006; N=1170				

Appendix 3. Charges filed under selected trafficking statutes in selected judicial districts



Appendix 3 (cont).



Appendix 2. Curriculum vitae of principal investigator

[redacted]

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### Appendix 3. Timeline and milestones for completion of study

I will serve as the principal investigator for this study and will be responsible for completing the specific tasks described in this proposal. My timeline for completion of the study is as follows:

1. December 1, 2010 – May 31, 2011

Collect, prepare, and analyze data. Begin write-up of results. Present preliminary results at conferences and meetings. Estimated time: 25 weeks, approximately 15 hours per week.

2. June 1, 2011 – September 30, 2011

Complete drafts of papers. Present preliminary results at conferences and meetings. Prepare and submit draft of final report, abstract, and executive summary to the National Institute of Justice. Estimated time: 17 weeks, approximately 15 hours per week.

3. October 1, 2011 – December 30, 2011

Revise papers and reports. Prepare papers for submission to peer-reviewed journals. Prepare and submit data for archiving with the National Institute of Justice. Submit final reports to the National Institute of Justice. Estimated time: 12 weeks, approximately 15 hours per week.

Appendix 4. Institutional Review Board documentation form

OFFICE OF HUMAN RESEARCH ETHICS

Institutional Review Board

DETERMINATION WHETHER RESEARCH  
OR SIMILAR ACTIVITIES REQUIRE IRB APPROVAL

*Version May 22, 2009*

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[redacted]
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Appendix 5. Institutional Review Board determination

[redacted]

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## Appendix 6. Data archiving strategy

This study is expected to produce several unique datasets for submission to the National Institute of Justice (NIJ). At least one will comprise information on defendants in trafficking-related cases from arrest to disposition, including variables indicating certain defendant and case characteristics. This study will also integrate data from several sources into one or more datasets encompassing charges filed in federal trafficking cases and related demand factors. These data will comprise variables at the federal judicial district level, a unit of analysis that appears to be infrequently used but that has the potential to control for a variety of factors related to federal criminal cases. Given the unique nature of these datasets, the study will use a data archiving strategy that will permit other researchers to replicate the work, to expand on it, or to use the data for examining other research questions relating to federal defendants in cases involving trafficking or other federal crimes, using a longitudinal, panel design.

The sources for these data, as indicated in the Program Narrative sections on data sources, are the Federal Justice Statistics Program (compiling data from the U.S. Marshals Service, the Executive Office for U.S. Attorneys, and the Administrative Office of the U.S. Courts), the U.S. Census Bureau, Department of Defense, and Bureau of Labor Statistics, Craigslist, and the Center for Women Policy Studies. I will submit the raw data obtained from these sources to the NIJ, along with the final integrated datasets and any intermediate datasets that I produce. I will also submit the raw data used to link defendants and their cases from arrest to disposition, along with the final linked dataset. Each of these datasets will include all variables created in the study and the programs used to create them. All datasets and programs will be in the Stata format.

I have already downloaded many of these data from the Federal Justice Statistics Program and have begun to integrate them with economic and demographic characteristics at the federal judicial district level. The most extensive manipulation of the data thus far has involved variables indicating



the number of counts with which a defendant is charged under a given statute. For years 1994 to 2003, this variable reflects the actual number of counts charged. For years 2004 to 2008, however, the count variable is set to one for each observation. Because the study does not use a count variable in its analysis, I will delete those observations in years 2004-2008 for which the charge and the defendant identification number are the same. Other manipulations have involved the format for variables indicating the date of the charge and the lead statute used. Because these formats differ throughout the time period studied, I have standardized the format for each year studied.

I will keep a detailed record of these and other data manipulations in a codebook to be submitted to the NIJ along with the datasets. This codebook will comprise two parts. The first part will describe the variables in each dataset and the process used to create them, including variable names, labels, and value codes, any recodes, and the variable distributions. The second part will provide notes on construction of the variables and the rationale for their use. I have already completed some work on this codebook as part of my work as a tutor for undergraduate students in a UNC-Chapel Hill course on the quantitative analysis of policy issues. The students have used the preliminary datasets I created for various assignments in the course.

Finally, I will provide any other information required by the NIJ during the data archiving process and will also provide any other information needed to enable other researchers to replicate and extend the study described in this proposal.

#### Appendix 7. Materials not applicable to this study

The solicitation also refers to several documents that are not applicable to this study, as follows:

1) List of previous and current NIJ awards to investigator (a list of previous and current NIJ awards to UNC-Chapel Hill is attached separately):

None to the investigator. This item is not applicable for the investigator.

2) Letters of cooperation/support or administrative agreements from organizations collaborating in the project, such as law enforcement and correctional agencies (if applicable).

None. This item is not applicable.

3) List of other agencies, organizations, or funding sources to which you have submitted this proposal (if applicable).

None. This item is not applicable.

Please note, however, that I have submitted a very similar proposal in response to the “NIJ Data Resources Program 2010: Funding for the Analysis of Existing Data” solicitation. This proposal differs from the data resources program proposal primarily by adding a component to estimate the incidence of local prostitution arrests and their relationship to federal trafficking cases. Otherwise, the two proposals are almost identical.