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**Raising the Punishment: Understanding the Effectiveness of Sentence-Enhancement Laws
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Raising the Punishment: Understanding the Effectiveness of Sentence-Enhancement Laws on Preventing Human Trafficking in California

In 2023, the California Legislature found themselves embroiled in a startling controversy over the blocking of SB 14—a bill introduced by Senator Shannon Grove (R-Bakersfield) that would make child sex trafficking a felony under the notorious Three Strikes Law. Republican lawmakers sought stricter penalties on child traffickers through this bill, where those found guilty of this crime would see an increased sentence enhancement, and some Democrats argued that this would potentially negatively impact trafficking survivors themselves by punishing them through this law¹. The blocking of this bill led to the involvement of the public and Governor Gavin Newsom himself to advocate for SB 14’s revival and passage (Nixon, 2023, para 5). Soon, after a slew of attacks from the public on some Democratic lawmakers and an overwhelming amount of pressure from Californians to get the bill passed, SB 14 was chaptered the following session in September.

The reaction to a bill that may have been perceived as common sense to pass follows after California’s sex trafficking rates continue to rise². With the passing of SB 14 and a call for increasing punishment of human traffickers, my research takes a look at the different types of human trafficking laws and identifies the effectiveness of sentence enhancements in convicting human traffickers. Broadly, do stricter laws and increased jail time decrease instances of human trafficking? Specifically, from 2015-2020, compared to other states, how effective are punishment-focused laws on human trafficking in decreasing instances of human trafficking within California? To do this, I compare the number of enacted sentence enhancement laws

¹ During the Assembly Public Safety Committee hearing for the bill, Democrat lawmakers believed that the increased punishment on traffickers would affect survivors who were forced to commit crimes during the time they were trafficked, such as sex/drug trafficking offenses (Holden, 2023, para. 15).

² The Public Policy Institute has found that “the share of human trafficking cases that involved sex trafficking grew from 87% to 89% in California” (PPIC, 2024, para. 6).

found in the top ten most populous states in the United States with the number of human trafficking cases reported in each state between 2015 and 2020. I find that there is no correlation between the raw number of sentence-enhancement bills and the number of cases reported in each state, and there is no singular impact that sentence-enhancement bills have due to the presence of other types of human trafficking bills. With my findings, I conclude how this may affect future state legislation in combatting human trafficking.

Significance

Human trafficking is one of California's most prominent but hidden problems that continues to be exacerbated by the advancement of technology through social media, the influx of immigrants, and easy access to transportation from state borders. The Department of Justice cites California as one of the "nation's top destination states for trafficking human beings" (Department of Justice, 2024, para. 3). In 2021 alone, the National Human Trafficking Hotline identified over 1,000 cases of trafficking in California, with double the amount of victims involved in those cases (National Human Trafficking Hotline, 2021, Cases Identified in 2021 section). Some factors of California's high human trafficking rate come heavily from its large population, which is a common trait shared by other states with high rates of human trafficking, such as Texas and Florida.

Human trafficking is commonly defined in two categories: sex trafficking, in which victims are forced to provide commercial sex against their consent and are often marketed by pimps/traffickers, and labor trafficking, in which victims are forced or coerced into physical labor. Oftentimes, labor trafficking involves making victims work under the threat of violence within settings such as homes, farms, or factories (National Human Trafficking Hotline, 2024,

paras. 2-3). Altogether, this crime is quickly becoming one of the world's biggest businesses, stripping the basic rights of more than 25 million individuals around the world to fund its own \$150 billion industry (Polaris, 2024, p. 5). The driving force behind such an industry comes from the fact that customers are expecting these lawless services to be provided. Sex trafficking in particular is a “market-driven criminal industry that is based on the principles of supply and demand” (National Human Trafficking Hotline, 2024, para 7). This ongoing issue of trafficking has become rampant in California, especially when the survivors are minors themselves. Out of the reported cases from 2021 that provided demographic information about the victims, close to 300 of the reported were minors—making minors take up 18% of the reported cases made in that year (National Human Trafficking Hotline, 2021, Case Demographics section). While the ages of minors can vary across states and counties, California saw counties such as San Diego cite 16 as the median age of sex trafficking victims reported (San Diego County District Attorney, 2024, para 1). Human trafficking can make just about anyone fall victim to this crime, but those who are undocumented, from lower socioeconomic backgrounds, or from minority groups have a higher risk of being trafficked (National Human Trafficking Hotline, 2024, Who is Most Vulnerable? Section). To combat the ongoing crisis of human trafficking, this issue simply cannot be ignored within California legislation.

