

# Sex Trafficking and the State: Applying Domestic Abuse Interventions to Serve Victims of Sex Trafficking

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**Abstract** Advocacy and scholarship addressing sex trafficking as a human rights issue has become a transnational effort, but there has been less attention to sub-national efficacy. Through analyzing progressive justice system responses to domestic violence in Duluth, Minnesota that have been adopted worldwide, this paper demonstrates how to effectively apply these local advances in order to address sex trafficking on a global scale. This paper makes a theoretical contribution to understanding the intersections between domestic abuse and sex trafficking. A key empirical finding is that a coordinated community response (including the justice system and women’s organizations) is crucial for advancing domestic abuse training, monitoring, and legislation—and this coordination can also be productively utilized for improving responsiveness to victims of sex trafficking across a diverse range of socio-legal and economic contexts.

**Keywords** Sex trafficking · Coordinated community response · Domestic abuse · Duluth Model · Human rights · Women’s rights

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Now the girls are getting younger...What does a predator or pimp look like? The girls are *in love* with their pimp or trafficker. The myth is that it is you and the pimp against the world.<sup>1</sup>

## Introduction

An enduring area of inquiry in social science aims to improve our understanding of how democratic countries can govern in a way that protects, rather than marginalizes, vulnerable groups (O'Donnell et al. 2004; Phillips 1991; Walsh and Xydias 2014; Young 1990). Some of the world's most vulnerable groups are victims of sex trafficking, a type of human trafficking and human rights violation (United Nations 2014; Gallagher 2001; Barry 2012). There has been recent a wave of international-level advocacy and scholarship as sex trafficking has become increasingly globalized (Bales 2004; Besson and Kamen 2008; Britton and Dean 2014; Deane 2010; Kara 2010; Kristof and WuDunn 2009; McCormick 2008; Skinner 2009; Walker 2011).

In addition to scholarship on international responses to trafficking, there have been recent calls to further investigate sub-national anti-trafficking efforts (Burroughs and Powell 2011; Flores and Wells 2010; Lloyd 2012; Sher 2011; Brienzo 2008). Local dynamics of sex trafficking can be hidden in plain sight, and we may be most able to impact the local level through advocacy and service (Stark and Hodgson 2003). This paper extends the literature on domestic and sub-national trafficking through a case study of Duluth, Minnesota—which is globally recognized for its progressive advances in addressing domestic abuse. Leveraging this case study, I demonstrate how to effectively extend local efforts developed to address domestic abuse in order to address sex trafficking.

Coercive means, such as force or fraud, are central tactics of sex traffickers and domestic abusers. Empirical studies suggest that sex traffickers disproportionately prey on vulnerable young women and girls, and traffickers use coercion to exert control over victims (Farley 2007). Many traffickers present themselves as *boyfriends* and compel their often-young victims into prostitution (Stark and Hodgson 2003). They exert their power through strategies analogous to domestic abuse, such as sexual and physical violence, intimidation, emotional abuse, isolation, limiting access to money, and convincing victims that they are in love (Bullard 2012). Despite the parallel dynamics of coercive control used in domestic abuse and sex trafficking, the link between them is under-theorized and there has been scant attention to the interpersonal dynamics of coercion that are used to lure, isolate, and trap victims (with the exception of Bullard 2012 and Stark and Hodgson 2003). In addition, there is significant overlap between sex trafficking and prostitution, but the abuses of trafficking can go unrecognized when prostituted victims end up in the justice system. One theoretical contribution of this paper is to identify the intersections between domestic abuse, sex trafficking, and prostitution, which helps to specify the utility (as well as the limits) of applying domestic abuse interventions to address sex trafficking.

<sup>1</sup> Speaker from the organization PRIDE (From Prostitution to Independence, Dignity & Equality) in Minneapolis, MN and survivor of prostitution. Presentation in Duluth, Minnesota at the Duluth Trafficking Task Force meeting on November 19, 2010.

While the UN has initiated valuable anti-trafficking interventions, there are critiques that these efforts disproportionately aim at prosecution rather than using a victim-centered approach to protect the human rights of those who are trafficked (Smith 2011; Kaneti 2011). Around the globe, women's rights advocates have developed victim-centered domestic abuse interventions, which have untapped potential for serving victims of sex trafficking. The most widely adopted domestic abuse intervention program in the world is the Duluth Model, developed by women's advocates in Duluth, Minnesota in the 1980s (DAIP 2015; DAIP 2012; Advocates for Human Rights 2006).<sup>2</sup> Now administered by the Domestic Abuse Intervention Programs (DAIP), the Duluth Model of *coordinated community response* to domestic abuse places advocates and victims in a central role for defining and evaluating interagency interventions. Community partners such as practitioners, the police, the courts, other criminal and civil justice agencies, community members, and victims coordinate to improve the community's response to battering (DAIP 2015). In 2012 alone, DAIP conducted training for practitioners in diverse locales throughout the world, including American Samoa, Iraqi Kurdistan, Turkey, Colombia, Singapore, and Hong Kong (DAIP 2012). Thus, improving responsiveness to sex trafficking based on these advances to domestic abuse may be readily transferrable to other communities worldwide.

Scholarly literature has thoroughly analyzed the efficacy of Duluth Model, and the specific policies and programs associated with it (Shepard 1992; Pence and Paymar 1993a, 1993b; Shepard and Pence 1999; Dutton and Corvo 2007; Gondolf 2004, 2007, 2010; Corvo et al. 2009; Stover et al. 2009; Miller 2010). I extend beyond a specific focus on the Duluth Model to analyze the justice system responses to domestic abuse in Duluth, focusing on the police and the courts. While limitations do exist, I find that the coordinated community response in which the justice system is embedded has enabled training, monitoring, and legislative change that has improved victim protection and facilitated their exit from domestic abuse. I then demonstrate how interagency coordination and community-based interventions in Duluth have important potential as a model for improving responsiveness to sex trafficking victims. This paper advances scholarship on how cities, states, and governments can develop victim-centered protections for marginalized groups and improve governance through inter-institutional coordination—even across a diverse range of socio-legal and economic contexts (e.g., Domínguez and Lowenthal 1996; O'Donnell et al. 2004, Walsh 2008).

