Marshall University
Marshall Digital Scholar

Theses, Dissertations and Capstones

2016

"Safer" Harbor: the impact of different models of safe harbor laws on the criminalization of commercially sexually exploited children in the United States

Priscila Borges Marques dos Santos
santos13@marshall.edu

Follow this and additional works at: http://mds.marshall.edu/etd

Part of the Legal Theory Commons, and the Political Science Commons

Recommended Citation

Santos, Priscila Borges Marques dos, ""Safer" Harbor: the impact of different models of safe harbor laws on the criminalization of commercially sexually exploited children in the United States" (2016). *Theses, Dissertations and Capstones*. 1027.
http://mds.marshall.edu/etd/1027

This Thesis is brought to you for free and open access by Marshall Digital Scholar. It has been accepted for inclusion in Theses, Dissertations and Capstones by an authorized administrator of Marshall Digital Scholar. For more information, please contact zhangj@marshall.edu, martj@marshall.edu.

"SAFER" HARBOR: THE IMPACT OF DIFFERENT MODELS OF SAFE HARBOR LAWS ON THE CRIMINALIZATION OF COMMERCIALLY SEXUALLY EXPLOITED CHILDREN IN THE UNITED STATES

A thesis submitted to
The Graduate College of
Marshall University
In partial fulfillment of
The requirements for the degree of
Master of Arts
in
Political Science
by
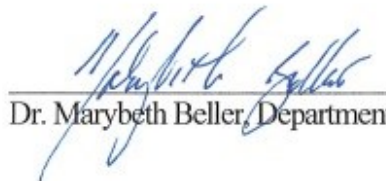Priscila Borges Marques dos Santos
Approved by
Dr. Shawn Schulenberg, Committee Chairperson
Dr. Marybeth Beller
Dr. Maggie Stone

Marshall University
August 2016

APPROVAL OF THESIS

We, the faculty supervising the work of Priscila Borges Marques dos Santos, affirm that the thesis, *"Safer" Harbor: The Impact of Different Models of Safe Harbor Laws on the Criminalization of Commercially Sexually Exploited Children in the United States*, meets the high academic standards for original scholarship and creative work established by the Master of Arts in Political Science and the College of Liberal Arts. This work also conforms to the editorial standards of our discipline and the Graduate College of Marshall University. With our signatures, we approve the manuscript for publication.

Dr. Shawn Schulenberg, Department of Political Science   Committee Chairperson   18 July 2016
                                                                                       Date

Dr. Marybeth Beller, Department of Political Science   Committee Member   July 18, 2016
                                                                                       Date

Dr. Maggie Stone, Department of Sociology   Committee Member   July 18 2016
                                                                                       Date

iii

ACKNOWLEDGMENTS

I would like to thank my wonderful Lord and Savior Jesus Christ for everything He has done for me. I would not be able to complete this project if it was not for Him. I also would like to thank my parents, Cecilia and Jose Hilton, for their unconditional love and unswerving support. I dedicate this thesis to both of you. I want to thank my brothers, Alexandre and Andre, for their exceptional love and for always being there for me. I also would like to thank my best friend and sister by heart, Denise, for her wonderful friendship and constant encouragement. I certainly would like to thank my committee members for providing me with guidance and helping me throughout this project. I am very grateful for everything that you all have done for me.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

ABSTRACT

Commercially sexually exploited children (CSEC) are commonly treated as criminals and punished for offenses committed as a result of being trafficked. Recent state-level legislative efforts have sought to prevent minors from being held criminally liable for being commercially sexually exploited. This study offers an analysis of the effects of such laws on the criminalization of CSEC through the use of ordinary least squares (OLS) regression. Data on the number of child arrests for prostitution (1995-2014) and safe harbor laws were collected from the FBI Uniform Crime Reports, the Polaris Project website, and the 2015 ECPAT report. The findings of the study suggest that the enactment of safe harbor legislation had no discernible effect on the mean number of annual child arrests. Continued efforts to educate and train relevant actors on the issue of domestic minor sex trafficking are needed. This study offers the first comprehensive evaluation of safe harbor laws in the U.S.

CHAPTER 1

INTRODUCTION

The sex trafficking[1] of children in the United States, also known as Domestic Minor Sex Trafficking (DMST[2]) and Commercial Sexual Exploitation of Children (CSEC[3]), is a severe and ubiquitous problem that takes place in every state (Estes and Weiner 2001, 38; Finklea, Fernandes-Alcantara, and Siskin 2015, 1). The demand for commercial sex acts with children has been steady and profits to sex traffickers have increased (Finklea 2014a, 1). Traffickers prey on an extremely vulnerable population. A number of studies indicate that 70 to 90 percent of commercially sexually exploited children and adult women have been victims of sexual abuse prior to recruitment (Lloyd 2011, 65). The average age at which minors begin to be commercially sexually exploited is between 12 and 14, although some of them are as young as five (Estes and Weiner 2001, 92; Kotrla 2010, 182). The vast majority of sex trafficking victims in the United States are U.S. citizens or Legal Permanent Residents (LPRs) (Heiges 2009, 429;

---

[1] The Trafficking Victims Protection Act of 2000 (TVPA) was the first comprehensive federal law to address human trafficking (NHTRC 2016). The TVPA is deemed to be the most important statute in the fight against trafficking in persons (Ibid 2016). The law "does not define sex trafficking per se"; nevertheless, it provides a definition for "severe forms of trafficking in persons," which includes sex trafficking (Finklea, Fernandes-Alcantara, and Siskin 2015, 1). Based on the federal law's definition of severe forms of trafficking in persons, sex trafficking can be described as the "recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act … in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age;" (Ibid. 2016; TVPA 2000, 6).

[2] Domestic Minor Sex Trafficking (DMST) refers to the commercial sexual exploitation of children (U.S. citizens or Legal Permanent Residents) within U.S. borders (Finklea, Fernandes-Alcantara, and Siskin 2015, 1; Kotrla 2010, 181; Smith, Vardaman, and Snow 2009, iv). Shared Hope International (SHI), an organization dedicated to ending sex trafficking and assisting victims of sex slavery, defines DMST as "child sex slavery, child sex trafficking, prostitution of children, commercial sexual exploitation of children (CSEC), and rape of a child" (Ibid. 2009, iv; Ibid. 2010, 181-182; SHI 2016). The organization offered this definition on a report funded by the U.S. Department of Justice in 2009 (Ibid. 2009, iv).

[3] A review of the literature indicates that there is no general consensus among professionals in the field of social sciences on a single definition of the term commercial sexual exploitation of children (CSEC) (Mitchell et al. 2011, 44; Mukasey, Daley, and Hagy 2007, 1). As explained in the second chapter of this thesis, the United States government still fails to provide a clear definition of the term. The very fact that specialists cannot reach an agreement on a sole definition of CSEC indicates that there is a significant problem surrounding the issue. However, most experts believe that CSEC takes place in a multitude of forms, including, but not limited to, pornography; sex trafficking; exotic dancing; escort services; "mail order bride trade, early forced marriages"; sex tourism; commercial sex acts; and other sexual services (Bang et al. 2014, 3; Mitchell et al. 2011, 44-45; Mukasey, Daley, and Hagy 2007, 1; Smith, Vardaman, and Snow 2009, iv-21). For the purposes of this paper, the terms commercially sexually exploited children, sex trafficked children, and exploitation of children for sexual purposes will be used interchangeably as well as the words minors, youth, and children, all of which will be used to refer to individuals under the age of 18. That is to say, the term commercial sexual exploitation of children will solely be used to refer to child sex trafficking cases in the United States and not to all the other ways that CSEC can take place.

Siskin and Wyler 2011, 268). In actuality, the U.S. is the only industrialized democracy where the majority of victims of trafficking are its own citizens[4] (Heiges 2009, 429-430; TVPA 2000, 20). In spite of the fact that U.S. citizens and LPRs make up the largest number of trafficking victims in the nation, experts have managed to convey an image that this issue is predominantly a third world country concern (Bang et al 2014, 1; Walker-Rodriguez and Hill 2011, 1). As a consequence, no systematic efforts have been made to evaluate the scope of CSEC in the U.S. and little is known about the effectiveness of policy responses, especially at the state level (Adams, Owens, and Small 2010, 8; Shields and Letourneau 2015, 6).

The Trafficking Victims Protection Act of 2000 (TVPA), the "seminal piece of U.S. legislation in the fight against CSEC," classifies the sex trafficking of minors (18 and under) as a federal crime (Adams, Owens, and Small 2010, 1; Finklea 2014b, 65). Most importantly, the legislation maintains that these children ought to be treated as victims and "should not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked" (TVPA 2000, 5). As of 2016, all 50 states and the District of Columbia have anti-trafficking legislation and many states continue to pass amendments to improve these laws (Clayton, Krugman, and Simon 2013, 145). In addition, U.S. states and D.C. also have laws defining "age-of-consent," commonly known as "statutory rape laws," which determine the age at which individuals can legally consent to having sex (Clayton, Krugman, and Simon 2013, 145-146). In spite of the fact that children who are bought and sold are deemed to be victims under both federal and state laws, they are commonly treated as criminals by law enforcement in most jurisdictions (Epstein and Edelman 2013, 4; Finklea 2014b, 69; Polaris

---

[4] The fact that the United States is the only developed country where the overwhelming majority of sex trafficking victims are Americans, and not foreign nationals as most individuals believe to be true, makes a strong case for the study of this pressing issue.

Project 2015, 1; Shields and Letourneau 2015, 3). Arrested juveniles are oftentimes charged, prosecuted, and convicted under an act of prostitution or prostitution-related crimes (Lloyd, 2012; Saunders 2015, 33).

Most criminal investigations and prosecutions of cases involving the sex trafficking of minors are conducted at the state level, where policies do not necessarily fall in line with federal prescriptions for the treatment of CSEC (Finklea 2014b, 69). As stated by Rachel Lloyd (2011), when money is exchanged, states seem to disregard statutory rape laws and girls suddenly become mature enough to consent (139). In addition, states continue to allow children to be arrested and prosecuted for engaging in commercial sex acts because these activities are generally "viewed through the lens of prostitution laws, which have roots in societal efforts to prohibit and prevent vice" (Clayton, Krugman, and Simon 2013, 146). Even when victims are recognized, they are typically "sent into the juvenile system on prostitution and related charges" and are often denied access to appropriate services or a support system (Clayton, Krugman, and Simon 2013, 146; Epstein and Edelman 2013, 4).

As a means to correct for the inconsistencies in the treatment of minors by law enforcement and the criminal justice system at the state and federal levels, starting in 2008, states began to enact what became known as Safe Harbor Laws (Shields and Letourneau 2015, 3). These laws seek to decriminalize prostitution for minors, recognize that the needs of those victims exceed the capabilities of the criminal justice system, and acknowledge that criminal justice responses are more often than not harmful to those minors (Shields and Letourneau 2013, 3; Wayman 2013). Nonetheless, there has been no comprehensive assessment of the effect of these laws to date (Shields and Letourneau 2015, 4).

The main purpose of this study is to answer the following research question: which model

3

of Safe Harbor Law is most effective in decreasing the average number of annual arrests of sex trafficked children? As of 2013, only 18 states had passed safe harbor laws granting various degrees of immunity to minors (Polaris Project 2013, 2). In this paper, I suggest that as states pass Safe Harbor Laws with a higher number of provisions safeguarding children's rights, we can expect, on average, to see a decrease in the mean number of annual arrests of commercially sexually exploited children. Although an arrest does not signify pressing charges or a conviction, it further victimizes sex trafficked children and points to a number of other pressing issues, such as lack of law enforcement training in victim identification and lack of available alternative services to these minors (Geist 2012, 69; Saunders 2015, 76). Counterintuitively, states with safe harbor laws "may continue to arrest and prosecute" children for acts committed as a result of being trafficked (Finklea 2014a, 10). This paper investigates the inconsistencies between the provisions of safe harbor legislation and their implementation by law enforcement as well as assesses the efficacy of different safe harbor laws in diminishing the re-victimization of commercially sexually exploited children (Jekowsky 2014).

CHAPTER 2

LITERATURE REVIEW

The term Commercial Sexual Exploitation of Children (CSEC) was first formulated in the 1996 Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children, which took place in Stockholm, Sweden with 122 governments represented (Shields and Letourneau 2015, 3). The CSEC can be defined as the "sexual commodification of children's bodies for the purposes of monetary or material gain" (Bang et al. 2014, 3; Declaration 2015, 1; Mukasey, Daley, and Hagy 2007, 1). One of the main accomplishments of the 1996 Declaration was offering the first working definition of CSEC, which constituted the first step in reframing child prostitution as sexual exploitation of minors (Adams, Owens, and Small 2010, 1; Shields and Letourneau 2015, 3). As stated by Clayton, Krugman, and Simon (2013), language is an important tool in changing popular perceptions of behaviors and events (30). In other words, reframing the issue is key in modifying public notions and "sympathies"; "sexual exploitation" more correctly describes what happens to these children while "child prostitute seem[s] to denote who the child [is] as opposed to what [is] being done to her" (Lloyd 2011, 215).