Human trafficking legislation is fairly new to the United States. The first federal law was established in 2000, which was the Trafficking Victims Protection Act of 2000. Since then, this statute has been reauthorized in 2003, 2005, 2013, and 2017 (U.S. Department of Justice, 2023, p. 1). These acts are centered around providing resources and justice for the victims, where anything from further protections for victims to clearer refinements of existing prosecution laws was amended into the act. Other federal statutes that Congress passed include the William

Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, which set up new measures to protect victims from labor trafficking by establishing explicitly defined elements within prosecution laws to allow for fewer gaps to fill when convicting labor traffickers. Essentially, throughout the years, more federal laws added clear-cut definitions to categorize human trafficking offenses and the penalties that followed.

However, an ongoing debate about what types of human trafficking laws are more effective has been circling this niche part of criminal justice research. From the *American Journal of Community Psychology*, a study using keyword analysis on the existing legislature of human trafficking laws examined the effects of having such bills include words such as “trauma” and “research” to effectively reach policy goals of preventing human trafficking (Scott et al., 2019, p. 352). The study highlighted how more laws are starting to include research-backed reports to improve victim resources for human trafficking survivors and equip local organizations with the necessary support to help survivors (Scott et al., 2019, p. 356). The study only focused on legislation that examined state laws on providing resources for victims rather than other types of human trafficking legislation, such as prosecution laws, and thus advanced the argument that more bills should be centered on helping victims rather than punishing traffickers.

Similarly, an article from the *Journal of Human Trafficking* cited the importance of establishing a model for healthcare providers to follow in helping out victims of human trafficking. Richie-Zavaleta’s study initiated a model that intersects the medical and legal fields when supporting human trafficking survivors, stating that while existing laws “aim to...hold offenders accountable, public health policies aim to...sustainably assist HT patient-victims”

(Richie-Zavaleta et al., 2021, p. 297). The paper further contended that states need to enact more laws centering on mandated training and education for healthcare providers, citing New Jersey as a clear example of a “well-described descriptive mandatory health-care professional training statute” (Richie-Zavaleta et al., 2021, p. 300). Such studies like this have pushed for requiring more materials to both support victims and train professionals in terms of preventing an increase in human trafficking cases, a different approach that identifies this sector of legislation as being the most effective.

Some studies have identified the flaws within law enforcement itself when it comes to tackling human trafficking laws. In the *Journal of Crime and Justice*, a qualitative study of 90 law enforcement officers found that many of them did not have an accurate understanding of what labor and sex trafficking looked like despite dealing with these crimes in the past. Most of the interviewed officials considered human trafficking to be solely forced prostitution and found it difficult to identify what labor trafficking looked like (Farrell, 2015, p. 324). The study argued that preconceived notions on human trafficking made by law enforcement meant that inadequate training and education were being done for officials to understand all scopes of human trafficking. Thus, it recommended that mandates on proper training were necessary to prevent trafficking from rising. Studies such as this call for a revision to be made in the legislation regarding human trafficking laws that should not prioritize stricter punishments, but rather victim assistance and mandatory education. My research takes into account both of the contended actions given by past studies, where I closely examine the number of prosecution-centered laws compared to the number of victim-resources laws and education mandates within each state. Interestingly, whether the state itself is more Democratic or Republican can also play a factor in the passage of the different types of anti-human-trafficking laws. While both parties agree that

this is a nonpartisan issue to tackle, Democrats tend to push for “state investment and civil remedies” while Republicans push for tougher penalties (Bouché and Wittmer, 2014, p. 26). Relatively Democratic states may see fewer sentence enhancement bills being passed than Republican states.

On the other hand, calls for having higher penalties on traffickers have also been made by lawmakers to lower human trafficking crimes in the United States. Just recently, the state of Alabama passed the Sound of Freedom Act, raising “the penalty for first-degree human trafficking to a mandatory sentence of life imprisonment when the victim [is] a minor” (Turner, 2024, para. 1). My study looks at how effective these tough laws on human trafficking can be, especially with higher sentences being passed in legislation, but the discussion of whether enhancements lead to lower crime rates first must be considered.