## Trafficking and Prostitution

In order to provide appropriate services, it is necessary to recognize who victims are, and understand the dynamics of coercion and abuse that underlie sex trafficking. Awareness of these dynamics can resolve systemic failures to provide protection and services when the justice system mistakes victims of trafficking for those who have *chosen* prostitution (MacKinnon 2011; PRE 2008). Sex trafficking is defined in federal law through the Trafficking Victims Protection Act (TVPA) as the “recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a

<sup>2</sup> In a ceremony hosted by UN Women in Geneva, the Duluth Model was awarded the 2014 Future Policy Award for Ending Violence against Women and Girls (UN: United Nations 2015).

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.”<sup>3</sup> However, it is often difficult to prove force, fraud or coercion—especially in cases of coercion where victims have been compelled to think of themselves as willing participants. Not all sex work is forced and not all people in prostitution are trafficked (Brysk 2011). However, a wide range of studies reveal that many people—even the vast majority—in prostitution are being trafficked (e.g., Farley 2007, 2009; Giobbe et al. 1990; Giobbe 1994). Even if only a small proportion of people in prostitution were being trafficked, the fundamental proposals of this paper are ones upon which sex work advocates as well as anti-trafficking advocates can agree: to stop criminalizing people whose sex is being sold and provide better services for those who are abused within or want to exit the sex trade. So, a practical and prudent course of action would be to treat women who come into contact with the justice system for prostitution as victims of trafficking who should be given access to victim-based services.

Minnesota law provides a broader definition of trafficking than federal law that aligns with the empirical realities of how trafficking often happens—even within state borders. In Minnesota, trafficking is defined with explicit reference to prostitution. Minnesota law refers to prostitution as commercial sex acts and defines sex trafficking as aiding in the prostitution of another individual. Minnesota passed an anti-trafficking statute in 2005 (amended in 2009) defining sex trafficking as “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual” or “receiving profit or anything of value, knowing or having reason to know it is derived from [sex trafficking].” According to Minnesota law, sex trafficking is third party involvement (a.k.a. pimping) in prostitution. In Minnesota, there are two competing legal frameworks for addressing victims of trafficking and prostitution: one that focuses on protecting trafficked and prostituted persons through sex trafficking laws, and another that allows for prosecution of so-called *prostitutes*, even when they are being prostituted or go unrecognized as trafficked individuals.

Parallel to sex trafficking, prostitution is a coercive social practice that preys on vulnerable people—particularly women (Farley 2007; MacKinnon 2011). Studies consistently find that people are disproportionately prostituted from vulnerable groups (women, minorities, the poor, minors, survivors of childhood physical, emotional, and/or sexual abuse), and from coercive circumstances (such as homelessness, unemployment, or being a runaway) (e.g., Stark and Hodgson 2003; Farley et al. 2011). Several studies affirm that pimps and traffickers systematically recruit young girls (and sometimes boys) and prevent them from leaving prostitution (e.g., Farley et al. 2003; MacKinnon 2011). Pimping involves coercion by necessity, for young people do not dream of becoming prostitutes, and pimps must employ false advertising to recruit young people and maintain control through psychological, financial and violent means to keep people in prostitution (WHISPER 2011; MacKinnon 2011). A study of 751 prostituted persons in nine countries indicated that 47 % were prostituted under age 18 (Farley et al. 2003).

Following recruitment, the harms of being trafficked and/or prostituted are widely recognized and documented (e.g., Bales 2004; Choi et al. 2009; Farley 2007; Kara 2010; MacKinnon 2011; Waltman 2011b). Abuse that victims endure at the hands of

<sup>3</sup> 22USC § 7102; 8 CFR § 214.11(a). The TVPA has been reauthorized in 2003, 2005, 2008, and 2013.

pimps and johns has been found to result in profound physical and psychological trauma, and even death (Myers-Powell 2008; Pierce 2009; Raymond 2013; Barry 2012, Choi et al. 2009; Farley 2009). In the United States, it has been estimated that up to 90 % of people in prostitution are controlled by pimps (Giobbe 1993). Pimps may be known by many names, including *boyfriends*, *managers*, and *friends*. Given that the law generally treats prostituted people as criminals in the United States, it is no surprise that pimps are relied upon—even for protection from police. However, violence at the hands of pimps is common (Stark and Hodgson 2003). Recognizing pimping as a form of abuse reinforces the idea that the state should change its primary role from *prosecuting* individuals who are prostituted to *protecting* them and providing access to services.

Children are now more protected under the 2011 Safe Harbor law in Minnesota; which treats sexually exploited youth (under age 16) as victims in need of protection, instead of criminals, regardless of third party involvement. This law also develops a victim-centered service model and increases penalties for johns (Minnesota Department of Public Safety 2013). As of fall 2015, 34 states have developed Safe Harbor laws, with varying degrees of comprehensiveness and financial backing (Polaris 2015). See the [Appendix](#) for details on Minnesota sex trafficking and prostitution laws. However, adolescents and adults over 16 years of age do not benefit from such legal protection unless communities coordinate to identify victims beyond this narrow criterion and establish mechanisms to provide access to services and exit options. In the upcoming section, I theorize the intersections among abuses within trafficking, prostitution, and domestic abuse. Then, I demonstrate how domestic abuse interventions in the police and courts can be productively applied to serve victims of sex trafficking.