Nevertheless, to date, the United States has not provided a clear or universal definition of CSEC, which creates inconsistencies in charging decisions at the federal and state levels (Adams, Owens, and Small 2010, 7). The Trafficking Victims Protection Act of 2000 (TVPA) offers the definition that falls more closely in line with the one provided by the 1996 Declaration. The TVPA asserts that individuals who are induced to perform commercial sex acts without having attained 18 years of age are victims of a "severe form of trafficking in persons" (TVPA 2000, 7). A commercial sex act means "any [sex] act, … [for] which anything of value is given

to or received by any person," such as money, food, shelter, and drugs (Finklea, Fernandes-Alcantara, & Siskin 2015). The item of value does not necessarily need to be received by the minor—it can be given to a pimp or trafficker (Finklea, Fernandes-Alcantara, & Siskin 2015). Notably, the TVPA only provides recommendations for the treatment of sex trafficked minors and does not mandate or require states to comply with these principles. This is particularly significant because the vast majority of cases involving CSEC are adjudicated at the local and state levels (Finklea 2014b, 69). As mentioned earlier, CSEC are routinely treated as criminals and punished by state authorities for crimes committed as a consequence of being trafficked (Clayton, Krugman, and Simon 2013, 146; Epstein and Edelman 2013, 4; Lloyd, 2012; Saunders 2015, 33). The great variance in state laws with respect to sexual activities and minors, such as differences in age of consent and in the criminality of solicitation and prostitution, may account in part for the lack of uniformity in the treatment of sex trafficked children under federal and state laws (Finklea 2014b, 69).

There are a limited but significant number of studies on police encounters and the culpability of commercially sexually exploited minors (Finkelhor and Ormrod, 2004; Halter 2010; Mitchell, Finkelhor, and Wolak 2010). This research suggests that sex trafficked children are often treated as perpetrators of a crime. Finkelhor and Ormrod (2004) derived data from the National Incident-Based Reporting System covering 13 states and 76 law enforcement jurisdictions from 1997 to 2000 (4). Over the four-year period, there were 241 incidents of commercial sexual exploitation of minors, with 229 children being treated as delinquents (4). In spite of that, as pointed out by Saunders (2015), this study needs to be considered with caution due to the small sample examined and the fact that the time-period of the evaluation takes place before the passing of the TVPA (70). The TVPA might have played a role in changing the

perceptions of law enforcement with relation to CSEC and for this reason the findings of their study "may not be reflective of modern trends" (Saunders 2015, 70).

Mitchell, Finkelhor, and Wolak (2010) in turn, surveyed a national sample of 2,598 local, county, and state law enforcement agencies by mail on whether they had made arrests or detentions in cases involving the CSEC; however, only five percent of those agencies reported making such an arrest (20-22). Their findings indicate that 53 percent of minors were treated as victims, 31 percent as offenders, and 16 percent as both victims and offenders; however, in this last case, charges were either eventually dropped and/or children had been referred to services, which led to a reclassification of their status from both offenders and victims to only victims (29). For this reason, the final results indicate that 69 percent of minors were treated as victims and 31 percent as perpetrators. Another prominent study on the culpability of CSEC is the one conducted by Halter (2010). Halter carried out a content analysis of police case files of prostitution incidents in which children were involved (153). Halter contacted agencies in six major cities in western, southern, and eastern parts of the U.S. (153-154). The results of the study indicate that between 2000 and 2006, 60 percent of CSEC were treated as victims and 40 percent as delinquents (156). Children were more likely to be treated as victims if they were first-time offenders, if their exploiter had been identified, if they cooperated with the police, and if the arrest was the result of a report (156). The findings of the study suggest that the aforementioned factors are associated with an increased odds ratio for police conceptualization of sex trafficked children as victims of child sexual exploitation (Halter 2010, 152-156).

States began to enact Safe Harbor Laws as a means to solve the problem of lack of uniformity in the treatment of sex trafficked children by law enforcement at the national and state levels and prevent youth from being held criminally liable for being commercially sexually

7

exploited. The term emerged in 2008 when the state of New York passed the first such act in the United States (Clayton, Krugman, and Simon 2013, 171). Since then, 17 additional states have enacted some sort of safe harbor legislation (Shields and Letourneau 2015, 5). Although there is great variance among states in the provisions of these laws, there are some commonalities that deserve to be highlighted: safe harbor laws seek (1) to treat sex trafficked children as victims of commercial sexual exploitation and not offenders; (2) to divert minors from delinquency procedures to specialized and supportive services (the needs of these children go beyond criminal and justice juvenile systems' abilities); and (3) to make juveniles immune from prosecution (only a small number of states have this provision) (Dysart 2014, 278; Shields and Letourneau 2015, 3; Wayman 2013). As mentioned earlier, by 2013, 18 states had passed some sort of safe harbor law protecting CSE minors (Polaris Project 2013).

Following the passing of safe harbor laws, a small number of studies have evaluated law enforcement's treatment of commercially sexually exploited children in the United States (Geist 2012; Mehlman-Orozco 2015; Musto 2013; Sherman 2013). Arrests and detentions are seen for the most part as a negative approach to the fight against the CSEC (Mehlman-Orozco 2015; Musto 2013; Sherman 2013). As stated by Geist (2012), the law enforcement and justice systems should utilize their resources to "go after the real criminals – the pimps and the johns" and not to arrest, detain, and prosecute children victims of a "system of commercial sexual exploitation" (70). The United Nations Convention on the Rights of the Child maintains that the arrest, detention, and incarceration of children should only be employed as "a measure of last resort and for the shortest appropriate period of time" (United Nations 1989). Nonetheless, the United States to date remains the only nation that refuses to ratify this treaty (UNICEF 2016; United Nations 1989).

Prominent trafficking scholars have continuously opposed law enforcement's centralized power and wide discretion in guiding efforts to combat human trafficking (Musto 2013, 272). Some advocates and law enforcement personnel affirm that arresting young girls is the only way to "help them" and by doing so is to become "the best friends they have"; according to this point of view, although they know they cannot "arrest their way out of the problem," to put them in jail is the only way to offer them assistance and the services they need (Geist 2012, 84; Musto 2013, 258-267-268). Nevertheless, Musto believes that arresting minors for prostitution-related offenses is still ineffectual and problematic for a number of reasons (268-271). A great number of victims may not be interested in being saved by the police due to historical legacies of law enforcement violence, detention, and "harassment of voluntary sex workers" (272). There is also a lack of research on minors' views of these rescue efforts to combat trafficking and rehabilitative strategies (271). Musto calls for new approaches that do not depend on the "detention-to-protection paradigm" and do not require victims to get access to services by getting in contact with the law enforcement and justice systems (273). As mentioned in the 2010 Texas Supreme Court judicial decision on the commercial sexual exploitation of minors, the idea "that the juvenile system is the only portal to such services for children is simply not true" (Clayton, Krugman, and Simon 2013, 171).

Law enforcement responses to the issue of DMST might also be ineffective because girls of color, who are disproportionately affected by this crime, are more vulnerable to institutional violence and, as a result, are distrustful of official systems (Sherman 2013, 14). There is strong evidence in the literature that arresting minors increases the probability of future arrests and subsequent offending (Liberman, Kirk, and Kideuk 2014, 364). The repeated contacts with the justice systems occur due to surveillance and labeling effects, which cause greater scrutiny of a

person's future actions (Liberman, Kirk, and Kideuk 2014, 364; Shields and Letourneau 2015, 4).

A more recent study evaluated the effects of safe harbor laws on the criminalization or the number of arrests of CSEC (Mehlman-Orozco 2015, 57). Mehlman-Orozco analyzed the number of child arrests in four states that, according to her, had enacted and implemented some form of safe harbor law at the time of her analysis: Connecticut, Texas, New York, and Washington (55). Mehlman-Orozco utilized the FBI Crime Report data files and the Polaris Project (2013) as sources of information on the number of child arrests for prostitution between 1994 and 2011 and safe harbor policies, respectively (56). The state of Illinois was initially included in her analysis, but since more than 50 percent of its information on child arrests had been imputed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), she decided to remove it from her sample (56). The number of adults arrested for prostitution was used as a measurement of control as a means to avoid Type I error, or random variations in the number of child arrests that might not necessarily have been attributable to the enactment of safe harbor laws (55). A comparison of the number of arrests and arrest trends both before and after the implementation of safe harbor laws in the four states previously mentioned suggest that the enactment of such laws had no discernible effect on the number of children arrested for prostitution; that is to say, they did not lead to a lower number of detentions (57-58).

However, Mehlman-Orozco adopts a very simplistic approach in her attempts to answer this research question. Although she recognizes some of the limitations of her study—such as the small sample size, lack of access to comprehensive data, and the small number of states with post-enactment information on arrests—she fails to identify other weaknesses. For example, Mehlman-Orozco treats all safe harbor laws as if they were the same, ignoring important

variations in the provisions granted in each state (Polaris Project 2015). Even though these laws share some common principles, there are some important differences among them that may account for the variation in the number of arrests found in her study.

For instance, the states of New York and Connecticut require the proof of force, fraud, or coercion for child victims of sex trafficking while Texas and Washington State do not (Polaris Project 2014). This provision imposes a much heavier burden of proof on sex trafficked children and is at odds with the prescriptions of the Trafficking Victims Protection Act of 2000, which does not require proof of force, fraud, or coercion in cases of commercial sexual exploitation of minors (18 and under); as previously mentioned, they are automatically considered to be victims of sex trafficking. The availability and the type of services available to CSEC may also have an impact on law enforcement's decision to arrest a minor. Washington mandates that each one of its counties keep secure shelters for sexually exploited children (Shields and Letourneau 2015, 5). New York, in turn, tailors its services to meet the individual needs of sex trafficked minors while Connecticut provides limited to no direct services to these children (5). Most importantly, Washington has funding provisions for the development and implementation of training for law enforcement personnel who come into contact with sex trafficked children; on the other hand, New York mandates the development of training for law enforcement personnel, but does not provide direct funding for it, while Connecticut does not mandate training for law enforcement officers under the provisions of its safe harbor law (5).

In addition, Mehlman-Orozco's decision to include Texas in her analysis is questionable. Although Texas is recognized for its efforts to combat the sex trafficking of minors, the state has yet to enact a safe harbor law (Polaris Project 2014). A 2010 Texas Supreme Court ruling overturned the sentencing of a 13-year-old who had been convicted for solicitation, stating that

the minor was actually a victim of commercial sexual exploitation and not an offender (Ibid. 2015, 53). This decision ultimately created legal precedence. However, if her goal is to evaluate the criminalization of commercially sexually exploited children post safe harbor laws implementation, she should either exclude Texas from her analysis or change her research question/objectives. Ultimately, although all safe harbor laws have a victim-centered approach, they provide children with different levels of protection and have distinct provisions, such as different ages of consent and the granting of complete immunity from prosecution or adjudication that allows for diversion (Shields and Letourneau 2015, 4; Weiss 2015, 7). It is important to recognize these differences in order to conduct an analysis of the effectiveness of these laws. A better way to describe the differences in the number of arrests of CSEC before and after the implementation of safe harbor laws is through the use of a model, one that can actually account for the existing variances between each state's safe harbor laws. This thesis addresses some of the shortcomings of Mehlman-Orozco's study and provides an assessment of the implementation of safe harbor laws using law enforcement responses as evidence of the success or failure of these policies.

CHAPTER 3

RESEARCH DESIGN

As previously mentioned, the goal of this thesis is to answer the following research question: which model of safe harbor law is most effective in decreasing the average number of annual arrests of commercially sexually exploited children? In this analysis, I hypothesize that as states pass safe harbor laws with a higher number of provisions safeguarding children's rights, we can expect to see a decrease in the average number of annual arrests of CSEC. This paper utilizes ordinary least squares regression (hereinafter OLS regression or simply OLS)[5], as a means to examine the impact of different models of safe harbor laws on the average number of annual arrests of sex trafficked children (Johnson, Reynolds, and Mycoff 2015, 485; Kellstedt and Whitten 2013; 176).

OLS regression is a statistical method of analysis commonly used in political science and in the social sciences in general (Allison 1999, 2; Armstrong 2001, 324; Eye and Schuster 1998, xi; Hayashi 2011, 3; Johnson, Reynolds, and Mycoff 2015, 485; Kellstedt and Whitten 2013; 176; Kennedy 1998, 12; Wilcox 2003, 182). Many scholars believe OLS to be the principal multivariate method and the most straightforward technique of regression analysis; some authors go as far as to claim that linear least squares is the "benchmark against which other methods can be and have been checked" (Armstrong 2001, 324; Eye and Schuster 1998; Kennedy 2008, 43; Krueger and Lewis-Beck 2008, 5; Lewis-Beck and Lewis-Beck 2015, xi). The findings of a methodological content analysis of articles published between the years of 1990 and 2005 in the *American Political Science Review*, the *American Journal of Political Science*, and the *Journal of Politics* demonstrate that OLS regression is "by far the most popular method," appearing in

---

[5] OLS regression is also known as linear least squares.

roughly 31 percent of all scientific research papers (Krueger and Lewis-Beck 2008, 2-3-5; Lewis-Beck and Lewis-Beck 2015, xi).