Literature Review

For this paper, the literature review will focus first on what causes higher rates of reported human trafficking cases, then go into how effective sentence enhancement legislation is. The review will identify different factors that potentially cause or correlate with the higher levels of human trafficking in populated areas before going into discussion with human trafficking legislation in the United States. I will preface that the exact data on this crime is highly limited, especially because of “inadequate victim identification” in both law enforcement and victim service providers found within current data, as well as the fact that this finite collection of data is continuing to be updated to this day (National Institute of Justice, 2020, para. 4).

Factors of Higher Rates of Human Trafficking

To begin, human trafficking is defined into two categories: forced labor and sex trafficking. As stated by the Trafficking Victims Protection Act of 2000, the United States identifies human trafficking as a federal crime (U.S. Department of Justice, 2023, para 1). While a multitude of factors play a part in raising the rate of human trafficking within specific areas, a study from Trauma, Violence, & Abuse (TVA) found that extreme poverty and being undocumented are commonalities that put individuals at a much higher risk for being trafficked in the United States (Logan et al., 2008, p. 12). Moreover, people who do not have basic education or a legal understanding of their rights are more likely to be entrapped once they are trafficked, resulting in a lower possibility of being able to escape (Logan et al., 2008, p. 13). According to the Office for Victims of Crime, other additional demographics that make individuals susceptible to becoming victims include Native Americans, LGBTQ+ youth, people with disabilities, and homeless youth (OVC, 2024, para 5). The International Labor Organization also found that a majority of the victims of human trafficking tend to be underage girls and women, making up “57.6% of forced labor victims and 99.4% of sex trafficking victims” (Department of Justice, 2024, para. 2). In California specifically, the fact that this state is located next to a heavily populated border with a large economy and an influx of immigrants provides more answers as to why there are a higher number of cases of human trafficking compared to other states (Department of Justice, 2024, para. 3). Above all, the factors listed do not mean that anyone else not fitting this particular demographic cannot become a victim of human trafficking. This crime utilizes human beings as tools to fund an industry; as long as one is a human, anyone can fall victim to being trafficked.

The Effect of Sentence Enhancements

As part of my research question, current studies have explored the idea of lowering human trafficking crime rates by enacting harsher sentences. A study done by Farrell, Bouché, and Wolfe from *Law & Policy* examined the effectiveness of sentence enhancements on human traffickers between the years 2003-2012. They hypothesized that having more criminalization laws would decrease the number of human trafficking cases in the United States, and found a correlation that tougher criminal laws led to an increase in convicting human traffickers (Farrell et al., 2019, p. 191). Within their study, they also found that other laws unrelated to prosecution, such as victim service funding, contributed to the increase in identifying and arresting more traffickers—creating a blur between deciding whether prosecution laws were most effective in lowering human trafficking rates or if it was resources that contributed to the case rate themselves (Farrell et al., 2019, p. 192). The study contended that other additional variables, such as whether there were more female or male lawmakers within the state legislation, contributed to the rate of human trafficking convictions made during that period. The question to consider, however, when considering what sorts of laws will help to lower the rate of human trafficking in populous states is to first look at the effectiveness of sentence enhancement laws in general on lowering crime rates.

Owens conducted a case study on a new sentence-diminishment statute on younger incarcerated people in Maryland, where she measured the arrest rates after the statute's enactment. In her study, she found that the delinquents released earlier than their expected release date ended up committing another repeat offense, where offenders were involved in “approximately 1.5 index crimes per year during the period when they would have otherwise been incarcerated” (Owens, 2009, p. 554). She hypothesized that the crime rate to be lower if the incarcerated men eligible for the statute remained for the entirety of their original sentence rather

than being released early, and her study results found this to be correct. The crimes that the delinquents had committed were unrelated to human trafficking, focusing more on a variety of violent crimes including murder, assault, and rape (Owens, 2009, p. 554). This study may contribute to the question of how this will affect human trafficking legislation, where stricter laws concerning prosecution and punishment would lead to higher convictions of traffickers and lower trafficking rates. The study detailed that longer sentences had a possibility of lowering the instances of reoffending, which can be applied to the case of human traffickers, where less trafficking would result in lower rates of this crime occurring. Taking the existing literature on human trafficking and sentence-enhancement legislation, my study will look at the effectiveness of the laws themselves on the increase or decrease of human trafficking cases found within the selected states.

