

In Alaska, Not All 'Sex Traffickers' Are Sex Traffickers

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A broad state law punishes sex workers who look out for their own safety.

Credit: Michael Wilson/500px

An Alaskan researcher and former sex worker is spearheading an effort to fight the state's anti-sex trafficking law that she and others argue is harming the very people it was ostensibly designed to protect.

Alaskan law enforcement does too little to prosecute actual sex traffickers and instead punishes sex workers for taking measures to keep themselves safe, according to Tara Burns, who received a master's degree in social justice from the University of Alaska-Fairbanks this spring.

As part of her graduate research, Burns said she looked at the effects of a 2012 state law that broadly redefined sex trafficking.

At the federal level, "sex trafficking" means coercing, forcing or deceiving an adult into a commercial sex act, and "child sex trafficking" means inducing a minor by any means to perform a commercial sex act. Under Alaska law, however, coercion, force and deception are not necessary to garner a sex trafficking charge.

The 2012 law, for example, defines "procuring a patron" for a prostitute as second-degree sex trafficking, which is a felony. Managing or owning a "place of prostitution" is third-degree sex trafficking, also a felony. Fourth-degree sex trafficking, a misdemeanor, is described as "engaging in conduct that institutes, aids, or facilitates" prostitution other than through "a prostitution enterprise."

When then-Gov. Sean Parnell (R) signed the bill into law, he said that he had only recently become aware of "the depth and extent of this depravity in our state." He said he'd heard horrific stories from law enforcement about young women and girls -- particularly Native girls -- being lured into what were basically lives of slavery.



At the time he signed the sex trafficking law, then-Gov. Sean Parnell said he'd heard horrific tales of exploitation and sexual slavery.

Credit: Mark Thiessen/Associated Press

Burns takes no issue with punishing those people who abuse and exploit others. But she said some of Alaska's measures -- specifically, those that define consensual sex-related activity among adults as "trafficking" -- do little to deter real traffickers

while actually punishing sex workers.

Before 2012, many consensual actions within the sex trade, such as managing a house where multiple sex workers voluntarily choose to meet with clients, were criminalized under Alaska's "promoting prostitution" law, Burns said. Now that those acts have been redefined as sex trafficking, the penalties "have seriously increased," she said.

Not to mention, a sex trafficking arrest on a person's record looks far more menacing than one for promoting prostitution. Living with a sex trafficking conviction is similar to being on a sex offenders list, Patrick Ventgen of behavioral health services provider Akeela told Alaska Dispatch News last year. In Alaska, sex trafficking is also a barrier crime, meaning that offenders are banned from certain areas of employment.

Burns' research found that authorities are arresting people on non-violent, non-coercive "sex trafficking" charges far more often than they are targeting the kinds of people the governor described. That is, the 2012 law is being used mostly to crack down on sex workers, not to prosecute traffickers.

At first, she found, the law was barely used at all. In its first two years on the books, only two individuals were even charged with sex trafficking, and neither were what people traditionally think of as traffickers. One was a woman charged with fourth-degree trafficking for advertising her own services on Craigslist. A second woman was charged with trafficking for running a place of prostitution, soliciting a patron for a prostitute, and "inducing" two much younger women, aged 19 and 20, to perform sex acts for money. All three were also charged with prostitution, despite the fact that the latter two were alleged trafficking victims.

The rate of sex trafficking arrests ramped up in 2014 with the formation of a sex trafficking unit within the Alaska State Troopers. Burns said that authorities are now filing such charges "like clockwork every month or so," but that records indicate few of the people charged did anything

like what Parnell had in mind when he signed the bill.

She added that the unit has not yet charged anyone with trafficking a person under 18.

The Alaska Department of Public Safety has not responded to a request for comment from The Huffington Post.

Armed with her research, Burns created an online petition aimed at repealing the 2012 law. So far, more than 37,000 people have signed it.

Sex worker advocate Maxine Doogan told Truthout last year that the broad nature of the statute means officials wind up punishing sex workers for trying to keep themselves safe.

"We see people who are working together, sharing space, sharing customers, can be charged with enterprising sex trafficking," Doogan said. "The safety conditions we set up for ourselves are now being called sex trafficking."

Both Doogan and Burns have pointed to the case of Amber Batts, the owner of an Alaskan escort agency who was sentenced to five years in prison on sex trafficking charges in August. Batts' supporters -- who include some of the escorts who once worked with her -- say she helped keep the escorts safe by screening clients with background checks and providing a secure place to meet clients. Burns, who does not know Batts personally, created a social media campaign using the hashtag #WhoresUNITED907 to draw attention to Batt's trial and Alaska's sex trafficking laws. (The area code for most of the state is 907.)

Intensified law enforcement also means potential for police brutality. When Burns surveyed 40 people involved in various aspects of the Alaska sex trade and interviewed an additional eight, twenty-six percent of them said they had been sexually assaulted by an officer and 9 percent said they had been beaten or robbed by an officer. Thirty-three percent of those who had ever tried to report a crime to police had been threatened with arrest while doing so.

"I myself have had [officers] pose as customers and actually complete a sexual act with me and then try to arrest me," one participant said. Another described an officer threatening to throw a woman in a river "if she didn't perform oral sex on him."

Burns' research suggests that if the government wants to help trafficking victims and others vulnerable to exploitation, it should increase oversight of law enforcement's actions and focus on making resources like housing, counseling and health care available to those who need them. In her online petition, she also advocates for decriminalizing all aspects of consensual sex work.

If anyone is going to be prosecuted for abusive trafficking, she argues, perhaps the state should look at its own policies that drive people into the sex trade. From turning minors out onto the street without means to support themselves to slapping sex workers with criminal records that make it nearly impossible to find other employment, the state frequently makes selling sex the

only viable option.

"When I think of the people I met in my 20 years or so of sex work who hated sex work and did not want to do it, but felt forced because it was their only means of survival," Burns said, "it was always a government body who had placed them in that situation."

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CORRECTION: *Language has been adjusted to reflect the fact that the escorts who once worked with agency owner Amber Batts were independent contractors, not employees. Also, one woman charged under the 2012 law was accused of sex trafficking for both running a place of prostitution and soliciting a patron for a prostitute, as well as for inducing two other women to perform sex acts for money.*