## Intersections with Domestic Abuse

The same tactics of coercive control in domestic abuse are ones being used in trafficking and prostitution.<sup>4</sup> The Department of Justice defines domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.<sup>5</sup>

Evan Stark (2007) provides a comprehensive conceptual framework for understanding of domestic abuse as coercive control, which he defines from the standpoint of survivors of woman battering as a course of calculated, malevolent conduct deployed almost exclusively by men to dominate individual women by interweaving repeated physical abuse with three equally important tactics: intimidation, isolation, and control. Assault is an essential part of this strategy and is often injurious and sometimes fatal. But the harm abusive men inflict is not merely physical, it is political, and reflects the

<sup>4</sup> Interview with Vednita Carter, Director of Breaking Free (an agency that provides services for victims of sex trafficking and prostitution) in Minneapolis, MN. Interview conducted telephonically. July 11, 2013.

<sup>5</sup> Source: <http://www.ovv.usdoj.gov/domviolence.htm>.

deprivation of rights and resources that are critical to personhood and citizenship (Stark 2007, 5).

Intimate partner violence is pervasive throughout the world, even in developed countries. Large-*N* studies note that nearly 25 % of women in the United States said they were raped and/or physically assaulted by a spouse, cohabiting partner, or date at some point in their lifetime (Tjaden and Thoennes 2000). Victims of these domestic abuse tactics often experience *entrapment*, becoming trapped by their abuser as they are deprived of opportunities to develop their personhood, utilize their capacities, and practice citizenship (Stark 2007, 4). Similar techniques have been found to be used by batterers as well as pimps to coercively control women, such as minimization and denial of physical violence, economic exploitation, social isolation, threats, intimidation, sexual assault, and captivity (Giobbe 1993; Giobbe et al. 1990; Stark and Hodgson 2003). However, the many harms suffered by prostituted women is not as culturally, politically, or socially recognized as the harms from domestic abuse (Stark and Hodgson 2003). See Table 1 below for an overview of the intersections among methods of abuse employed to exert power and coercive control in domestic abuse, sex trafficking, and prostitution. Below is a brief discussion focusing on four key dynamics of abuse that are common to domestic abuse and sex trafficking as well as the implications for victims and service providers.

**Domestic Abusers and Pimps Utilize a Wide Variety of Coercive Tactics to Exert Control Over Their Victims** These tactics include those listed in Table 1, such as isolation and/or confinement, denying access to education or services, preventing victims from getting or keeping jobs, treating victims like servants, threatening to take away children, abusing and threatening children, blaming victims for *causing* abusive behavior, making light of abuse and exploitation and denying it, forcing the victim to have sex with the abuser and/or strangers, manipulating victims with statements about love *if you love me, you will...*, and threatening to expose or report her to family and/or legal authorities, controlling and restricting access to money, and forcing a victim to make money and then taking it away (DAIP 2014; Polaris Project 2010; Safe Exit 2012; Bullard 2012).

Aside from facing violent retaliation, economic dependence is one of the most challenging barriers to breaking free from an abuser, whether it is a spouse, boyfriend and/or pimp. It is therefore essential that the justice system coordinate with social services to provide victims with stable housing and a pathway toward independent sources of income in order to help prevent further abuse and exploitation. In addition, domestic abusers and traffickers disproportionately target marginalized populations that are more vulnerable to coercion (e.g., Crenshaw 1993 on domestic violence; MacKinnon 2011 on pimps and traffickers). The U.N. Special Rapporteur on Trafficking supports this characterization in its 2006 report, saying: “It is rare that one finds a case in which the path to prostitution and/or a person’s experience within prostitution do not involve, at the very least, an abuse of power and/or an abuse of vulnerability...[which] must be understood to include power disparities based on gender, race, ethnicity and poverty” (Huda 2006, 42).

**Victims Can Perceive Abusers as Intimate Partners** Not all traffickers develop the appearance of an intimate relationship with a girl or woman he intends to prostitute, but many do, and may even promise marriage to gain trust and begin the process of coercion (Stark and Hodgson 2003, 23). Coercive control by someone perceived as an intimate

**Table 1** Exerting Power and Coercive Control in Domestic Abuse, Trafficking and Prostitution

Methods of abuse	Domestic abuse	Sex trafficking	Prostitution
Sexual abuse, violence, and/or assault	Yes.	Forcing victim to have sex multiple times a day with strangers. Normalizing sexual violence and selling sex. Treating victim as an object for monetary gain. Using sexual assault as punishment or means of control.	Forcing her to carry out sexual acts <i>as a favor</i> to pay debts or for money/ drugs. Forcing her to watch or participate in pornography. Forcing her to have unsafe sex.
Physical abuse, violence, and/or assault	Yes.	Shoving, slapping, hitting, punching, kicking, strangling. Burning, branding, tattooing. Denying food/water. Exposing to harmful chemicals. Forcing pregnancy termination. Inducing drug addiction as a means of control.	Hitting, slapping, punching, kicking, burning and disfiguring her. Forcing or withholding drug/alcohol use. Using weapons against her.
Coercion, threats and intimidation	Making and/or carrying out threats to do something to hurt her. Threatening to leave her, commit suicide, or report her to welfare. Making her drop charges. Making her do illegal things. Making her afraid by using looks, actions, and gestures. Smashing things. Destroying her property. Abusing pets. Displaying weapons.	Threatening to harm victim or family. Threatening to expose or shame victim. Threatening to report to police or immigration. Harming other victims, children or pets. Displaying or using weapons. Destroying property. Lying about police involvement in trafficking situation.	Threatening violence. Saying to her, <i>If you love me you will do it</i> . Threatening to leave her. Threatening to tell the police, social services, and family members about selling sex. Blackmailing her. Putting conditions on offers of <i>help</i> . Threatening exposure to family and children.
Emotional abuse	Humiliating her. Playing mind games. Calling her names. Putting her down. Making her feel bad about herself. Making her think she's crazy. Making her feel guilty.	Humiliating in front of others. Playing mind games. Calling names. Making victim feel guilt/ blame for situation. Convincing victim they're the only one that cares about them.	Humiliating her, including by openly having sexual relationships with others. Playing mind games. Criticizing and putting her down to undermine her confidence. Affirming existing stigmas about her. Threatening suicide if she leaves and/or doesn't sell sex. Withholding affection to control her.
Isolation	Controlling what she does, who she sees and talks to, what she reads, and where she goes. Limiting her outside involvement. Using jealousy to justify actions.	Keeping confined. Accompanying to public places. Creating distrust of police/others. Moving victims to different locations. Doesn't allow victim to learn English or to go to school. Denying access to children, family and friends.	Confining and isolating her. Stalking her and monitoring her movements. Controlling/ preventing communications with friends and family. Being the only source of support for her. Preventing/ controlling access to services.
Using (male) privilege	Treating her like a servant: making all the big decisions, acting like the "master of the castle," being the one to define men's and women's roles.	Treating victim like a servant. Using gender, age, or nationality to suggest superiority. Using certain victims to control others. Hiding or destroying important documents.	Telling her how to look and what to wear. Dressing her. Reducing her to a sexual commodity. Sex industry based on male privilege.