Theory & Hypotheses

My conceptual hypothesis is that an increase in sentence-enhancement laws within a state will lead to a decrease in human trafficking cases within that state. My operational hypothesis is that a higher raw number of laws that increase penalties on traffickers will decrease the amount of new human trafficking cases. Raising the penalties for convicted human traffickers may prevent traffickers from being able to find new victims or from contributing further to the trafficking industry with their presence since the increased punishment would have states be stricter in their crackdown on catching traffickers. Essentially, becoming stricter on punishments for traffickers by extending the sentences to longer than previously anticipated would result in fewer opportunities for those convicted traffickers to re-offend by going back into the industry. If

there are more human traffickers staying longer in prison, this would result in fewer of those same criminals feeding into the trafficking industry.

Research Design

In my research design, the independent variable is the sentence-enhancement law within the state that raises the level of punishment on traffickers, and the dependent variable is the number of reported human trafficking cases within that state based on population size. To measure my independent variable, I am using the database from the National Conference of State Legislatures to identify prosecution-focused bills that have been enacted in the state from the years 2015-2020. This 6-year time span is the only available data for this particular database. The bills that I will be studying will strictly focus on sentence enhancements and increased punishment, including keywords such as “penalty enhancement”. So far, no states in my study have revealed any bills that reduce sentences for convicted human traffickers. I compare the number of the state’s enacted bills with the number of human trafficking cases that occurred within that time frame. When looking at the type of sentence-enhancement bill, I am considering ones that have either added more definitions to what is considered a human trafficking crime or the increase in fines/jail time included in the bill’s text. To choose the states I will be studying, I first compared all fifty states with their population sizes from 2021 along with the number of human trafficking cases in 2021. There is a correlation between population size and the number of reported cases, so I chose the top ten states with the highest population³.

My dependent variable is the reported number of human trafficking cases within the state, which encompasses both labor and sex trafficking. I will be using the data from the National

³ The States I will be looking at are California, Florida, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania, and Texas.

Human Trafficking Hotline, which currently has data on all signals (phone calls, texts, online reports, etc.) reported and all cases identified within each state starting from 2015 to 2020⁴. Each state has its annual report of cases identified per year within this database, which is specifically why I will be using this database to measure the dependent variable.

The two control variables that may influence the relationship between sentence enhancement laws and human trafficking cases are victim-centered laws and education mandates. These different laws that do not have the same legislative intent as prosecution-centered laws may contribute to the relationship because of their effect on the dependent variable. For example, victim-centered laws may contribute to lower rates of human trafficking if they are helping survivors through mandatory funding that goes straight to agencies and centers to aid victims who do not have adequate shelter and food. I use the NCSL database to examine if the raw number of either one of these laws within each state contributes to the reported rate of cases in that state.

My unit of analysis is states, and I will be examining multiple cases over time, which are the number of laws enacted over six years. My n-size is ten states within the United States from 2015 to 2020.

Methodology

The first step I took in measuring my independent variable and dependent variable was organizing the types of sentence-enhancement laws that I was going to be using. From the NCSL database, I looked at bills that had been enacted that specifically cited words such as “penalty enhancements” to use for my data. The NCSL database split up different categories of human

⁴ The data from 2007-2014 is combined into one section and does not specify the numbers in between each year in this timeframe. 2007 is when the hotline was officially established.

trafficking bills into twelve topics: “Businesses, Regulations and Licensing”; “Child Welfare Administration”; “Coordination/Study of Trafficking Efforts”; “Funding, Fines and Appropriations”; “Judicial Options for Survivors”; “Labor Trafficking Crimes”; “Miscellaneous”; “Prevention and Awareness”; “Purchasers”; “Services and Protections for Trafficking Survivors”; “Sex Trafficking Crimes”; and “Trafficking of Children and Youth” (NCSL, 2024). I specifically identified prosecution bills under categories that included enacted bills regarding keywords such as “penalty enhancements,” or similarly worded phrases within the bill’s text. The rest of the bills unrelated to stricter prosecution fell into other categories, including providing resources for victims, spreading awareness through education, or other miscellaneous topics. Once I calculated the total raw number of sentence-enhancement bills for each state, I then compared this to the number of cases found within each state between 2015 to 2020. The data for the number of cases came from the yearly reports provided by the National Human Trafficking Hotline, and this would account only for the actual cases identified rather than calls made to the hotline.