OLS regression is a mathematical procedure utilized to estimate the relationship between one or more independent variables, in this paper, a given model of safe harbor legislation, and a dependent variable, in this case, the average annual number of commercially sexually exploited minors arrested for prostitution (International Encyclopedia 2008; Johnson, Reynolds, and Mycoff 2015, 47-48; Kennedy 1998, 11). The goals of OLS are to determine whether the independent variable(s) of interest affect(s) the dependent variable and to estimate the magnitude and significance of such effect, if any (Allison 1999, 1-2). Ordinary least squares estimate the relationship between the variables of interest by minimizing the difference between the predicted and observed values of the dependent variable, depicted as a straight line (International Encyclopedia 2008). The aim is to find the slope and the constant of an equation that minimize the squared vertical distances between the line drawn and the data points (Johnson, Reynolds, and Mycoff 2015, 47-48). Given the simplicity of the statistical method and its popularity in the field, OLS regression is utilized to estimate the causal effect of the implementation of safe harbor laws through the use of pre and post enactment (independent variable) measures of the dependent variable (average number of child arrests).

Data for the average number of child arrests is derived from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Program information on Persons Arrested. The UCR Program has been the basis for researchers, criminal justice students, law enforcement executives, and the general public looking for crime information in the country (FBI 2015). It gathers data from more than 18,000 university/college, tribal, city, county, state, and federal law enforcement agencies (FBI 2015). The UCR Program essentially provides the most complete and

thorough information on persons arrested and crimes, both at the national and state levels.

Nonetheless, even though commercially sexually exploited children are considered to be sex

trafficking victims under federal law, the FBI includes these minors under the "prostitution and

commercialized vice" category in its arrested persons report. The language used by the FBI UCR

should be consistent with the term adopted by the federal law, which more accurately describes

the experiences of these children.

Information for the measurement of the independent variable is drawn from the Polaris

Project website and the 2015 End Child Prostitution Child Pornography and Trafficking of

Children for Sexual Purposes (ECPAT) report titled "Steps to Safety: A Guide to Drafting Safe

Harbor Legislation to Protect Sex Trafficked Children" (hereinafter Steps to Safety). The Polaris

Project is deemed to be the leading organization in the global fight against modern-day slavery

(NHTRC 2015). The NGO also offers a thorough evaluation of the anti-trafficking efforts of all

50 states and D.C., based on 10 categories of laws that seek to eradicate human trafficking and

support victims (Polaris Project 2014). One of these categories is the enactment of safe harbor

legislation granting immunity for CSEC or diversion and specialized services (Ibid. 2014). The

independent variables are also measured based on information provided by the 2015 ECPAT

guide on safe harbor policies (Weiss 2015). The ECPAT is an international network of

organizations dedicated to eradicating all forms of CSEC (ECPAT 2016b). The network has 90

member groups located in 82 countries; these organizations strive to eliminate four main types of

CSEC: exploitation of children for sexual purposes, child sex tourism, child pornography, and

child sex trafficking (ECPAT 2016a; ECPAT 2016b). The ECPAT has recently published a very

comprehensive and thorough report evaluating safe harbor laws that were in effect by March 1,

2015, in 19 states and the District of Columbia (Weiss 2015, 1). The report analyzes the safe

harbor laws in the same 18 states under scrutiny in this paper.

In this project, in order to account for the variations between the different formats of safe harbor policies, a model is built and each U.S. state receives an index score reflecting its efforts to eradicate CSEC within their states. Analysis of existing safe harbor policies indicate that the basic legal framework of the successful implementation of such laws needs to include the following criteria: decriminalization or diversion, training, funding, specialized services, increased penalties, and lower burden of proof (Birckhead 2011; Geist 2012; Jekowsky 2014; Polaris Project 2014; Shields and Letourneau 2015).

1- Decriminalization or Diversion

Sex trafficked children are victims of commercial sexual exploitation and therefore cannot be held criminally accountable and cannot be punished for prostitution (reclassification) (Birckhead 2011, 1111; Geist 2012, 87; Jekowsky 2014; Polaris Project 2014). The decriminalization of minors "refers to policy changes to refrain from arresting and prosecuting youth for prostitution offenses" (Jekowsky 2014; Shields and Letourneau 2015, 4). Diversion refers to redirecting minors to appropriate services in lieu of adjudication or juvenile detention. It varies between states and oftentimes is utilized at the discretion of the justice system during delinquency procedures (Birckhead 2011, 1111; Geist 2012, 88; Jekowsky 2014; Shields and Letourneau 2015, 4).

Decriminalization and diversion are essentially the centerpieces of the legislation. As previously mentioned, safe harbor laws seek to treat sex trafficked minors as victims and not as perpetrators of a crime and/or to divert them from delinquency procedures to appropriate services. In this paper, the decriminalization of sex trafficked children is defined as provisions that prevent or prohibit criminal charges or penalties to be brought against these minors. States

that provide immunity from prosecution to child victims of commercial sexual exploitation are deemed to have a decriminalization provision. In this thesis, I hypothesize that states with decriminalization and diversion provisions are more likely to experience a lower average number of annual child arrests.

2- Training

All professionals who might encounter commercially sexually exploited youth, primarily first respondents (law enforcement, social workers, EMTs), should be trained to use their first approach as an opportunity for intervention (Geist 2012, 91-92; Jekowsky 2014; Polaris Project 2014; Shields and Letourneau 2015, 5). In most cases, law enforcement officers are the first ones to come into contact with sex trafficked children. Thus, law enforcement agents have a unique role as first respondents. The results of the study conducted by Mitchell, Finkelhor and Wolak (2010) demonstrate that law enforcement responses to the sex trafficking of minors are pivotal in establishing whether these children are perceived as victims or offenders (18). In essence, the fate of these minors hinges on how well informed these professionals are on the issue and on how well trained they are on the handling of cases involving the CSEC as prescribed by law. Laws that allow commercially sexually exploited children to be arrested, prosecuted, and incarcerated have a huge impact not only on how law enforcement agents view commercially sexually exploited children but also on how these minors perceive themselves (Martin 2002, 397; Finklea 2014b, 69). Given the significant role that law enforcement officers play on determining the culpability of these minors, I hypothesize that training is a significant variable in predicting the average number of annual arrests of sex trafficked children.

3- Funding

The effective implementation of safe harbor laws requires adequate funding provisions

17

for the training of "relevant actors" and the protection and provision of services to sex trafficked youth (Geist 2012, 92; Jekowsky 2014). The allocation of funds for the implementation of safe harbor legislation ensures that government agencies will carry out and uphold these laws. According to the National Conference of State Legislatures (2016), funds are utilized for five main purposes: (1) to finance training for state employees (i.e. law enforcement officers); (2) to offer appropriate services for survivors; (3) to arrest and bring legal proceedings against child sex traffickers; (4) to fund special services for at-risk youth; and (5) to provide parenting skills training. Without a funding provision, there is no certitude that government agencies will apportion funds from their budgets for the enactment of safe harbor policies. Since funding is such a vital component of the implementation of safe harbor laws, especially to what pertains to the provision of training to law enforcement agents, I propose that this variable plays an important role in decreasing the average number of annual child arrests.

4- Specialized Services

Access to appropriate services—such as counseling, education, shelters, psychological and physical therapy—is one of the key components of safe harbor policies (Geist 2012, 89-90; Jekowsky 2014; Shields and Letourneau 2015, 4-5). Emphasis is given to a holistic approach that involves a number of professionals that come into contact with sex trafficked minors at different points of the provision of services for them (Geist 2012, 89-90). As stated by Geist, without specialized services, children are "released into the 'revolving door' of exploitation and arrest" (74).

As pointed out in the literature review, a state's availability of supportive services plays a role in a law enforcement officer's decision to arrest a minor for an act of prostitution. Some professionals claim that to arrest sex trafficked children is to help them to get the services that

they need; others believe that there are more effective ways of accomplishing this goal, stating that this is a social services and not a criminal justice system issue (Geist 2012, 84; Musto 2013, 258-267-268). In other words, the police might be faced with the question of whether to arrest in order to provide services or to keep them away from their traffickers or to not arrest if services can be provided without the need for an apprehension or if their state's criminal justice and social services systems are ill-equipped to assist minors who had experienced multiple layers of trauma (Geist 2012, 74). Although the provision of services is a central component of safe harbor laws, it may or may not play a definitive role in the decision to arrest a minor. For these reasons, I hypothesize that specialized services may or may not be associated with a lower mean number of annual arrests of sex trafficked minors.

5- Increased Penalties and Lower Burden of Proof

Safe harbor policies must have provisions for harsher punishments and penalties (i.e. fines) for traffickers (i.e., pimps) and solicitors (i.e., johns) as a means to deter this criminal activity (Geist 2012, 91; Jekowsky 2014; Shields and Letourneau 2015, 5). State laws also need to have a provision that guarantees that elements of force, fraud, or coercion are not necessary for the prosecution and conviction of sex traffickers of children (Polaris Project 2014).

Both of these provisions have been placed under the same category because they are closely related; they are tested separately, however, in order to assess their individual effects on the dependent variable. The prescription of harsher penalties for child traffickers and the requirement of a lower burden of proof for the sex trafficking of children may not necessarily cause the average number of arrests to decrease. For example, there is a significant number of cases involving the commercial sexual exploitation of minors in which children either act on their own (i.e., children who engage in commercial sex acts as a means to get money or goods,

survival sex) or in which the police are not able to find evidence of the existence of a third party exploiter (Mitchell, Finkelhor, and Wolak 2010, 21-25). Such cases are particularly important because law enforcement agents tend to perceive children with an exploiter (mainly pimps) as innocent (i.e., not subject to an arrest) and minors reportedly acting on their own as culpable (i.e., subject to an arrest and criminal penalties) (Halter 2010, 157). Although both of these provisions are important components of an effective safe harbor law, they are more closely connected to how law enforcement perceives third party exploiters than the victims/survivors. At the same time, statutes with increased penalties and lower burden of proof demonstrate an individual state's efforts to recognize who the true offenders are and to redirect its resources at apprehending the actual criminals. For these reasons, I predict that both of these variables do not play a significant role in decreasing the average number of annual arrests of commercial sexually exploited children.

In theory, states that completely fulfill the criteria listed above should experience smaller average numbers of child arrests whereas states that do not abide by all these standards should experience higher average numbers of juvenile arrests. The unit of analysis is the individual states and D.C. The 50 U.S. states and the District of Columbia are included in this assessment: the 18 states with safe harbor legislation under scrutiny and the other 32 (and D.C.) as control variables (n=51). The number of arrests of adult sex workers is also used as a control variable, as it has been previously demonstrated to be a salient variable in a similar study by Mehlman-Orozco (2015). As previously mentioned in this paper, although CSEC is not prostitution, these minors are being arrested for an act of prostitution; therefore, since they are being detained for the same crime, it is reasonable to compare the trends in child arrests to the rates of adult arrests.

20

This analysis starts in 1995, a year prior to the Declaration that provided the first working definition of CSEC and, as indicated in the literature review, symbolized the first step in reframing the issue. As previously mentioned, as of 2013, the last year that allows for pre and post-enactment comparisons, 18 states[6] have enacted safe harbor policies (Polaris Project 2013, Weiss 2015). Figure 1 provides a visual representation of states that have passed such policies, as of 2013, as well as some insights on policy diffusion patterns.
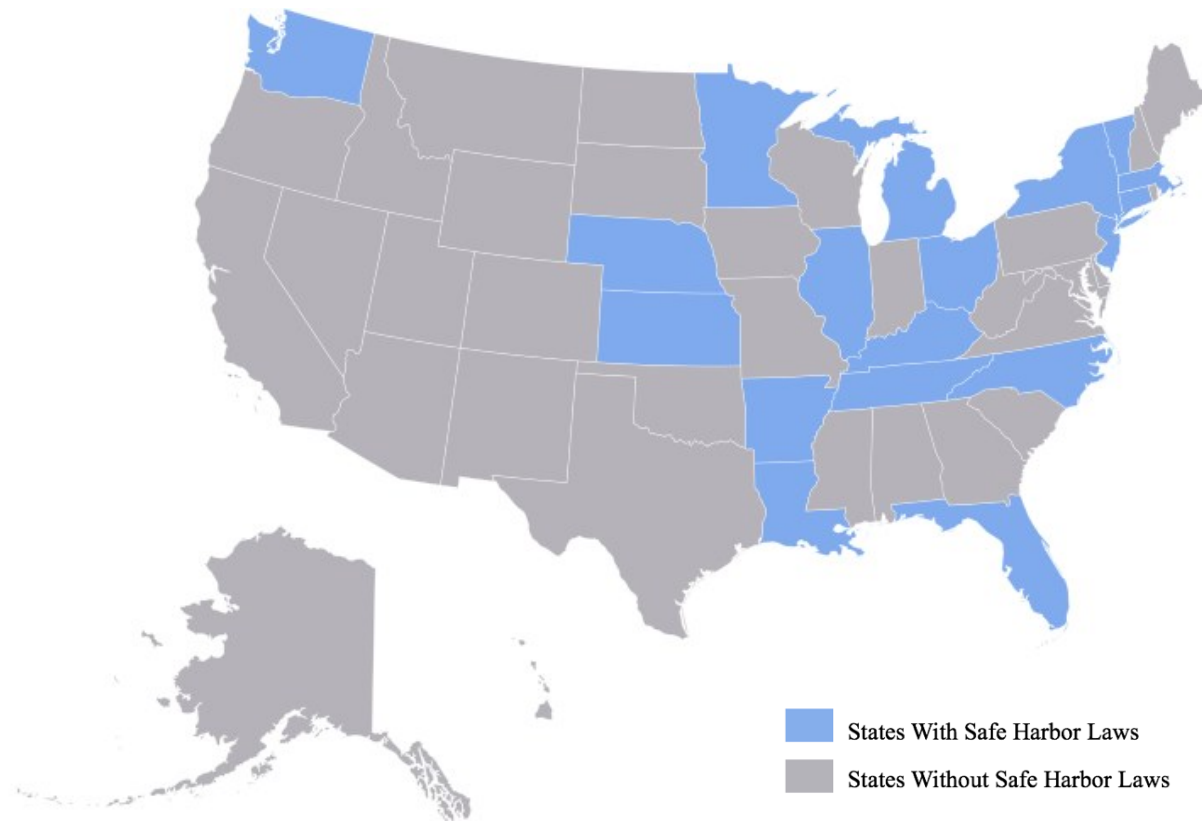
Figure 1. States With and Without Safe Harbor Legislation – As of December 31, 2013
The map above shows states that have passed and implemented safe harbor laws by the end of 2013. Interestingly, most states that have enacted such laws are located in the eastern part of the country. amCharts © 2016. Created by Priscila B. M. dos Santos using amCharts © Interactive JavaScript Maps.