**Table 1** (continued)

Methods of abuse	Domestic abuse	Sex trafficking	Prostitution
Using economic abuse	Preventing her from getting or keeping a job. Making her ask for money. Giving her an allowance. Taking her money. Not letting her know about or have access to family income.	Creating debt that can never be repaid. Taking money earned. Prohibiting access to finances. Limiting resources to a small allowance.	Taking her money/benefits. Not letting her have control over the money she earns and withholding earnings. Making her pay for his own habits (drugs/ alcohol/gambling). Not paying the <i>going rate</i> . Fixing <i>thresholds</i> on what she has to earn and changing these.
Using children	Making her feel guilty about the children. Using the children to relay messages. Using visitation to harass her. Threatening to take the children away.		
Blaming	Shifting responsibility for abusive behavior. Saying she caused it.	Placing blame on the victim for the trafficking situation.	Blaming violence on her. Blaming her for all her problems.
Minimizing and denying	Making light of the abuse and not taking her concerns about it seriously. Saying the abuse didn't happen.	Making light of abuse or exploitation. Denying that anything illegal or exploitative is occurring.	Normalizing experiences of selling sex and sexual violence.
Stigmatizing and undermining			Disregarding the impact of selling sex on her. Stigmatizing her because of selling sex. Name calling.
Encouraging drug and alcohol dependence			Controlling the quantity of drugs/alcohol they have. Preventing agency assistance. Sabotaging her efforts to access support. Injecting her/ getting her high to enable her to sell sex.
Other intersections among all methods of abuse	Common methods of abuse all involve the exertion of power and control of perpetrators over victims. Cycle of Violence: Traffickers and other abusers use cyclical violence to control victims by making promises of love or a "better life" and by using shame and manipulation. Continuum of Abuse or "Push Factors": Domestic and sexual violence are often cited as "push factors" leading to trafficking. Trafficking by Intimate Partners and Family: Traffickers can be those closest to a victim, including a spouse, intimate partner or family member. Control and Exploitation: In the same way abusers use economic and sexual abuse to control, they may use it to exploit.		

This table consists of quotes from several sources that report on the harms typically reported by survivors of domestic abuse (DAIP 2014, for the column on domestic abuse), sex trafficking (Polaris Project 2010, for the column on sex trafficking), prostitution (Safe Exit 2012, for the column on prostitution), and intersections among these (Bullard 2012, for the row on *Other Intersections*). The first three of these sources are Power and Control Wheels. These *wheels* are pie-shaped diagrams with a circle in the center as a hub labeled *Power and Control* with pie slices emanating from the center with categories and examples of abuse. The original wheel, the contents of which are listed in the column on domestic abuse, was created by the Domestic Abuse Intervention Program in Duluth by advocates who reported commonalities among accounts by victims of typical abuse tactics (DAIP 2014)



partner is a defining feature of domestic violence as well as sex trafficking (Stark 2007; Stark and Hodgson 2003). Many young girls are coerced into thinking of their traffickers as *boyfriends*, and are regularly beaten or assaulted by them with patterns of abuse that parallel domestic violence (PRIDE 2010). Violence is only one of the forms of coercive control used by perpetrators of domestic violence and trafficking to silence and force compliance among their victims (Stark 2007). One of the most dangerous things a woman can do is attempt to leave an abuser—which can result in escalated abuse, threats, and even murder (Stark and Hodgson 2003). In a slightly different variation, some sex traffickers are the parents or caregivers of juvenile victims and use their relationship and/or bond with the victim to manipulate the child to comply. This dynamic of utilizing bonds is similar to the tactics of domestic violence perpetrators and—similarly—victims can perceive their abusers as someone with whom they are bonded, rather than someone by whom they are abused.

**Victims Rarely Identify Themselves as Victims** Victims and survivors of abuse can lack awareness that they are victims, since they are often coerced into thinking of themselves as willing participants, and many blame themselves for their own victimization (Freed 2004, 139–140; Stark 2007). Sex trafficking can be experienced as an extreme form of domestic violence, in which an intimate partner (e.g., a *boyfriend*) exercises physical and psychological violence, as well as other forms of economic and coercive control against a woman. Battered, trafficked and prostituted women may develop Stockholm Syndrome, which is a common psychological reaction to being held in captivity and subsequently identifying with and even being grateful to abusers (Graham et al. 1994). They may be intensely bonded and loyal to their pimps, even feeling that they owe their lives to them (Graham et al. 1994). Lack of self-identification can make it difficult for others to recognize victimization and the need for assistance.

**Service Providers Often Wrongly Perceive Victims as Choosing Their Victimization** Even today, women who are victims of domestic violence are sometimes blamed for their victimization because they *chose* to stay with their abuser. Similarly, victims of sex trafficking may be perceived as prostitutes or sex workers *choosing* to subject themselves to abusive pimps or johns and consequently be denied needed services and protection. While women should be free to make life choices, the idea of *choosing to be trafficked* is absurd and *choosing prostitution* can be a dangerous misnomer given the coercion that it takes to recruit and entrap people in prostitution. This non-choice has been found to involve a lack of informed consent about the potential risks, misinformation about the potential rewards, and lack of exit options, especially among young girls (WHISPER 2011). In most cases, the coercive context in which being trafficked into prostitution normally occurs constrains the available range of options so severely that it renders the concept of *choice* inapplicable (Dworkin 1993; Giobbe 1993; Myers-Powell 2008; Raymond 2013).