After comparing with my independent variable, I then considered my confounding variables by repeating the same procedure with how to identify bills through the NCSL legislature. I first began by looking at bills centering on victim resources. The legislative intent of these bills was to provide adequate funding to trauma centers and government agencies to support victims and prevent them from returning to their traffickers. These were often seen in the form of grants or divisions within the state budgets, using keywords such as “appropriations.” After finding the total number of these bills within the ten states, I then applied the same method to bills that were meant for education on human trafficking. These bills were focused on establishing mandates that would make K-12 educators required to teach students about what

human trafficking was and what signs to watch out for. This category of bills also included mandatory training and education for law enforcement officials to properly identify human trafficking crimes and understand how to construct effective sting operations when dealing with catching human traffickers. Using these topics, I organized my data on education mandates by calculating the total amount of bills passed within each state that upheld the legislative intent of education and awareness. To test for the relationship between my independent and dependent variables, I ran a Pearson's correlation test.

Results

After calculating the raw number of sentence-enhancement bills found in the NCSL database with the ten states I chose, I found that the passing of these bills did not see a decrease in instances of human trafficking cases. Over the six years, the number of cases rose steadily before slightly dropping in 2020, which may have been affected by the COVID-19 pandemic. Georgia was the state that had the most raw number of sentence-enhancement bills passed, totaling five bills enacted between 2015 to 2020. Illinois, Michigan, and Ohio had no human-trafficking-related bills passed that were focused on stricter prosecution of convicted traffickers. When running a Pearson's correlation test to compare the raw number of sentence-enhancement bills with the number of reported cases, the value came out to be 0.05. This number indicates that there was no correlation between the two variables.