The present paper focuses on the number of child arrests because law enforcement

---

[6] Arkansas, Connecticut, Florida, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Tennessee, Vermont, and Washington (Polaris Project 2013, Weiss 2015).

officials are the first ones to come into contact with commercially sexually exploited children in the vast majority of cases, and, therefore, they have a special role as first respondents. That is to say, the future of these minors will largely depend on this first interaction and to some extent on the police officer's discretion. This paper attempts to demonstrate which combination of policies or which format of safe harbor law has been most effective in diminishing the number of arrests of sex trafficked minors through the use of ordinary least squares regression.

An important point of clarification is needed before concluding this chapter and moving on to the next section. This study only attempts to provide a snapshot of the early years of implementation of different safe harbor laws in the United States. These laws are still in the process of being implemented for the first time or at the very early stages of implementation in all 18 states. The post-enactment period ranges from 2010 to 2014 – they have been in effect for a maximum of five years – which leaves a very small window of time to study policy implementation. Hence, this investigation only seeks to begin to evaluate these very new policies and not to render a definitive conclusion on these laws' ability to reduce the criminalization of CSEC (mean number of annual child arrests), as it takes time to put legislation into practice. A more complete explanation of the challenges of policy implementation and the final stages of the policy process[7] can be found in chapter six.

---

[7] Policy adoption, policy implementation, and policy evaluation.

CHAPTER 4

MEASUREMENT AND PROCEDURES

Data Collection and Procedures

Using information on "Crime in the United States" provided by the FBI Uniform Crimes Reporting (UCR) Program, I collected data on the number of child and adult arrests for "prostitution and commercialized vice" from all 50 states and the District of Columbia between 1995 and 2014 (FBI 2016). Out of 1020 data points, there were a total of 77 missing values, either because states were not able to provide data on the number of child arrests[8] or because they were not able to furnish data in accordance with national UCR Program guidelines (FBI 2016). States with the highest number of missing values were Kansas (N= 7), Montana (N= 7), and Vermont (N= 6); D.C. was also on the list with 8 missing values. In some cases, as a result of various circumstances, it was necessary for the FBI to carry out different procedures in order to estimate the number of child arrests for certain states[9] (FBI 2010). In spite of all the missing data and the imputations conducted by the FBI, the UCR Publication is still the most complete and reliable source of information on persons arrested nationwide and on a state-by-state basis. Therefore, in this analysis, years with missing values are signaled with a dash and estimates are considered to be the actual number of arrests. In addition, no state is precluded from this investigation in spite of the fact that some of them have 35 percent of missing data.

The main source of information on safe harbor legislation was the 2015 ECPAT "Steps to

---

[8] There were no missing values for the number of adult arrests.
[9] The Federal Bureau of Investigation offers a detailed explanation of the methods and "Criteria for State UCR Programs" utilized on reports on "Crime in the United States" in its Methodology section of published reports (FBI 2010). The UCR Publications also offer a thorough explanation of the criteria used in its "Estimation of State-Level Data" (Ibid. 2010). For the sake of brevity, since each publication offers a different method of imputation, the details of "state-specific and offense-specific estimation procedures" were omitted from this paper (Ibid. 2010). For instance, the information contained in this footnote was derived from the Methodology section of the 2010 UCR Publication. However, there were a number of other publications that could have been utilized for it.

Safety" report (Weiss 2015). The Steps to Safety report provides comprehensive data not only on the current status of existing safe harbor policies but also on the bills that originated the laws, as they were passed as well as on the amendments that were adopted from their original enactment until March 1, 2015 (Weiss 2015). This analysis only considers states that have adopted safe harbor policies by 2013, the last year that enables pre- and post-enactment comparisons; as such, only state laws passed in 2013 or earlier are included in the analysis.

Dependent Variable

The explained variable is analyzed through the use of measures of central tendency. For states with safe harbor legislation, I divide the mean number of annual child arrests after the effective date of the law (as opposed to the date of passage) by the mean number of annual child arrests before (mean(2)/mean(1)). In this paper, the product of this division is called "ratio of the means of the annual number of child arrests." This distinction is particularly important because in some cases these two dates vary greatly. For instance, New York's "Safe Harbour for Exploited Children Act" was signed into law on September 25, 2008, but only came into effect on April 1, 2010 (Weiss 2015, 39-40).

Since the research question presented in this paper pertains to the average number of annual—as opposed to monthly—arrests, I have to make adjustments on post-implementation measurements of the dependent variable. The effective date of safe harbor policies varies significantly from state-to-state. For example, Florida's Safe Harbor Act (which was modeled after New York's law) took effect on January 1, 2013 (Weiss 2015, 24). On the other hand, Connecticut's safe harbor law, which was named "An Act Providing A Safe Harbor For Exploited Children," came into effect on October 1, 2010 (22). Louisiana's Safe Harbor Law (Senate Bill No. 88), in turn, took effect on June 24, 2013 (29).

In the case of Louisiana, for example, the law has been in effect for 18 months: one half year in 2013 and for the whole year of 2014. In 2013, there were a total of 14 commercially sexually exploited children who had been arrested for prostitution in that state (FBI 2013). The FBI UCR Publications only provide data on the number of annual arrests on a state-by-state basis. Consequently, it is not possible to know with certainty which arrests took place in the first half of 2013 and which ones occurred during the latter half of that year. As a means to address this problem, in this paper, for states that had enacted safe harbor laws between January and June (during the first half of a given year), I consider January 1 of that year the effective date of the law. For states that had implemented safe harbor legislation between July and December (during the second half of a given year), I consider January 1 of the following year the effective date of the law.

I use 2012 as the base year of comparison for states without safe harbor laws, dividing the mean number of annual child arrests after January 1, 2012, by the mean number of annual child arrests before December 31, 2011. There are three components comprising my rationale for using 2012 as the base year for comparison purposes: 2010 is the year in which the very first safe harbor law came into effect; 2014 is the last year with available data on child arrests[10]; 2012 is the median year of the post-enactment period (range 2010-2014). Thus, it is valid to use 2012 as the base year for comparison purposes of arrest trends in states that have not passed safe harbor legislation.

Independent Variables

Predictor variables are measured both individually and as a group. The control variable

---

[10] I have submitted a Freedom of Information Act (FOIA) request with the Federal Bureau of Investigation for 2015 statistical records on commercial sexual exploitation of children in the United States (number of child arrests), but at the time of this writing (July 2016), I have not received an answer from the FBI's FOIA Program. The status of my request reads that the FBI is still searching its indices for potentially responsive documents. Therefore, this analysis stops in the year of 2014.

(average number of annual adult arrests) is analyzed in the same way as the dependent variable. For states with safe harbor legislation, I divide the mean number of annual adult arrests after the effective date of the law by the mean number of annual adult arrests before (mean(2)/mean(1)). By the same token, for states without safe harbor legislation, I divide the mean number of annual adult arrests after January 1, 2012, by the mean number of annual adult arrests before December 31, 2011. Correspondingly, the product of this division is called "ratio of the means of the annual number of adult arrests." Based on a careful evaluation of the provisions of the different safe harbor laws, the coding of each independent variable is described as follows.

(a) Decriminalization or Diversion

This variable is evaluated based on the amount of protection the decriminalization or diversion provision offered to sex trafficked children. Zero (0) indicates the absence of these clauses or language that does not explicitly prohibit criminal prosecution of children for prostitution-related crimes (Weiss 2015, 21). One (1) represents states that refrain from arresting and prosecuting children only upon certain conditions. For example, Louisiana's safe harbor law provides for mandatory diversion of only cooperative, consenting minors who have been charged with "engaging in commercial sex for the first time" (29). On the other hand, Massachusetts' safe harbor law, known as "An Act Relative to the Commercial Exploitation of People," provides that when a minor is arrested for a prostitution-related offense, any person, including the child, may file a petition for care and protection (32). In case the petition is granted, but a court eventually finds that a minor did not comply with the requirements of the program or that the child's welfare or safety is endangered, the court has the option to "remove the proceeding from file, arraign the child, and restore the delinquency or criminal complaint to the docket" (General Laws 2011; Weiss 2015, 32). States that automatically grant immunity to all children under 16

years of age or states that mandate diversion for first "offenders" and discretionary diversion for subsequent "offenses" are coded as two (2) (Weiss 2015, 46). Lastly, three (3) indicates states that compulsorily grant immunity to all children under 18 years of age.

(b) Training[11]

Zero (0) designates statutes that fail to address the provision of training to first respondents (especially to law enforcement agents), that have vague language on the issue, or that simply recommend the provision of training to such professionals but do not mandate it. Only statutes with clear language providing for mandatory training to first respondents and other relevant actors who might come into contact with sex trafficked children are coded as three (3).

(c) Funding

State acts that are silent regarding funding for the implementation of safe harbor policies or that do not clearly provide for appropriations are coded as zero (0). Statutes that

---

[11] Explanation of coding procedure for explanatory variables (except decriminalization or diversion): all independent variables have been coded in a manner somewhat similar to dummy variables. The explanatory variables are coded dichotomously with the highest number indicating the presence of a given provision and the lowest score (0) the absence of the clause. The coding reflects not only the presence or absence of a given provision but also the primary focus of the research: to measure which provisions (or combination of provisions) are more likely to prevent child arrests for prostitution and commercialized vice. For example, statutes with training provisions receive a score of three (3) (the same is true for statutes with funding provisions). In this paper, I hypothesize that safe harbor laws with training and funding provisions are more likely to experience a lower mean number of child arrests. For this reason, I decide to give them a higher weight (i.e., score) in comparison to the other provisions. By the same token, I give a score of two (2) for state laws that provide for specialized services because I hypothesize that there is an equal chance that specialized services may or may not be associated with a lower average number of annual arrests of CSEC. Lastly, increased penalties and lower burden of proof receive each a score of one (1) because I propose that these two provisions are less likely to be associated with a lower mean number of annual child arrests.

Furthermore, I decide to use a four-point scale for decriminalization or diversion but not for training, funding, and specialized services because each state has its individual and special needs concerning these last three provisions. For example, there should be no presumption that statutes that provide for a higher number of specialized services to victims are better than state laws with a lower number of such services (the same is true for mandatory training and funding). I trust that elected officials, advocates, and other relevant actors involved in the making of public policy are better informed on which kind (and number) of services best suits the needs of child victims of sex trafficking in their states. In essence, what is good for one state is not necessarily good for another; therefore, in this analysis, I choose not to "rank" these three provisions.

Most importantly, the initial idea in this project is to build a model in which each safe harbor law is to receive an index score reflecting its respective efforts to combat CSEC. The coding used in this section also reflects the numbers that are to be assigned to each provision as a means to build the model. The index score calls for a different coding; one that could capture the importance of each provision more precisely than simply coding all independent variables as dummy variables. However, as explained in chapter five, the index score was not statistically significant; therefore, it was removed from the analysis. Additional information and a more detailed explanation about the coding methods and index scores can be found in chapter five and Appendix E.

require the allocation of funds or that impose fees on child traffickers that are eventually allocated to victims/survivors (i.e. to support treatment, care, or other services or fund safe houses) are coded as three (3) (Weiss 2015, 25-27).

(d) Specialized Services

State laws that do not address appropriate services to commercially sexually exploited children, that do not have clear language on the issue, or that simply assert that minors may be eligible for services, but do not explicitly set forth what those services are, are coded as zero (0) (Weiss 2015, 22). Laws with clauses providing for specialized services to sex trafficked minors, regardless of the number and type of services, are coded as two (2). Only statutes written with clear mandatory language, requiring the provision of services to the child outside of the criminal justice system, are considered to have a provision for specialized services.

(e) Increased Penalties

This variable is coded as a dummy variable. Statutes that are silent regarding increased penalties to abusers (i.e. trafficker, pimps, johns) are coded as zero (0). Increased penalties, in this context, mean higher sentences or fines imposed on persons convicted of child sex trafficking or "elevated … level of felony classification" for crimes involving minors, such as soliciting and pandering (Weiss 2015, 37). State laws that provide clear guidelines for the imposition of increased penalties or that have mandatory language providing for higher punishments for abusers are coded as one (1).