Some may object that not all people in prostitution are being abused, and that some make the choice to engage in prostitution as a legitimate (even if unpleasant) form of work. However, even if this were the case, it does not conflict with the objective of providing prostituted people with services and protection and access to justice if and when they are abused. It is the obligation of any justice system to attempt to recognize

and address abuse when it occurs—especially against vulnerable people. The justice system has the potential to become an ally for people who are trafficked and abused in prostitution and treat them as victims entitled to services, rather than treating victims as criminals whose punishment by the state only further marginalizes an already vulnerable group. Given that the exploitation of vulnerability is so often a precursor to being trafficked or prostituted and that subsequent abuse is so widespread, then there is a need to provide access to services by extending upon current policies, procedures, and protocols within the justice system to assist victims.

There are significant similarities between the abuses perpetrated in domestic violence and sex trafficking. Therefore, utilizing services that are now earmarked for domestic abuse victims and extending them to victims of sex trafficking is appropriate and needed. However, despite the striking similarities, there are also significant differences that distinguish victims of sex trafficking from victims of domestic violence. Among victims of sex trafficking, it is more likely that there will be (1) the need for treatment of drug dependency, (2) a history of protracted isolation exacerbated by forced movement, (3) having been treated as a criminal by law enforcement, and (4) experiences of repeated and extreme forms of sexual assault by multiple aggressors (Stark and Hodgson 2003). In places where there are the resources to do so, it would be optimal not only to extend available services, but also to specialize them in order to meet the specific needs of individuals who have been trafficked. Research on African American women's experiences with intimate partner abuse also point to the importance of specialized interventions (Potter 2006). The organization *Breaking Free* in Minneapolis, MN is an example of a survivor-led program focusing on African American women who have been trafficked and prostituted; and a good model of how specialized organizations can be structured with a focus on safe housing, among other services. Whether extending upon current resources, or creating new ones, it is imperative that the state provide access to services for victims of all forms of abuse—whether it be within the context of domestic violence, prostitution, and/or trafficking. Programs and resources around the world are more established for addressing domestic violence than prostitution or trafficking. Duluth, Minnesota has developed victim-centered domestic abuse interventions with untapped potential for serving victims of sex trafficking.

### **Case Selection and Methodology: Violence Against Women in Duluth and Minnesota**

Duluth, Minnesota is a Midwestern seaport city with a population of 86,000 on the western tip of Lake Superior. Adjacent to the nearby town of Superior, Wisconsin (population 27,000), Duluth is surrounded by rural Northern Minnesota about 3 hours south of Canada. There is a strong history of labor activism as well as women's activism in Duluth. The population in Duluth is over 90 % white and the next largest group (Native American) makes up less than 5 % of the population (Paymar and Barnes 2006). Duluth is a useful case study because it is arguably the most innovative city in the United States and a *model city* in terms of its progress in addressing violence against women.

Advocates in Duluth have initiated several advances in addressing violence against women, especially domestic abuse. Starting in 1981, the Duluth Domestic Abuse

Intervention Programs (DAIP), with the support of the community, launched a new approach to domestic abuse they called the Duluth Model (Pence and Paymar 1993a). Below is a description of its key elements:

The Duluth Model was designed in 1981 as a coordinated community response (CCR) of law enforcement, criminal and civil courts, and human service providers working together to make communities safer for victims...the Duluth Model is not a treatment program, but rather a coordinated response by community institutions that holds offenders accountable for their behavior while ensuring that victims are protected from ongoing violence (Paymar and Barnes 2006).

This victim-centered approach makes it flexible for a wide variety of communities, as long as victims and survivors—including those from marginalized communities—are central to developing and monitoring the response.

New studies, focused primarily on Native American women and girls, reveal systematic patterns of sex trafficking in Minnesota (Farley et al. 2011; PAVSA 2014). Given that traffickers prey on marginalized populations and vulnerable girls, it is not surprising that studies find Native American and African American women and girls are disproportionately trafficked in Minnesota (Nelson 1993; Carter and Giobbe 1999). Vednita Carter is the director of a Minneapolis organization to provide services for victims of trafficking named *Breaking Free: Sisters Helping Sisters Break Free*. She reports that they assist 400–500 women and girls escape systems of sexual exploitation every year<sup>6</sup> and estimates that there are thousands of cases of sex trafficking and prostitution every day in Minnesota (Carter 2011; Advocates for Human Rights 2009). In 2010, the Duluth Trafficking Task Force was created in order to start addressing these newly recognized forms of victimization in Duluth.

I conducted in-depth open-ended interviews with key informants who are local experts on sex trafficking with a team I led of six other researchers to collect primary data for this study. There is a relatively small group of individuals who have worked extensively on the issue of violence against women in Duluth. I selected those with the most significant experience and expertise addressing violence against women over the course their careers. Bias can present itself when interviews are narrowly focused on one sector. For example, bureaucrats may be more inclined to focus on *advances* and advocates may be more inclined to focus on *failures* in state response to violence against women. In order to avoid a biased sample, I selected interviewees who work or have worked in a wide range of sectors, including academia, women's organizations, the courts, police, Native American organizations, health providers, and service organizations. I also selected quotes and examples from individuals who were in agreement with at least one other interviewee, in order to exclude evidence that might only reflect individual idiosyncratic experiences or opinions.

Nine interviews with eight experts were conducted in Duluth from 2011–2014 and were approximately 1–2 hours in length. All were conducted in person (except for one conducted over the phone), recorded, and transcribed. Questions for each interview were individualized, but all question sets asked for assessments of responsiveness to violence against women across various sectors in the state and civil society. The purpose of these

<sup>6</sup> Breaking Free “About” page. Accessed 12.2.12. [http://www.breakingfree.net/about\\_us.aspx](http://www.breakingfree.net/about_us.aspx)

interviews is to elicit and observe experiences from experts who are able to provide in-depth information and share knowledgeable judgments about justice system performance.