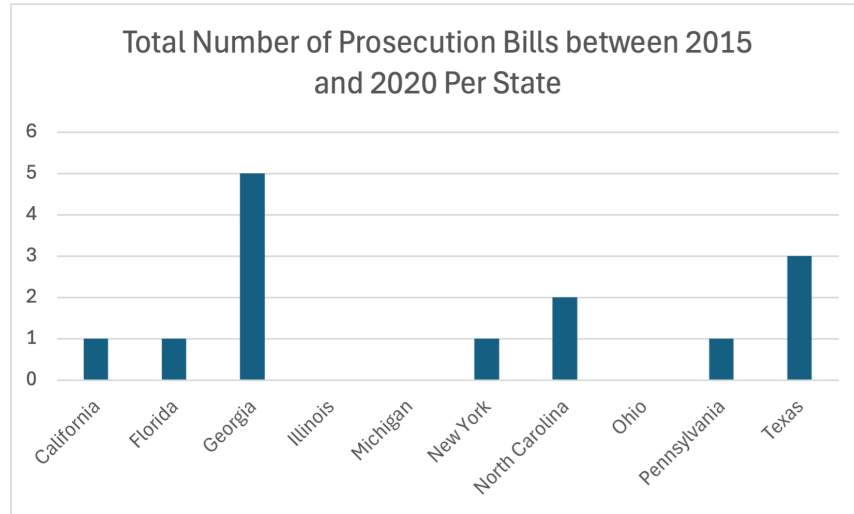


Figure 1. Data source: National Conference of State Legislatures

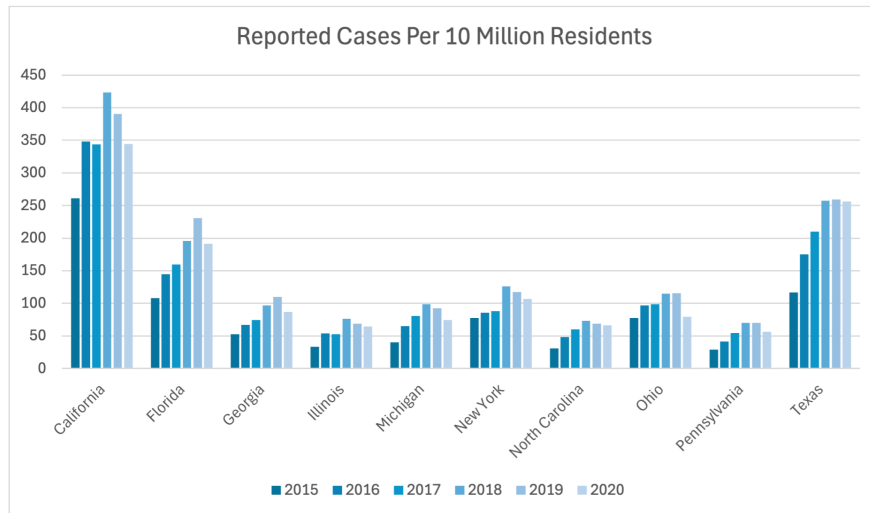


Figure 2. Data source: National Human Trafficking Hotline

Interestingly, states seemed to focus more on passing human trafficking legislation that was heavily concerned with providing resources for victims. After completing the same procedure in calculating the total raw number of victim resources legislation and education mandates found within the states from 2015 to 2020, I found that the numbers tended to range higher for most of the states in my study.

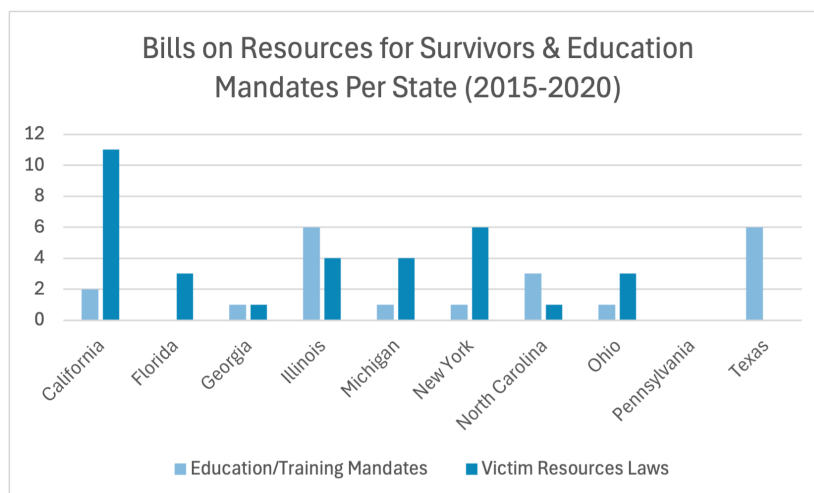


Figure 3. Data source: National Conference of State Legislatures

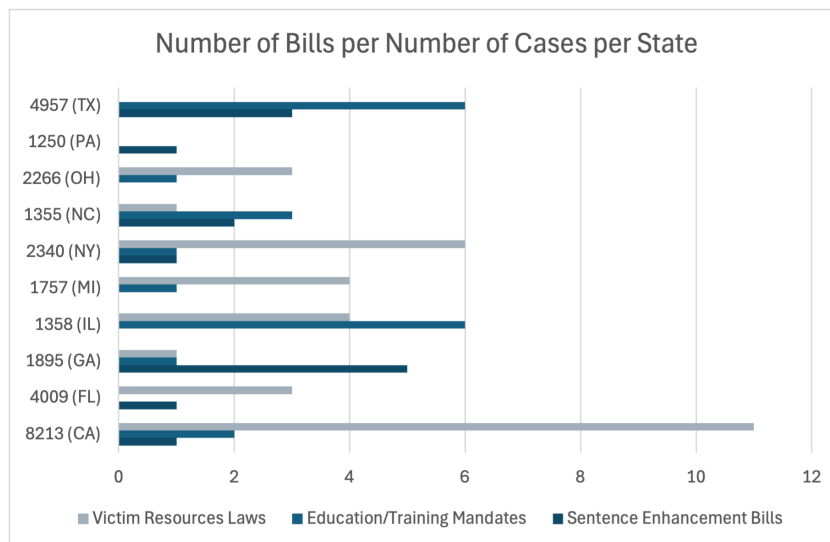


Figure 4: Data source: National Conference of State Legislatures and National Human Trafficking Hotline⁵

California had the highest number of laws (11 bills) enacted that were centered on providing funding for victims of human trafficking, with New York coming in second. Illinois and Texas had the most bills passed in providing education and improving law enforcement training, with six bills being enacted during this period. Pennsylvania was the only state that did not have any type of this particular legislation passed for the six-year period, focusing only on passing sentence enhancement bills instead.

⁵ The numbers preceding the state abbreviations indicate the total number of reported cases between 2015-2020.