(f) Lower Burden of Proof

This variable is also coded as a dummy variable. State acts that require proof of force, fraud or coercion to substantiate cases involving the commercial sexual exploitation of minors are coded as zero (0). Statutes that do not make it a condition to demonstrate one of these three

elements in sex trafficking cases involving children are coded as one (1).

All statistical analyses are conducted using IBM SPSS Predictive Analytics Software 22.0 for Windows. In addition, bivariate correlations between all measures are assessed using Pearson correlation and significance is determined using two-tailed tests. Lastly, multiple regression analyses and simple linear regression are carried out for each one of the aforementioned explanatory variables.

CHAPTER 5

RESULTS

Tables 1 and 2 provide a checklist with the most protective and victim-centered provisions of safe harbor laws based on statutes enacted by December 31, 2013. The first table lists states in alphabetical order and the second groups states by clusters, according to similarities in the legal framework of their safe harbor legislation. The purpose of Table 2 is to group analogous laws and not to rank or grade them.

State	Provisions in the State Law						Effective Year
	Decriminalization or Diversion	Training	Funding	Specialized Services	Increased Penalties	Lower Burden of Proof	
Arkansas			✓	✓		✓	2013
Connecticut	✓						2010
Florida	✓		✓	✓	✓	✓	2013
Illinois	✓		✓		✓	✓	2010
Kansas	✓	✓	✓	✓	✓	✓	2013
Kentucky	✓	✓	✓	✓	✓	✓	2013
Louisiana	✓	✓	✓	✓	✓	✓	2013
Massachusetts	✓	✓	✓	✓	✓	✓	2012
Michigan	✓					✓	2011
Minnesota	✓						2011
Nebraska	✓	✓			✓	✓	2013
New Jersey	✓	✓	✓		✓	✓	2013
New York	✓			✓			2010
North Carolina	✓				✓	✓	2013
Ohio	✓	✓	✓				2012
Tennessee	✓					✓	2011
Vermont	✓				✓	✓	2011
Washington	✓		✓	✓	✓	✓	2010

Table 1. Safe Harbor Legislation: State Laws Provisions (2013)
The table depicted is a checklist with the provisions contained in each one of the 18 safe harbor laws enacted by December 31, 2013. With the exception of Arkansas, all states had adopted provisions for decriminalization or diversion. The second most common provision is lower burden of proof. The table offers a good visual representation of the existing variances between each state's law.

	Provisions in the State Law						
State	Decriminalization or Diversion	Training	Funding	Specialized Services	Increased Penalties	Lower Burden of Proof	Effective Year
Kansas	✓	✓	✓	✓	✓	✓	2013
Kentucky	✓	✓	✓	✓	✓	✓	2013
Louisiana	✓	✓	✓	✓	✓	✓	2013
Massachusetts	✓	✓	✓	✓	✓	✓	2012
Florida	✓		✓	✓	✓	✓	2013
Washington	✓		✓	✓	✓	✓	2010
New Jersey	✓	✓	✓		✓	✓	2013
Nebraska	✓	✓			✓	✓	2013
Illinois	✓		✓		✓	✓	2010
Ohio	✓	✓	✓				2012
Arkansas			✓	✓		✓	2013
North Carolina	✓				✓	✓	2013
Vermont	✓				✓	✓	2011
Michigan	✓					✓	2011
Tennessee	✓					✓	2011
New York	✓			✓			2010
Connecticut	✓						2010
Minnesota	✓						2011

Table 2. Safe Harbor Legislation: State Laws Provisions By Cluster (2013)
The table above is a checklist with the provisions included in each one of the 18 safe harbor laws grouped by cluster. Kansas, Kentucky, Louisiana, and Massachusetts have the statutes that most comprehensively address the problem of domestic minor sex trafficking within their states. Most safe harbor laws came into effect in the year of 2013.

The first step is conducting a correlational analysis of all the predictor variables in order to check for multicollinearity. The existence of multicollinearity may affect the reliability of the estimated regression coefficients, making it difficult to estimate the relevant regression equation (Ali 2008, 220; Bennett 1986, 345). If the absolute value of Pearson correlation exceeds, or is very close to |0.8|, there is a high probability that collinearity exists (Bennett 1986, 345). Correlational analyses are run with and without the 32 states as a control variable. The results are presented in Tables 3 and 4.

		Decriminalization or Diversion	Training	Funding	Specialized Services	Increased Penalties	Lower Burden of Proof	Adult Arrests (Average)
Decriminalization or Diversion	Pearson Correlation	1	.408**	.392**	.304*	.688**	.746**	-.129
	Sig. (2-tailed)		.003	.004	.030	.000	.000	.366
	N	51	51	51	51	51	51	51
Training	Pearson Correlation	.408**	1	.664**	.455**	.622**	.521**	-.105
	Sig. (2-tailed)	.003		.000	.001	.000	.000	.463
	N	51	51	51	51	51	51	51
Funding	Pearson Correlation	.392**	.664**	1	.738**	.702**	.692**	-.141
	Sig. (2-tailed)	.004	.000		.000	.000	.000	.325
	N	51	51	51	51	51	51	51
Specialized Services	Pearson Correlation	.304*	.455**	.738**	1	.560**	.580**	-.121
	Sig. (2-tailed)	.030	.001	.000		.000	.000	.397
	N	51	51	51	51	51	51	51
Increased Penalties	Pearson Correlation	.688**	.622**	.702**	.560**	1	.853**	-.105
	Sig. (2-tailed)	.000	.000	.000	.000		.000	.462
	N	51	51	51	51	51	51	51
Lower Burden of Proof	Pearson Correlation	.746**	.521**	.692**	.580**	.853**	1	-.131
	Sig. (2-tailed)	.000	.000	.000	.000	.000		.361
	N	51	51	51	51	51	51	51
Adult Arrests (Average)	Pearson Correlation	-.129	-.105	-.141	-.121	-.105	-.131	1
	Sig. (2-tailed)	.366	.463	.325	.397	.462	.361	
	N	51	51	51	51	51	51	51

**. Correlation is significant at the 0.01 level (2-tailed).
*. Correlation is significant at the 0.05 level (2-tailed).

Table 3. Correlation Matrix of Predictor Variables Including All 50 States and the District of Columbia (n=51)
The table above is a correlation matrix of all the independent variables included in this investigation. The highest correlation found is between increased penalties and lower burden of proof. The correlation coefficients demonstrate that funding highly correlates with three other variables: specialized services, increased penalties, and lower burden of proof.

		Decriminalization or Diversion	Training	Funding	Specialized Services	Increased Penalties	Lower Burden of Proof	Adult Arrests (Average)
Decriminalization or Diversion	Pearson Correlation	1	-.114	-.447	-.447	.228	.134	.192
	Sig. (2-tailed)		.653	.063	.063	.363	.597	.445
	N	18	18	18	18	18	18	18
Training	Pearson Correlation	-.114	1	.484*	.204	.403	.152	-.069
	Sig. (2-tailed)	.653		.042	.417	.098	.546	.784
	N	18	18	18	18	18	18	18
Funding	Pearson Correlation	-.447	.484*	1	.575*	.433	.329	-.173
	Sig. (2-tailed)	.063	.042		.013	.073	.183	.492
	N	18	18	18	18	18	18	18
Specialized Services	Pearson Correlation	-.447	.204	.575*	1	.255	.209	-.128
	Sig. (2-tailed)	.063	.417	.013		.307	.405	.612
	N	18	18	18	18	18	18	18
Increased Penalties	Pearson Correlation	.228	.403	.433	.255	1	.670**	.142
	Sig. (2-tailed)	.363	.098	.073	.307		.002	.574
	N	18	18	18	18	18	18	18
Lower Burden of Proof	Pearson Correlation	.134	.152	.329	.209	.670**	1	.143
	Sig. (2-tailed)	.597	.546	.183	.405	.002		.571
	N	18	18	18	18	18	18	18
Adult Arrests (Average)	Pearson Correlation	.192	-.069	-.173	-.128	.142	.143	1
	Sig. (2-tailed)	.445	.784	.492	.612	.574	.571	
	N	18	18	18	18	18	18	18

*. Correlation is significant at the 0.05 level (2-tailed).
**. Correlation is significant at the 0.01 level (2-tailed).

Table 4. **Correlation Matrix of Predictor Variables Including Only States with Safe Harbor Laws (2013) (n=18)**
The table depicted is a correlation matrix of all the predictor variables included in this study. The correlation coefficients indicate that once the 32 control variables are removed from the analysis, there are no multicollinearity problems among the independent variables (based on a 0.8 cutoff).

As depicted in Table 3, the results of the correlational analysis suggest that increased penalties and lower burden of proof, as expected, are highly correlated with each other (r= .853). Decriminalization or diversion and lower burden of proof have also demonstrated to be highly correlated with one another (r= .746). Funding appears to be the most problematic variable, showing strong correlations with three other explanatory variables: specialized services (r= .738), increased penalties (r= 702), and lower burden of proof (r= .692). Since the correlational analysis with all 50 states and D.C. presented problems of multicollinearity, I decided to run the same test without using the 32 states as a control variable. The results are presented in Table 4, which does not show multicollinearity. Another way to address a multicollinearity problem is to remove one of the highly correlated variables from the model, which is attempted later in the

analysis.

The internal consistency and reliability of the index are assessed using Cronbach's alpha. Cronbach's alpha gauges the extent to which the variables that compose the index have inter-item reliability (Mujis 2011, 217). A Cronbach's alpha of 0.7 or higher is considered to be satisfactory for research purposes (217). As with the correlational analysis, I chose to run the Cronbach's alpha test with and without the 32 states as a control variable. The results of the test are presented in Tables 5 and 5b and Tables 6 and 6b.

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.842	.898	6

Table 5. Cronbach's Alpha: Reliability Statistics Including All 50 States and D.C. (n=51)
The Reliability Statistics table depicts the actual value for Cronbach's alpha, .842, which suggests a high level of internal consistency for the index proposed in this investigation.

Provisions	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
Decriminalization or Diversion	1.80	10.641	.534	.622	.845
Training	2.10	10.450	.646	.510	.813
Funding	1.92	8.954	.763	.742	.790
Specialized Services	2.20	12.121	.632	.561	.817
Increased Penalties	2.29	13.172	.846	.783	.816
Lower Burden of Proof	2.24	12.984	.834	.816	.813

Table 5b. Cronbach's Alpha: Item-Total Statistics (n=51)
The Item-Total Statistics table presents several columns, but the most relevant is the one that reads "Cronbach's Alpha if Item Deleted." This last column shows the value that Cronbach's alpha would be if one of the items were to be removed from the index. The results of the Cronbach's alpha indicate that it is not desirable to delete any item from the index.

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.490	.607	6

Table 6. Cronbach's Alpha: Reliability Statistics Including Only States with Safe Harbor Laws (2013) (n=18)
The Reliability Statistics table depicts the actual value for Cronbach's alpha, .490, which suggests a low level of internal consistency for the index offered in this study.

Provisions	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
Decriminalization or Diversion	5.11	13.399	-.312	.475	.681
Training	5.94	6.526	.431	.320	.313
Funding	5.44	6.026	.495	.599	.254
Specialized Services	6.22	9.124	.313	.403	.413
Increased Penalties	6.50	9.794	.656	.634	.369
Lower Burden of Proof	6.33	10.706	.434	.475	.436

Table 6b. Cronbach's Alpha: Item-Total Statistics (n=18)
The Item-Total Statistics table presents several columns, but the most relevant is the one that reads "Cronbach's Alpha if Item Deleted." This last column shows the value that Cronbach's alpha would be if one of the items were to be removed from the index. The results of the Cronbach's alpha suggest that it is not desirable to delete any item from the index other than decriminalization or diversion, which would cause the Cronbach's alpha to increase to .681.

As illustrated in Table 5, the scale that includes all 50 states and D.C. has a Cronbach's alpha of .842, which indicates a high level of internal consistency. As depicted in Table 5b, with the exception of decriminalization and diversion (.845), if one of the items of the scale were to be deleted, the Cronbach's alpha would decrease. On the other hand, Table 6 shows a Cronbach's alpha of .49; although there is no set interpretation of what constitutes an acceptable alpha value, the general "rule of thumb" posits that a score of <.5 is considered to be unacceptable (George and Mallery 2016, 240). Table 6b suggests that the removal of any item, except decriminalization and diversion (.681), would result in a lower Cronbach's alpha.

Although the Cronbach's alpha indicates that the index with all 50 states and D.C. has a high level of reliability and consistency, the results of the regression analysis indicate that the index score is not significant at the .05-level, the accepted cutoff in political science (Le Roy 2012, 186). The predictor variables account for only 11.8 percent of the variation in the ratio of the means of the annual number of child arrests, R^2= .118, (F(2,48) = 3.220, p=.174) (See Appendix D).

The next step is to remove one of the highly correlated independent variables as a means to offset multicollinearity and find a set of concurrent explanatory variables for the ratio of the

means of the annual number of child arrests. As mentioned earlier, funding is the most

problematic explanatory variable. A multiple regression analysis is run with decriminalization

and diversion, training, specialized services, lower burden of proof, increased penalties, the ratio

of the means of the annual number of adult arrests, and the 32 states entered as predictors and

ratio of the means of the annual number of child arrests as the explained variable. Tables 7 and

7b show the results of this analysis.