Another part of the data is drawn from the work of the author engaging in participant observation with the Duluth Trafficking Task Force through the Program for Aid to Victims of Sexual Assault (PAVSA) from 2010–2016. Shannon Drysdale Walsh participated in five task force meetings in 2010 and 2011, following up with several individual meetings with other Task Force members from 2011–2016. Observations were made regarding how the Task Force approached advocacy for victims of prostitution and trafficking. Nearly 30 years after the creation of the Duluth Model, I provide an updated examination of policing and court system responsiveness to violence against women in Duluth. In the upcoming sections, I explain how these interventions could be extended and applied to serve victims of sex trafficking.

### **Police Responsiveness to Violence Against Women in Duluth**

Recent advances have improved police responsiveness to domestic abuse through legislative change, coordination between the police and local women's organizations, and training on the dynamics of domestic abuse. Of the domestic abuse cases that are reported, police are usually the first state agents to be called upon. Police responses can reinforce abusers' power or, alternatively, open avenues to services and healing. The police in Duluth have made substantial advances in addressing violence against women that could be successfully extended to addressing victimization by sex trafficking.

Initial legislation recognizing domestic violence as a crime was crucial for enabling the police to treat it as one. As discussed by a police officer in Duluth:

Once the legislation got in place, [domestic violence] was a crime. And then it had to be treated as a crime, and you have this big police force available to deal with this as a crime.<sup>7</sup>

Coordination between the police and women's organizations in Duluth has played a key role in improving responsiveness to violence against women and designing new services. One outcome of this coordination was the Domestic Violence Response Team, an inter-institutional team with advocates from Safe Haven Women's Shelter and a representative from the Domestic Abuse Intervention Program working with police officers responding to domestic violence.<sup>8</sup> Coordination between the state and women's organizations has enabled police to become knowledgeable about local services, and helped police assist victims of domestic abuse by being able to refer women to agencies that provide assistance.

Coordination between the police and women's organizations has also yielded a fruitful source of training, which has supplemented the state curriculum. Training has helped raise awareness of the incidence and gender dynamics of domestic abuse. Since the beginning of the movement to address violence

<sup>7</sup> Anonymous interview with a police officer. Duluth, Minnesota, December 5, 2011.

<sup>8</sup> Interview with Melanie Shepard, women's advocate, Duluth, Minnesota, November 21, 2011.

against women in Duluth, organizations in Duluth have been working to increase gender sensitivity across the population. Women's organizations have conducted police training modules, which have improved the city's ability to implement successful policies that address domestic abuse. For example, one advocate notes:

Duluth had training regarding domestic abuse cases for their police officers early on, which has led to a greater buy-in from police. They are [now] more concerned about these issues because of early involvement.<sup>9</sup>

The Peace Officers Standards and Training Board Training (POST) is a training module that is required in Minnesota. It helps introduce Minnesota law enforcement to the dynamics of domestic violence issues and how to handle individual cases. A Duluth police officer says "our training involves understanding the psychology behind domestic violence and the control associated with it."<sup>10</sup> The interviewee explained that police in Minnesota have *critical incidence training*, which includes psychology modules on post-traumatic stress disorder (PTSD) and bipolar disorder. This curriculum helps to provide officers with ways to better understand how each victim of abuse is different, and avoid victim-blaming. The training outcomes are described by one officer as follows:

We are learning to treat women a lot better. Not just at the time they go to court, but throughout the advocacy program, working with women to understand that they are not at fault for what took place, the physiological issues associated with battering and control, and really supporting them...<sup>11</sup>

Coordination between the police and women's advocacy organizations has helped facilitate changes in legislation, training, and police procedures; all of which have been crucial for advancing police responsiveness to violence against women.

## Police Responsiveness and Sex Trafficking

Several of the advances that have impacted policing and improved responsiveness to victims of domestic abuse could also be effectively extended to assisting sex trafficking victims; including legislative change, training, and coordination between the police and local organizations to facilitate the provision of services. Responsiveness to sex trafficking varies widely, but many failures are rooted in a legal context that enables the prosecution of victims identified as prostitutes, a lack of training from service providers who understand and identify the dynamics of abuse within trafficking and prostitution, and a lack of knowledge about the potential availability of local services.

One frustrated Duluth police officer notes that many women brought in for prostitution are sex trafficking victims, but dependence on pimps and the failure of police to

<sup>9</sup> Interview with Melanie Shepard, women's advocate, Duluth, Minnesota, November 21, 2011.

<sup>10</sup> Anonymous interview with a police officer, Duluth, Minnesota, November 21, 2011.

<sup>11</sup> Anonymous interview with a police officer, Duluth, Minnesota, November 21, 2011.

focus on the provision of services is an obstacle to the trust-building necessary to report trafficking:

There are hundreds of domestic violence victims a year, and hundreds more sexual violence victims. However, there were zero human trafficking calls this and last year. When you hear the stories, it is startling and horrifying that we are not getting these calls, that we don't have anyone reporting this... Victims are not coming forward because, if this is the way you are getting your food, shelter, friendship, and support, why would you want to ruin that?... A lot of victims are coming from families where they don't have a lot of support to begin with, so don't have anywhere to go back to [other than their pimp]. How do we get beyond that? How can we get the victims to come forward and trust us when we do not have the after-the-fact resources?<sup>12</sup>

Police response to sex trafficking victims is significantly constrained by state laws, but not entirely determined by them. While many officers in Duluth are receptive to thinking of individuals abused in prostitution as victims, the legal framework allows police to continue treating many victims as perpetrators, and this is common practice. As mentioned in a meeting of the Duluth Trafficking Task Force, almost every time a john (sex buyer) is arrested, both the john and the prostitute are charged with criminal conduct.<sup>13</sup> Ideally, laws would include at least four elements, many of which are now in the updated 2011 Swedish prostitution law: (1) arresting and penalizing sex buyers, pimps, and traffickers, (2) not arresting or penalizing those in prostitution, (3) providing exit services to those in prostitution, and (4) enabling prostituted persons to claim civil damages from pimps and johns for violating their dignity (Waltman 2011a, 2011b, 2012). However, in the absence of a favorable legislative environment, training can still facilitate more sensitive treatment of victims, and coordination between women's organizations and the police can establish procedures that effectively route victims to services.