Discussion and Research Implications

In this study, my research question asked, from 2015-2020, compared to other states, how effective are punishment-focused laws on human trafficking in decreasing instances of human trafficking within California? My original hypothesis was not supported, which most likely stems from the fact that there are other factors leading to the increase in incidents of human trafficking that I did not take into account. These different factors may include but are not limited to, whether the state is next to a border, whether the state has an abundance of transportation sites (i.e the number of airports, train stations, and interstate highways within a state), or the presence of an immigrant population that may include undocumented people as well. For example, the Public Policy Institute of California found that there is an increase in undocumented victims within both California and the United States (Harris, 2023, para. 8). The years I studied may have also been impacted by the lack of data available for finding bills that were passed in previous years that could have accounted for an increase or decrease in instances of human trafficking. Surprisingly, most of the states, except for Georgia, tended to focus less on prosecution bills compared to other types of anti-human-trafficking legislation. It also seems like the states I chose were coincidentally more Democratic than Republican, which goes back to my point on how political leanings can have a role in identifying what focus states use to combat human trafficking. This can explain why there is a wide degree of variance for the types of bills passed within each state, where perhaps more Democratic states chose to pass fewer sentence-enhancement bills in comparison to other bills. Some states may have also avoided passing sentence-enhancing bills if they were already strict in their crackdown on prosecuting traffickers. With human trafficking covering a large scope of multiple factors leading to its rate

of reported cases, there may be more than just a singular alternative explanation for why a state has a higher number of reported human trafficking cases.

Research Limitations and Extensions

One area of improvement that can be applied to my study is changing my independent variable to be states that are next to borders instead of population size. The proximity to borders appears to play a huge part in the particularly high cases of human trafficking, which is something I could counter in my study if I were to do it differently. This could have also been another control variable within my research that would possibly affect the rate of human trafficking cases found within a state. Along with borders come a greater presence of various transportation methods, such as rideshares, buses, trains, and planes. A report from Polaris found in their 2018 study of 104 trafficking survivors that 63% of the respondents used some kind of public transportation during the time they were being trafficked (Anthony, 2018, p. 23). A state right next to a border may allow traffickers to easily utilize transportation in plain sight. One way I could have countered this in my study is to use the presence of a border as a binary variable (yes/no) to establish a more detailed connection to the high number of instances of human trafficking found in the states I chose.

Another area of improvement I could consider is using a wider time frame when measuring the relationship between the bills passed and the number of human trafficking cases recorded. Essentially, measuring my variables over a longer period than the one I used in my study could have seen a more accurate trend of rising or falling human trafficking cases. Some of the bills I was analyzing in my study, such as Florida's SB 852 on sex trafficking crimes, were not enacted until 2017, making the effects of the bills feel a bit more obscure considering that the

time frame was quite small. Moreover, it is difficult to see the overall effect that a bill has in such a short time. The same goes for other bills that I looked at in my study, where they did not take effect until 2019.

The years following the COVID-19 pandemic would have possibly brought a different result from the impact that the prosecution-centered bills had on the cases. During the pandemic, identification of victims became much more difficult to do after the abrupt closures of shelters and the lack of services provided by law enforcement once the lockdown began (United Nations Office on Drugs and Crime, 2021, para. 4). Considering that the database provided by the NCSL was covering only the six years between 2015 and 2020, I could have expanded this further through studying a longer period, such as ten years, to see the effect of sentence-enhancement bills on reported human trafficking cases. Despite this being far out in the future, I think it would have also been interesting to see the impact of SB 14 (2023) in California, especially considering that this was a move for increasing punishments in a state that usually tries to put efforts into helping victims out instead. This is surely something that policymakers can continue to ponder over as they navigate through a range of legislation aimed at lowering the rates of human trafficking cases in their states.

Conclusion

In all, human trafficking is still an ongoing issue throughout both California and the rest of the country. My research looked at the impact that specific types of legislation had on human trafficking cases, particularly in studying whether an increase in sentence-enhancing laws would lead to a decrease in reports of human trafficking instances. While my study only covered a portion of the various solutions that can be taken by the state to combat this crime from

continuing, the power of state legislation should never be underestimated. Whether it is through maintaining a focus on increasing the level of punishment for convicted traffickers or funding resource centers that can provide survivors with an adequate supply for their needs, the state can take various practical forms to prevent the ongoing rise of human trafficking altogether. A goal for this study and the rest of human trafficking research out there is solely aimed at one thing: the end of this heinous crime for good.

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