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.374a	.140	.022	.71704

a. Predictors: (Constant), Decriminalization or Diversion, Training, Specialized Services, Increased Penalties, Lower Burden of Proof, Adult Arrests (Average)

Table 7. Summary of Multiple Regression Analysis for Variables Predicting Mean Number of Child Arrests Excluding Funding (1995-2014) (n=51)
The Model Summary table shows a coefficient of determination of .140, which is the proportion of variation in the Ratio of the Means of the Annual Number of Child Arrests that can be explained by the explanatory variables (excluding funding).

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.678	.144		4.715	.000
	Decriminalization or Diversion	-.169	.141	-.265	-1.198	.237
	Training	-.081	.126	-.116	-.637	.527
	Specialized Services	-.053	.181	-.054	-.293	.771
	Increased Penalties	.195	.519	.112	.375	.709
	Lower Burden of Proof	.082	.504	.051	.163	.871
	Adult Arrests (Average)	.101	.056	.254	1.793	.080

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Table 7b. Coefficients[a] (n=51)
The Coefficients table presents the statistical significance of the independent variables included in the model. The last column is the most relevant for the purposes of this analysis. None of the six variables added statistical significance to the model.

The five predictors accounted for only 14 percent of the variation in the dependent variable, $R^2=$

.140, $F(6,44) = 1.191$, $p >.05$. The results of the multiple regression analysis suggest that none of

the explanatory variables are statistically significant at the .05-level.

Multiple linear regressions are also calculated including only states that have enacted safe

harbor legislation by December 31, 2013. No explanatory variable is statistically significant at the .05 level. The results of the analyses suggest that dropping the control variable only contributes to a slight increase in R square values. In addition, a single linear regression is run with the index score as the explanatory variable and the ratio of means of the annual number of child arrests as the dependent variable. The results indicate that the index is not significant at the .05 level (See Appendix C). The index score accounts for 34.9 percent of the variation in the dependent variable ($R^2 = .349$). Since the regression analyses with the index scores proved not to be significant at the .05 level and the Cronbach's alpha tests showed inconsistent results, I decided to remove the scale from this analysis. An explanation of the rationale behind the index score can be found in one of the appendixes (Appendix E).

Since the correlation matrix of independent variables including only the 18 states with safe harbor laws do not present a problem of multicollinearity, they have all been incorporated in the multiple regression analysis presented in Tables 8 and 8b.

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.755a	.570	.269	.31290

a. Predictors: (Constant), Training, Lower Burden of Proof, Decriminalization or Diversion, Specialized Services, Funding, Increased Penalties, Adult Arrests

Table 8. Summary of Multiple Regression Analysis for Variables Predicting Ratio of the Means of the Annual Number of Child Arrests (1995-2014) (n=18)
The Model Summary table shows a coefficient of determination of .570, which is the proportion of variation in the Ratio of the Means of the Annual Number of Child Arrests that can be explained by the independent variables.

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.550	.291		1.889	.088
	Decriminalization or Diversion	-.199	.102	-.558	-1.951	.080
	Training	-.053	.061	-.216	-.858	.411
	Funding	-.053	.079	-.224	-.673	.516
	Specialized Services	-.004	.096	-.011	-.041	.968
	Increased Penalties	.180	.253	.247	.713	.492
	Lower Burden of Proof	.096	.246	.112	.389	.706
	Adult Arrests (Average)	.369	.138	.585	2.684	.023

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Table 8b. Coefficients[a] (n=18)

The Coefficients table presents the statistical significance of the independent variables included in the model. The last column is the most relevant for the purposes of this analysis. With the exception of the Ratio of the Mean of the Annual Number of Adult Arrests, none of the variables added statistical significance to the model.

As depicted in Table 8, 57 percent of the variation in the dependent variable can be explained by the explanatory variables included in the model (R^2= .570). However, as illustrated in Table 8b, except for the ratio of the mean of the annual number of adult arrests (.023), none of the relationships are statistically significant at the .05 level. For every standard deviation increase in the ratio of the means of the annual number of adult arrests, we can expect to see, on average, a 58.5 percent of a standard deviation increase in the ratio of the means of the annual number of child arrests, holding all other variables constant.

Simple linear regressions are calculated as a means to assess how well each independent variable can explain changes in the dependent variable. No predictor variable is significant at the .05 level. Decriminalization and diversion account for 47.4 percent of the variation in the ratio of the means of the annual number of child arrests (R^2= .474), training explains 36.3 percent of the variation (R^2= .363), funding accounts for 34.5 percent (R^2= .345), specialized services explain 36.5 percent (R^2= .365), increased penalties account for 34.2 percent (R^2= .342), and lower burden of proof explains 35.0 percent of the variation (R^2= .350) (See Appendix C).

Lastly, Table 9 shows the central tendency of the dependent variable. Specifically, it

presents the mean number of annual child arrests as well as the percentage change before and

after the enactment of safe harbor legislation.

State	Number of Child Arrests			
	Mean Before SHL[a] (N=51)	Mean After SHL (N=51)	Ratio of the Means	Percentage Change (%)
Alabama	0.86	0.00	0.00	-100.00
Alaska	2.50	0.33	0.13	-86.67
Arizona	30.18	7.00	0.23	-76.80
Arkansas	2.89	2.50	0.87	-13.46
California	390.71	205.00	0.52	-47.53
Colorado	10.41	7.00	0.67	-32.77
Connecticut	4.56	1.00	0.22	-78.08
Delaware	0.31	0.33	1.08	8.33
District of Columbia	0.40	0.00	0.00	-100.00
Florida	99.13	27.50	0.28	-72.26
Georgia	31.53	24.33	0.77	-22.82
Hawaii	8.20	0.00	0.00	-100.00
Idaho	0.38	0.33	0.87	-13.33
Illinois	64.27	7.50	0.12	-88.33
Indiana	6.88	3.67	0.53	-46.72
Iowa	2.27	3.33	1.47	47.06
Kansas	0.67	0.00	0.00	-100.00
Kentucky	3.82	1.50	0.39	-60.77
Louisiana	8.67	9.50	1.10	9.62
Maine	1.85	1.33	0.72	-27.78
Maryland	28.53	7.67	0.27	-73.13
Massachusetts	17.76	2.67	0.15	-84.99
Michigan	21.44	7.25	0.34	-66.18
Minnesota	25.35	3.67	0.14	-85.54
Mississippi	2.53	3.00	1.19	18.60
Missouri	11.12	4.33	0.39	-61.02
Montana	0.20	0.33	1.67	66.67
Nebraska	3.33	0.00	0.00	-100.00
Nevada	50.81	82.00	1.61	61.38
New Hampshire	0.87	0.33	0.38	-61.54
New Jersey	23.39	11.50	0.49	-50.83
New Mexico	4.38	2.00	0.46	-54.29
New York	26.00	13.80	0.53	-46.92
North Carolina	12.53	12.00	0.96	-4.20
North Dakota	1.00	0.33	0.33	-66.67
Ohio	16.00	7.00	0.44	-56.25
Oklahoma	9.00	4.33	0.48	-51.85
Oregon	13.88	1.33	0.10	-90.40
Pennsylvania	18.06	16.33	0.90	-9.55
Rhode Island	2.24	0.00	0.00	-100.00
South Carolina	4.82	7.33	1.52	52.03
South Dakota	0.54	1.00	1.86	85.71
Tennessee	15.75	5.25	0.33	-66.67
Texas	104.59	86.67	0.83	-17.14
Utah	10.56	16.33	1.55	54.64
Vermont	0.27	0.33	1.22	22.22
Virginia	9.12	2.33	0.26	-74.41
Washington	32.33	17.00	0.53	-47.42
West Virginia	1.00	0.67	0.67	-33.33
Wisconsin	21.50	27.67	1.29	28.68
Wyoming	0.46	2.00	4.33	333.33

Table 9. Child Arrests Before and After the Enactment of Safe Harbor Laws (n=51)
The table depicted shows the central tendency of the Ratio of the Means of the Annual Number of Child Arrests. A complete explanation of the results can be found in chapter six.

CHAPTER 6

DISCUSSION AND CONCLUSION

This study has examined the implementation of safe harbor laws in 18 U.S. states. The goal of this paper was to answer the following research question: which model of safe harbor law is most effective in decreasing the average number of annual arrests of commercially sexually exploited children? Based on an interpretation of the literature review presented in this paper, I hypothesized that as states enacted safe harbor laws with a higher number of provisions safeguarding children's rights, we could expect, on average, to see a decrease in the average number of annual arrests of sex trafficked minors. I also proposed that some provisions were more likely to prevent an arrest than others. Statutes with decriminalization or diversion, training, and funding provisions were more likely to experience a decrease in the average number of annual child arrests whereas state laws with increased penalties and lower burden of proof were less likely to have a lower average number of annual arrests of sex trafficked children. On the other hand, I expected to obtain ambiguous results from statutes with specialized services, which could either cause the average number of annual child arrests to increase or decrease.

As a means to answer this research question and test these hypotheses, I collected data from the FBI Uniform Crime Reports (1995-2014), the 2015 ECPAT Steps to Safety report, and the Polaris Project website, and analyzed them through the use of OLS regression. The results of the data analysis suggested that the independent variables had no discernible effect on the dependent variable, both individually and as a group. Therefore, I failed to reject the null hypotheses. In an attempt to find statistically significant relationships, I tested the data without using the 32 states as a control variable. Nevertheless, the findings of the data analysis indicate

that while removing the control variable did slightly increase the coefficients of determination, it did not contribute to producing statistically significant results.

Since only one of the results was statistically significant at the .05 level[12], it was not possible to draw any meaningful conclusions from this data analysis. Moreover, the lack of statistical significance prevented me from combining different provisions in order to evaluate their effectiveness as a group and consequently answering the proposed research question. Furthermore, as previously mentioned and for the reasons set forth above, the index score was unwarranted and thus, removed from the analysis.

Consequently, any attempts to interpret these results would lead to tenuous conclusions at best. Notwithstanding, the findings of the descriptive statistics could potentially shed some light on the reasons for such results. With the exception of Louisiana and Vermont, all states that had enacted safe harbor legislation by the end of 2013 experienced a decrease in the mean number of annual child arrests in the years following the implementation of the law. Louisiana had a 9.62 percent increase while Vermont had a 22.22 percent increase. Louisiana has a very comprehensive and complete safe harbor legislation, fulfilling all the criteria of the basic legal framework for the successful implementation of such laws (Weiss 2015, 29-30-31). Louisiana is a good example of a state that has a very thorough safe harbor law but that has not experienced lower numbers of arrests of commercially sexually exploited children in the years subsequent to the enactment of the act. Vermont, in turn, has a law with only three of the provisions evaluated in this paper: decriminalization (immunity for individuals under 18 years of age), increased penalties, and lower burden of proof (Ibid. 2015, 44-45). The experiences of the state of

---

[12] The ratio of the means of the annual number of adult arrests – adult arrests (average) – added statistically significantly to the model that included only the 18 states with safe harbor legislation, p=.023. The implications of these results are discussed later in this analysis.

Vermont, to some extent, corroborate the hypotheses put forward in this thesis.

On the other hand, 31.25 percent (N= 10) of states without safe harbor laws experienced an increase in the average number of annual arrests of CSEC after 2012 (for the purpose of this analysis the 32 control states). By contrast, approximately 11 percent (N= 2) of states with safe harbor legislation experienced an increase in the mean number of annual child arrests in the years following the implementation of the law. Nevertheless, according to the results of the analysis, it is not possible to link these findings to the presence or absence of a given provision in a statute or even to the presence or absence of a safe harbor law.

The results of the study demonstrate that the average number of annual adult arrests for prostitution and commercialized vice had also decreased in states with safe harbor laws. Adult arrests (average) was essentially the only independent variable that had actually affected the dependent variable, ratio of the means of the annual number of child arrests. There are several potential explanations for this result. First, there is a chance that, for some reason, the police in these states focused their attention and resources on apprehending other types of "offenders" (i.e., wars on drugs, larceny-theft, crime in the streets, etc.). Second, it might be the case that the passing of the TVPA had also contributed to making law enforcement agents more aware of the issue of adult sex trafficking and better trained at identifying such cases. Increased law enforcement awareness and training on the issue of trafficking in persons might be especially true for states with safe harbor laws since the enactment of such policies clearly represent efforts to address the problem of sex trafficking within their borders. Changes in society values might have also made police officers more sensitive to the plight of sex workers (i.e., individuals might not voluntarily become sex workers; their work in the sex industry might be a result of their lack of choice). Lastly, prostitution diversion programs used as an alternative to jail, which

contributes to reduce recidivism, might have played an important part in decreasing the mean number of adult arrests in states that have adopted safe harbor legislation. These are all possible explanations for the general decrease in mean number of annual arrests of adult sex workers in states with safe harbor laws. Nonetheless, it is not possible to control for all these alternative explanations. Ultimately, the results of this analysis led me to conclude that the overall decline in the arrest rates of CSEC in states with safe harbor policies may or may not be a direct result of the enactment of these laws.

Limitations and Recommendations for Future Studies

The present study has a number of limitations. First, and probably the greatest deficiency of this study, there was not enough time to implement these laws. It was simply too soon to evaluate the effectiveness of safe harbor legislation, as it takes time to translate laws into practice. Eight out of the eighteen state laws under scrutiny in this paper came into effect in 2013, which leaves only one to two years to evaluate arrest trends in the post-enactment period. In essence, time was the missing component in this study. Second, this paper utilizes secondary data as its main source of information. Therefore, the accuracy of these findings hinges on the quality of the data collected by the FBI UCR Program.