Training is crucial so that police can understand and recognize the dynamics of coercive control that underlie sex trafficking and prostitution. Penalties for prostitution in Minnesota include misdemeanors, gross misdemeanors, fines, and even jail time—regardless of whether there is third party involvement that would constitute trafficking. Training that enables officers to recognize and classify prostituted individuals as trafficked is important in order to avoid penalizing victims and exacerbating the marginalization of sexually exploited individuals. Training could also increase awareness of psychological trauma and PTSD that results from both domestic violence and abuse by traffickers and pimps, which would help reduce the incidence of victim-blaming.

Even in contexts with a different legal framework than Minnesota, police still have the latitude to route and refer victims to services, in addition to carrying out their other requirements under the law. Working in coordination, police can share information

<sup>12</sup> Public statement by a member of the Duluth Police force. Duluth Trafficking and Prostitution Task Force meeting, March 3, 2011.

<sup>13</sup> Public statement by a member of the Duluth Police force. Duluth Trafficking and Prostitution Task Force meeting, October 14, 2010.

about typical patterns of reported victimization and local service agencies can inform police about services and how to make referrals, or even transfers. As is typically done with domestic abuse victims, police could provide victims with a safe escort to a women's shelter. For victims who are not ready to go to a shelter, they could be given a wallet-sized card with contact information for local services and provided with transportation and access to a nurse and/or social worker. Organizations that work with survivors of trafficking and prostitution could also recommend new protocols to help identify victims of trafficking (as has been done with domestic abuse victims), such as asking whether they feel safe where they are living.

Building trust over time is crucial in order for the police to become a valuable resource for victims. Transforming police protocols so that they treat victims as victims rather than perpetrators can help victims of abuse feel safer seeking protection from the police (rather than a pimp or trafficker). These recommendations should help police recognize victimization and enable them to route victims to appropriate services, rather than leaving them with a criminal record.

## Court Responsiveness to Domestic Violence in Duluth

Advances in the Duluth court system improved responsiveness to domestic abuse cases and many of these innovations could be applied to improve responsiveness to sex trafficking cases. One important advance has been the implementation of progressive protocols such as restraining orders. Also, inter-institutional coordination has facilitated training, monitoring, and victim advocacy to effectively apply progressive laws and protocols.

Domestic abuse in Minnesota is defined as:

...[an] act committed against a family or household member by a family or household member that causes physical harm, bodily injury, assault, the infliction of fear or imminent physical harm...[or] criminal sexual conduct..." (Pirius and Zollar 2007, 3).

According to a Duluth City Attorney, the creation of restraining orders, called Domestic Abuse No Contact Orders (DANCOS), have been a major procedural advance for implementing domestic abuse laws.<sup>14</sup> The aim of a restraining order is to preserve the safety and prevent intimidation of victims and witnesses (Gunderson 2012). DANCOS enable judges to impose a no contact order, preventing a suspect from contacting the victim and/or their family. In Duluth, DANCOS are almost always ordered in domestic abuse cases. Then, the case is given to prosecutors or attorneys who inform victims of their rights and provide additional resources to assist them.<sup>15</sup>

Inter-institutional coordination has facilitated the implementation of domestic abuse laws and monitoring of cases within the court system. Coordination among various governmental units and women's organizations is reported as one reason that Duluth has been successful in improving responsiveness to violence against women. When

<sup>14</sup> Anonymous interview with a Duluth City Attorney, Duluth, Minnesota, November 16, 2011.

<sup>15</sup> Anonymous interview with a Duluth City Attorney, Duluth, Minnesota, November 16, 2011.

each organization worked with the same aims to protect victims, abusers were kept away from victims. Then, both were able to get the help and treatment they needed. A long-time women's movement advocate explained how coordination across different agencies more effectively advanced cases through the justice system:

The police said 'we will arrest,' but then the prosecution didn't prosecute, and if they did, the judges just didn't sentence... So they started having these interagency meetings: with the police, probation, the jail, the advocates... It became clear that if one piece or department did their part, but another didn't do their part, then the whole thing fell apart. So they developed this interagency agreement where the police said 'we will arrest,' prosecution said 'we will prosecute,' judges said 'we will sentence'... At the same time, advocates would be talking to the women.<sup>16</sup>

Inter-institutional coordination between women's organizations and the courts enabled the participation of women's organizations in judicial training, which helped overcome potential judicial resistance to implementing domestic abuse laws. In Duluth, the Domestic Abuse Intervention Program (DAIP) initiated much of the training. As stated in an interview with a Duluth City Attorney:

There is a National Council of Juvenile and Family Court judges that does a lot of training for judges all around the country and so what our Domestic Abuse Intervention Program has done here is to raise the money to send our judges, a couple at a time, and that's why you see Judge Smith<sup>17</sup> just being great in his rulings and understanding and helpful to both sides really—just taking the time to hear the case because he benefited greatly, I think he would say, from going to that training.<sup>18</sup>

Inter-institutional coordination also helped connect advocates with individual victims. Advocates support and accompany victims in court, and help victims and the court system because they reportedly do a better job than judges or attorneys of understanding the individual needs of victims.<sup>19</sup> Advocates have a more expanded role in Minnesota than other states, and those from organizations such as the Family Justice Program have provided valuable support and services for victims. A Duluth City Attorney explains:

One of the things I think is unique, in the world of law in Minnesota, is that an advocate can actually sit at a council table next to a victim and can help the victim before the judge and say, 'judge, this is all this guy over here has done and why this person needs to get an order.' That advocate is not a lawyer, but they are actually representing the interests of the victim and supporting the victim's rights in the courtroom.<sup>20</sup>

<sup>16</sup> Anonymous interview with women's advocate, Duluth, Minnesota, December 5, 2011.