Third, safe harbor laws do not necessarily prohibit commercially sexually exploited children from being arrested. For instance, the Illinois Safe Children Act (ISCA) provides that sex trafficked children shall not be arrested or detained but placed under temporary protective custody; in this context, temporary protective custody means "custody within a hospital or other medical facility, or a place previously designed for such custody … including a licensed foster home, group home or other institution"; the law specifically states that minors may not be put in a "jail or other place of detention for criminal or juvenile offenders" (Weiss 2015, 26).

Conversely, under the provisions of Florida's Safe Harbor Act, minors can still be arrested and charged with juvenile delinquency for committing an act of prostitution (24). There are certain conditions that need to be met in order to determine that the child is a sex trafficking victim in that state. Fourth, the dependent variable was calculated through the use of a measure of central tendency, which has its limitations. For instance, in skewed distributions, in this case, years with unusual high numbers of child arrests, the mean number would not accurately reflect the arrest trends for that given state (Heiman 2013, 68).

Lastly, Connecticut's and Michigan's safe harbor laws only provide immunity from prosecution to individuals who are 15 years of age or younger. Nevertheless, the FBI UCR Program does not break down its state-level data on child arrests for prostitution and commercialized vice by age. Consequently, child arrest numbers for Connecticut and Michigan may not accurately reflect the criminalization of CSEC in those two states. For example, it might be the case that minors arrested during the post-implementation period were between the ages of 16 and 17; it that is true, the safe harbor laws of these two states were effective in decreasing the average number of annual arrests of sex trafficked children. However, the data collected does not allow for this type of conclusion.

Future endeavors should seek to address the limitations of this study. I would recommend waiting a minimum of five years before engaging in similar analysis, as it would give these laws enough time to take effect. A larger dataset would allow investigators to utilize more robust and sophisticated statistical procedures, such as Logistic Regression and Time Series Analysis, which should produce more sound results and provide a more nuanced view of the implementation of these laws.

The goal of this paper was not to offer a one-size-fits-all solution to this problem or to find the ideal safe harbor law; as wisely stated by Weiss, the "variety and complexity of state laws and the particularized and varying needs of states prevents drafting a single model Safe Harbor Law" (1-8-9). The purpose of this study was to identify the statutes that had obtained success, as measured by a lower number of arrests of commercially sexually exploited children, in recognizing that sex trafficked children are victims/survivors and not criminals and, most importantly, in protecting them from their abusers and providing them with the tools that they need in order to "exit the commercial sex industry and develop their full potential" (Girls Educational and Mentoring Services 2016).

Implications for Policy and Contribution to the Field

The conclusions of this study suggest that there is no credible evidence that safe harbor laws, in whatever format, are associated with lower average numbers of annual arrests of CSEC; at the same time, there is no evidence that they are not. There is a high probability that the small amount of data on post-implementation years prevented me from detecting a true underlying effect. There is also a chance that, other than decriminalization or diversion, which had a p-value of .08 (in the model that only included states with safe harbor legislation), training[13], funding, specialized services, increased penalties, and lower burden of proof provisions do not have an effect on the mean number of annual arrests of sex trafficked children. While the aforementioned provisions are important to providing CSEC with the services and protection they need and preventing their exploitation, it might be the case that they do not have a direct effect on arrest rates of sex trafficked children. Additionally, there has been a general declining rate in the average number of annual arrests of CSEC in the U.S., in great part, due to efforts to reframe the

---

[13] Although I strongly believe that this first variable does indeed affect arrests rates of CSEC, as suggested by evidence presented in the review of the literature.

issue and changes in perceptions of children engaging in commercial sex acts. As pointed out in the literature review, the TVPA of 2000 represented a watershed in the fight against the sex trafficking of minors nationwide; its enactment and implementation clearly contributed to changes in perception of CSEC (they began to be recognized as victims and not offenders), which was instrumental in reducing the number of minors arrested for prostitution.

The study's findings suggest important implications for policy. First and foremost, there need to be continued efforts to educate and train police officers, law enforcement professionals, and relevant actors on the issue of domestic minor sex trafficking. Law enforcement personnel need to fully comprehend the exploitative nature of this crime. Despite their safe harbor laws, Louisiana and Vermont experienced a higher average number of annual arrests of CSEC in the years after the enactment of the legislation. Oftentimes, a new law is not enforced simply due to lack of knowledge and awareness on the part of the professionals responsible to put it into practice. Second, it is necessary to devise alternative ways of referring minors to specialized services and providing them with the help they need, other than through the law enforcement and criminal justice systems. Sex trafficked children need protection and access to tailored services without the need of going through a system inherently created to punish criminal behavior. As previously mentioned, the Illinois Safe Children Act proved that it is possible to assist CSEC without the need for an arrest or detention. Most importantly, there is maybe too much responsibility in the hands of police officers, who often need to decide the fate of CSEC. There is really no reason to believe that these professionals should bear the sole responsibility of dealing with this social problem.

Third, rather than solely focusing on punishing criminals and helping child victims of sex trafficking, states could also try to address the underlying social, economic, political, and often

47

racial issues that laid the foundation for this problem in the first place (Lloyd 2012). That is, states should do the former without forgetting the latter. Minors engaging in commercial sex acts should be able to have access to tools that could potentially shield them from their exploiters. While relevant actors might erroneously concentrate solely on providing help to victims and penalizing traffickers, vulnerable minors are being targeted by criminals and becoming new victims of this crime every day. If current policy interventions directed at solving the issue are not accomplishing their goal, emphasis should be given to alternative ways of approaching the problem.

Lastly, and probably the most important implication of this study, the findings of this analysis highlight the differences between policy adoption and policy implementation. States that had adopted safe harbor laws were simply signifying that they were able to come up with an agreed upon solution to the problem of CSEC and to build majority support for these policy proposals in their legislatures (Anderson, Brady, and Bullock, III 2000, 14-16). The ratification of a law has more to do with policy acceptance and adherence than with enforcement and implementation. In essence, policy adoption is not the same as policy implementation; the latter is much harder than the former as it takes time to effectuate change. Therefore, one cannot assume that the passing of a safe harbor policy would automatically bring about the decriminalization of CSEC. It may take a few years before all the relevant actors become aware of the policy change and begin to refrain from arresting and prosecuting minors for prostitution-related charges.

The process of carrying out a policy is also hindered by the degree of change required to implement the new policy (Wilson 2016, 49). The success of a newly enacted law hinges on two elements of change: the cost of change and the amount of change required from the target

population (i.e., the population affected by the policy) (Ibid. 2016, 49). Besides CSEC, the main populations affected by these policies (and that are involved in the policy implementation process) are law enforcement officers and criminal justice professionals. The effectiveness of safe harbor legislation will hinge on how quickly these two populations are able to stop seeing CSEC through the lens of anti-prostitution laws and start treating them as victims of commercial sexual exploitation. The success of safe harbor policies also depends on how strongly these actors feel about these policy changes: are they in favor of it or against it? Are they morally opposed to it? Most importantly, states need to allocate appropriate funds for the enforcement of these laws (Ibid. 2016, 49). The results of this analysis demonstrate that only ten states have a funding provision for the enactment of safe harbor policies and only seven have mandatory training for the populations responsible to carry out these laws.

Finally, the agency responsible for the implementation of the law also affects the probability of success of a newly enacted policy (Wilson 2016, 49). Essentially, the agency in question needs to prioritize the new law and be fully committed to achieving the policy objectives (Ibid. 2016, 49). All these factors greatly influence the speed and ease at which a novel law will be put into practice. States are oftentimes quick to sign on these new ideas but slow to carry them out. Ultimately, change is very difficult. Implementation is much harder than policy adoption and is going to take time before these policies sink in. Thus, the results of this analysis should not lead one to quickly dismiss these laws and label them as ineffective.

This thesis provides important background information and a very practical framework for investigators who wish to answer the proposed research question in the future. It points out important aspects of the issue as well as factors future researchers should pay attention to and take into consideration before engaging in similar analysis. To my knowledge, this is the first

study to offer a systematic evaluation of the implementation of safe harbor laws. It is also the first political science study to address the issue of domestic minor sex trafficking, state-level policy responses to the commercial sexual exploitation of children in the United States, and the effects of state legislation on the criminalization of CSEC. This work adds to the narrative seeking to reframe the issue of CSEC and shed more light on more optimal ways of dealing with this issue. States seeking to adopt safe harbor laws might refer to this study as a means to make a more informed and educated decision.

REFERENCES

Adams, William, Coleen Owens, and Kevonne Small. 2010. "Effects of Federal Legislation on the Commercial Sexual Exploitation of Children." *Office of Justice Programs: Juvenile Justice Bulletin* (July): 1-12.

Ali, Mazurina Mohd et al. 2008. *Global Practices of Corporate Social Responsibility*, eds. Idowu, Samuel O. and Walter Leal Filho. London: Springer Science & Business Media.

Allison, Paul D. 1999. *Multiple Regression: A Primer*. Thousand Oaks: Pine Forge Press.

Armstrong, Jon Scott, ed. 2001. *Principles of Forecasting: A Handbook for Researchers and Practitioners*. New York: Springer Science+Business Media.

Anderson, James E., David W. Brady, and Charles Bullock, III. 2000. "Introduction to Policy Study." In *The Science of Public Policy: Essential Readings in Policy Science,* ed. Tadao Miyakawa. New York: Routledge, 9-38.

Bang, Brandy, Paige L. Baker, Alexis Carpinteri, and Vincent B. Van Hasselt. 2014. *Commercial Sexual Exploitation of Children*. Fort Lauderdale: Springer International Publishing.

Bennett, Scott. 1986. *The Quantitative Approach in Political Science: An Introduction*. Lewiston: Edwin Mellen Press.

Birckhead, Tamar R. 2011. "The 'Youngest Profession': Consent, Autonomy, and Prostituted Children." *Washington University Law Review* 88 (5): 1055-1115.

Clayton, Ellen W., Richard D. Krugman, and Patti Simon, eds. 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, District of Columbia: National Academies Press.

"Declaration and Agenda for Action: First World Congress against Commercial Sexual Exploitation of Children." 2015. End Child Prostitution Child Pornography & Trafficking of Children for Sexual Purposes. August 27-31, 1996. http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf (September 19, 2015).

Dysart, Tessa L. 2014. "Child, Victim, or Prostitute? Justice through Immunity for Prostituted Children." *Duke Journal of Gender Law & Policy* 21 (March): 255-288.

ECPAT: End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes. 2016a. "FAQ." http://www.ecpat.org/faq/ (July 28, 2016).

___. 2016b. "What We Do." http://www.ecpat.net/what-we-do (January 27, 2016).

Epstein, Rebecca and Peter Edelman. 2013. "Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls." March 12. https://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf (July 14, 2016).

Estes, Richard J. and Neil Alan Weiner. 2001. *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*. Philadelphia: University of Pennsylvania, School of Social Work.

Eye, Alexander von and Christof Schuster. 1998. *Regression Analysis for Social Sciences*. San Diego: Academic Press.

The Federal Bureau of Investigation. 2010. "Crime in the United States: Methodology." https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/methodology (May 26, 2016).

___. 2013. "Crime in the United States 2013: Table 69." https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-69/table_69_arrest_by_state_2013.xls (May 30, 2016).

___. 2015. "Uniform Crime Reports." https://www.fbi.gov/about-us/cjis/ucr (October 30, 2015).

___. 2016. "Uniform Crime Reports." https://www.fbi.gov/about-us/cjis/ucr/ucr-publications (May 29, 2016).

Finkelhor, David and Richard Ormrod. Office of Justice Programs. 2004. *Prostitution of Juveniles: Patterns from NIBRS*. Washington, DC: U.S. Department of Justice.

Finklea, Kristin. 2014a. *Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues*. Washington, D.C.: Congressional Research Service.

___. 2014b. "Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues." In *Sex Trafficking of Minors: Overview, Federal Response and Justice System Issues*, ed. Cara A. Saunders. New York: Nova Science Publishers, 65-92.

Finklea, Kristin, Adrienne L. Fernandes-Alcantara, and Alison Siskin. 2015. *Sex Trafficking of Children in the United States: Overview and Issues for Congress*. Washington, DC: Congressional Research Service.

Geist, Darren. 2012. "Finding Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors." *Legislation and Policy Brief* 4 (August): 67-127.

General Laws. 2011. *The Commonwealth of Massachusetts*. Vol. 17, sec. 39L.

George, Darren and Paul Mallery. 2016. *IBM SPSS Statistics 23 Step by Step: A Simple Guide and Reference*. Routledge.

Girls Educational and Mentoring Services. 2016. "Mission & History." http://www.gems-girls.org/about/mission-history (June 10, 2016).

Halter, Stephanie. 2010. "Factors That Influence Police Conceptualizations of Girls Involved in Prostitution in Six U.S. Cities: Child Sexual Exploitation Victims or Delinquents?" *Child Maltreatment* 15 (May): 152-160.

Hayashi, Fumio. 2011. *Econometrics*. Princeton: Princeton University Press.

Heiges, Moira. 2009. "From the Inside Out: Reforming State and Local Prostitution Enforcement to Combat Sex Trafficking in the United States and Abroad." *Minnesota Law Review* 94 (December): 428-466.

Heiman, Gary W. 2013. *Basic Statistics for the Behavioral Sciences.* 7th ed. Belmont: Wadsworth Cengage Learning.

International Encyclopedia of the Social Sciences. 2008. "Ordinary Least Squares Regression." http://www.encyclopedia.com/doc/1G2-3045301826.html (May 26, 2016).

Jekowsky, Lauren. 2014. "Un-Safe Harbor: Why U.S. State Legislation is Ineffectively Addressing Sex Trafficking of Minors." March 10. http://humantraffickingcenter.org/posts-by-htc-associates/un-safe-harbor-why-u-s-state-legislation-is-ineffectively-addressing-sex-trafficking-of-minors/ (October 9, 2015).

Johnson, Janet B., H. T. Reynolds, and Jason D. Mycoff. 2015. *Political Science Research Methods*. 8th ed. Los Angeles: SAGE Publications.

Kellstedt, Paul M. and Guy D. Whitten. 2013. *The Fundamentals of Political Science Research*. 2nd ed. New York: Cambridge University Press.

Kennedy, Peter. 1998. *A Guide to Econometrics*. 4th ed. Cambridge: MIT Press.

___. 2008. *A Guide to Econometrics*. 6th ed. Cambridge: MIT Press.

Kotrla, Kimberly. 2010. "Domestic Minor Sex Trafficking in the United States." *Social Work* 55 (April): 181-87.

Krueger, James S. and Michael S. Lewis-Beck. 2008. "Is OLS Dead?" *The Political Methodologist* 15 (Winter 2008): 2-5.

Le Roy, Michael K. 2012. *Research Methods in Political Science: An Introduction Using MicroCase*. 8th ed. Boston: Wadsworth Cengage Learning.

Lewis-Beck, Colin and Michael Lewis-Beck. 2015. *Applied Regression: An Introduction (Quantitative Applications in the Social Sciences)*. 2nd ed. Los Angeles: SAGE Publications.

Liberman, Akiva M., David S. Kirk, and Kim Kideuk. 2014. "Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning." *Criminology* 52 (June): 345-370.

Lloyd, Rachel. 2011. *Girls Like Us: Fighting For a World Where Girls Are Not For Sale: A Memoir.* New York: HarperCollins Publishers.

___. 2012. "Human Trafficking: Rachel Lloyd." June 6. http://tedxtalks.ted.com/video/TEDxUChicago-2012-Rachel-Lloyd (September 25, 2015).

Martin, Dianne L. 2002. "Both Pitied and Scorned: Child Prostitution in an Era of Privatization." In *Privatization, Law, and the Challenge to Feminism,* eds. Brenda Cossman and Judy Fudge. Toronto: University of Toronto Press.

Mehlman-Orozco, Kimberly. 2015. "Safe Harbor Legislation for Juvenile Victims of Sex Trafficking: A Myopic View of Improvements in Practice." *Social Inclusion* 3 (February): 52-62.

Mitchell, Kimberly J., David Finkelhor, and Janis Wolak. 2010. "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study." *Child Maltreatment* 15 (February): 18-36.

Mitchell, Kimberly J., Lisa M. Jones, David Finkelhor, and Janis Wolak. 2011. "Internet-Facilitated Commercial Sexual Exploitation of Children: Findings From a Nationally Representative Sample of Law Enforcement Agencies in the United States." *Sexual Abuse: A Journal of Research and Treatment* 23 (March): 43-71.

Mujis, Daniel. 2011. *Doing Quantitative Research in Education with SPSS*. 2nd ed. Thousand Oaks: SAGE Publications.

Mukasey, Michael B., Cybele K. Daley, and David W. Hagy. 2007 "Commercial Sexual Exploitation of Children: What Do We Know and What Do We Do About It?" *United States Department of Justice: Office of Justice Programs*. https://www.ncjrs.gov/pdffiles1/nij/215733.pdf (July 7, 2016).

Musto, Jennifer. 2013. "Domestic Minor Sex Trafficking and the Detention-to-Protection Pipeline." *Dialectical Anthropology Journal* 37 (May): 257-76.

National Conference of State Legislatures. 2016. "Human Trafficking Overview." May. http://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-overview.aspx (February 2, 2016).

National Human Trafficking Resource Center. 2015. "Mission." http://www.traffickingresourcecenter.org/mission (October 30, 2015).

___.2016. "Federal Law." https://traffickingresourcecenter.org/what-human-trafficking/federal-law (July 7, 2016).

Polaris Project. 2013. "2013 Analysis of State Human Trafficking Laws." August. https://polarisproject.org/sites/default/files/2013-State-Ratings-Analysis.pdf (October 9, 2015).

___. 2014. "2014 State Ratings on Human Trafficking Laws: 2014 State Reports" https://polarisproject.org/sites/default/files/2014-State-Ratings.pdf (October 29, 2015).

___. 2015. "Sex Trafficking of Minors and 'Safe Harbor'." http://www.polarisproject.org/what-we-do/policy-advocacy/assisting-victims/safe-harbor (October 30, 2015).

Saunders, Cara A., ed. 2015. *Sex Trafficking of Minors: Overview, Federal Response and Justice System Issues*. New York: Nova Science Publishers.

Shared Hope International. 2016. "Our Mission and Values." http://sharedhope.org/about-us/our-mission-and-values/ (July 7, 2016).

Sherman, Francine T. 2013. "Justice for Girls: Are We Making Progress?" *Criminal Justice Journal* 28 (June): 9.

Shields, Ryan T. and Elizabeth J. Letourneau. 2015. "Commercial Sexual Exploitation of Children and the Emergence of Safe Harbor Legislation: Implications for Policy and Practice." *Current Psychiatry Reports* 17: (March): 1-7.

Siskin, Alison and Liana Sun Wyler. 2011. "Trafficking in Persons: U.S. Policy and Issues for Congress." *Trends in Organized Crime* 14 (May): 267-271.

Smith, Linda A., Samantha H. Vardaman, and Melissa A. Snow. 2009. "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children." *Shared Hope International*. http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf (July 7, 2016).

Trafficking Victims Protection Act. 2000. U.S. Code. Vol. 22, sec. 7101 *et seq.*

United Nations. 1989. "Convention on the Rights of the Child." November 20. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (October 29, 2015).

UNICEF. 2016. "Ratify the Convention on the Rights of the Child." https://www.unicefusa.org/help/advocate/ratify-convention-rights-child (July 8, 2016).

Walker-Rodriguez, Amanda and Rodney Hill. 2011. "Human Sex Trafficking." March. https://leb.fbi.gov/2011/march/human-sex-trafficking (September 20, 2015).

Wayman, Richard A. 2013. "Safe Harbor Laws: Policy in the Best Interest of Victims of Trafficking." February 10. Presented at ABA Midyear Meeting, Dallas, TX.

Weiss, Karen W. 2015. "Steps to Safety: A Guide to Drafting Safe Harbor Legislation to Protect Sex-Trafficked Children." *ECPAT: End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes*. (January 27, 2016).

Wilcox, Rand R. 2003. *Applying Contemporary Statistical Techniques*. Boston: Academic Press.

Wilson, Carter A. 2016. *Public Policy: Continuity and Change*. 2nd ed. Illinois: Waveland Press.

APPENDIX A: OFFICE OF RESEARCH INTEGRITY APPROVAL LETTER

**MARSHALL
UNIVERSITY**®
www.marshall.edu

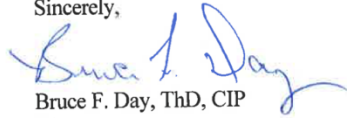Office of Research Integrity

October 23, 2015

Priscila Santos
1416 7th Avenue, Apt 12
Huntington, WV 25701

Dear Ms. Santos:

This letter is in response to the submitted thesis abstract to research the effectiveness of policy responses to the commercial sexual exploitation of children in the United States. After assessing the abstract it has been deemed not to be human subject research and therefore exempt from oversight of the Marshall University Institutional Review Board (IRB). The Code of Federal Regulations (45CFR46) has set forth the criteria utilized in making this determination. Since the information in this study does not involve human subjects as defined in the above referenced instruction it is not considered human subject research. If there are any changes to the abstract you provided then you would need to resubmit that information to the Office of Research Integrity for review and a determination.

I appreciate your willingness to submit the abstract for determination. Please feel free to contact the Office of Research Integrity if you have any questions regarding future protocols that may require IRB review.

Sincerely,

Bruce F. Day, ThD, CIP
Director

WE ARE... MARSHALL.
One John Marshall Drive • Huntington, West Virginia 25755 • Tel 304/696-4303
A State University of West Virginia • An Affirmative Action/Equal Opportunity Employer

APPENDIX B: WRITTEN PERMISSION TO USE INTERACTIVE MAP

[amCharts Help & Support] Re: Interactive Maps - Master's Thesis

Martynas Majeris (amCharts Support) <contact@amcharts.com>

Fri 6/3/2016 4:27 AM

To:Santos, Priscila Santos <santos13@live.marshall.edu>;

##- Please type your reply above this line -##

Your request (# 20985) has been updated. Reply to this email or click the link below:
http://www.amcharts.com/support/my-tickets/?ticket=20985

Martynas Majeris (amCharts Help & Support)
Jun 3, 11:27 EEST

Hi Priscila,

Thank you for reaching out.

You're absolutely welcome to use our maps or other tools for your thesis the way you see fit.

Should you need any further questions, or require assistance, don't hesitate to contact us.

Good luck with your project!

Yours sincerely,

Martynas Majeris
amCharts

Santos, Priscila Santos
Jun 3, 00:12 EEST

Good afternoon,

My name is Priscila Santos and I am a Marshall University Political Science graduate student. I am writing a thesis on the Commercial Sexual Exploitation of Children (CSEC) in the United States. Specifically, my research is on the effectiveness of policy responses

APPENDIX C: SINGLE LINEAR REGRESSIONS INCLUDING ONLY STATES WITH SAFE HARBOR LAWS

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.591[a]	.349	.262	.31449

a. Predictors: (Constant), Number of Adult Arrests (Average), Index Score

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.250	.201		1.245	.232
	Index Score	-.009	.022	-.086	-.413	.686
	Number of Adult Arrests (Average)	.366	.132	.580	2.781	.014

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.689[a]	.474	.404	.28263

a. Predictors: (Constant), Adult Arrests (Average), Decriminalization or Diversion

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.415	.161		2.581	.021
	Decriminalization or Diversion	-.132	.068	-.371	-1.945	.071
	Adult Arrests (Average)	.414	.120	.656	3.436	.004

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.602[a]	.363	.278	.31105

a. Predictors: (Constant), Adult Arrests (Average), Training

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.230	.136		1.695	.111
	Training	-.036	.050	-.147	-.713	.487
	Adult Arrests (Average)	.362	.130	.574	2.779	.014

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.587[a]	.345	.258	.31542

a. Predictors: (Constant), Adult Arrests (Average), Funding

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.155	.158		.984	.341
	Funding	.014	.051	.060	.285	.780
	Adult Arrests (Average)	.375	.134	.595	2.803	.013

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.604[a]	.365	.280	.31057

a. Predictors: (Constant), Adult Arrests (Average), Specialized Services

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.126	.142		.882	.392
	Specialized Services	.055	.074	.155	.745	.468
	Adult Arrests (Average)	.381	.131	.604	2.912	.011

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.584[a]	.342	.254	.31625

a. Predictors: (Constant), Adult Arrests (Average), Increased Penalties

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.181	.146		1.242	.233
	Increased Penalties	.006	.154	.008	.038	.970
	Adult Arrests (Average)	.368	.134	.583	2.755	.015

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.592[a]	.350	.264	.31410

a. Predictors: (Constant), Adult Arrests (Average), Lower Burden of Proof

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.126	.174		.724	.480
	Lower Burden of Proof	.082	.180	.096	.456	.655
	Adult Arrests (Average)	.360	.133	.571	2.714	.016

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

APPENDIX D: INDEX WITH ALL 50 STATES AND D.C.

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.344[a]	.118	.082	.69433

a. Predictors: (Constant), Adult Arrests (Average), Index Score

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.658	.136		4.835	.000
	Index Score	-.034	.025	-.189	-1.379	.174
	Adult Arrests (Average)	.103	.055	.259	1.891	.065

a. Dependent Variable: Ratio of the Means of the Annual Number of Child Arrests

APPENDIX E: SAFE HARBOR PROVISIONS AND THEIR RESPECTIVE WEIGHTS

Based on a careful evaluation of the provisions of the different safe harbor laws, each state was to receive an index score, with a maximum score of 13 and a minimum score of one. Each provision was to be weighted differently; the prescriptions that were more likely to prevent an arrest would receive a higher score whereas the ones that were less likely to preclude an apprehension would receive a lower score. If the index score had demonstrated to be significant at the .05 level, safe harbor provisions would be weighted in the following way: (a) decriminalization or diversion, training, and funding would each receive a score of 3; (b) specialized services would be given a score of 2; and (c) increased penalties and lower burden of proof would each receive a score of 1. The following table depicts the provisions with their respective weights.

Provision	Weight
Decriminalization and Diversion	3
Training	3
Funding	3
Specialized	2
Increased Penalties	1
Lower Burden of Proof	1
Maximum Score	13