<sup>17</sup> The name of the judge has been anonymized.

<sup>18</sup> Anonymous interview with a Duluth City Attorney, Duluth, Minnesota, November 16, 2011.

<sup>19</sup> Anonymous interview with a Duluth City Attorney, Duluth, Minnesota, November 16, 2011

<sup>20</sup> Anonymous interview with a Duluth City Attorney, Duluth, Minnesota, November 16, 2011.



The court system has made important advances for addressing violence against women through restraining orders, and inter-institutional coordination that has facilitated training for judges and provided victims with advocates. In the next section, I will discuss how all of these advances could be extended to help transform the role of the courts vis-à-vis victims of sex trafficking.

## Court Responsiveness and Sex Trafficking

In the same way that progressive protocols and inter-institutional coordination improved responsiveness to domestic abuse cases, these could also facilitate victim protection and case processing for sex trafficking cases. The law facilitates the criminalization of trafficking victims under prostitution laws, which is one obstacle to utilizing the courts to protect victims from traffickers. One woman who works with a service agency notes that it is victims rather than perpetrators who most often end up in jail, think of themselves as worthless, and lack the resources to get help:

[Victims] are not saying ‘I am being trafficked.’ They say, ‘This is my husband or boyfriend.’ They are the ones who are at risk in the treatment facility or in jail. They are victims and being put into positions where they are not getting any help to get at the root of the problem of being victimized or prostituted. A 16-year old girl says ‘I am a crack whore. Who is going to hire me at a flower shop?’ They see themselves as whores. She is now 18 and in jail...We conceptualize this as a woman who has a choice when she turns 18.

A victim-centered approach could help courts identify and route victims to services, rather than incarcerate them. In addition, restraining orders could be utilized for protection from traffickers when abuse is reported.

Coordination across all levels of the justice system (police, prosecutors, judges, and advocates) helped improve responsiveness to domestic abuse cases through monitoring and increased capacity and commitment to protection and prosecution. Inter-institutional coordination addressing sex trafficking would similarly improve responsiveness for victims and reduce impunity for sexual exploitation. Coordination would enable women’s organizations working directly with sex trafficking victims and survivors to recommend and monitor procedural changes so that they serve the needs of victims. In addition, victim-advocacy organizations could provide training for judges about the dynamics of trafficking. Finally, just as advocates help accompany victims through the justice system in Minnesota, advocates could work with sex trafficking victims to navigate the court system.

Restraining orders and domestic abuse no contact orders (DANCOs) are progressive protocols that could be productively extended to victims of sex trafficking and prostitution, when and if abuse is reported. It is not uncommon for pimps to live with women they are prostituting (PRIDE 2010). Studies indicate that pimps control the lives of the women they victimize through criminally controlling and violent behaviors, including prostituting, stalking, stealing, rape, and domestic violence (Stark 2007; PRIDE 2010). DANCOs could be modified to be used against abusive pimps and johns, who could be issued restraining orders to restrict contact with *any* prostituted people. It is critical to

provide women who are being trafficked and/or prostituted with the same access to restraining orders as women who are victims of domestic abuse when they are victim to similar forms of coercive control.

## Discussion and Conclusion

Sex trafficking is a human rights violation that preys upon vulnerable groups and exacerbates their marginalization through systematic abuse (e.g., Barry 2012; Farley 2007). Advancing democratic governance and social justice depends in part upon protecting marginalized groups (O'Donnell et al. 2004; Young 1990). I make a theoretical contribution to understanding the parallel dynamics of abuse in sex trafficking, prostitution, and domestic violence. I focus on Duluth, Minnesota as a city that has made exemplary local advances in addressing domestic abuse. I draw on these advances—many of which have been internationally adopted through the Duluth Model—and argue that they can be applied productively to address sex trafficking by setting up systems of coordinated community response and adopting progressive protocols.

While existing scholarship has documented and analyzed the widespread abuses within domestic violence, trafficking, and prostitution, only a few have identified the overlaps among them (with the exception of Bullard 2012; Stark and Hodgson 2003). I argue that the exertion of power through coercive control is the unifying feature of abuse among perpetrators of domestic violence, trafficking, and pimping. Coercive control is exerted through a wide variety of tactics that are meant to control and manipulate victims, including physical abuse, intimidation, and/or isolation—resulting in the deprivation of rights and resources of victims that are critical to personhood and citizenship (Stark 2007, 5). Just as the exertion of power through coercion was largely invisible to much of society and most state actors before the women's movement raised awareness of it, the parallel use of coercive tactics in sex trafficking and/or prostitution may not be immediately obvious to individuals in the justice system. However, the justice system has the potential to strengthen the rights of victims and provide a pathway to safety through situating itself as an access point to victim-based services. While the justice system has often failed victims, in part through a disproportionate focus on prosecution, it can play a crucial role in prevention and protection by shifting its focus from treating trafficked and prostituted victims as perpetrators to treating them as victims and survivors.

I argue that one productive way of initiating this shift is to apply some of the lessons from responsiveness to domestic abuse in Duluth, Minnesota in order to improve responsiveness to sex trafficking. Duluth has developed a victim-centered approach through their coordinated community response to domestic abuse that incorporates recommendations from victims and survivors—including those from marginalized communities. Inter-institutional coordination enabled the alignment of goals among local service providers and organizations, police, advocates, prosecutors, and judges, and helped develop protocols to protect victims and facilitate their exit from abusive situations. For example, for the police, coordination has yielded awareness of services, and an increased capacity to refer victims to services. Training in the dynamics of domestic abuse and the psychological trauma it entails has generated more sensitive treatment of victims, and increased trust between victims and police. In the courts, coordination has yielded training, monitoring, access to advocates, and the implementation of progressive

protocols such as restraining orders to prevent harm and intimidation of victims and witnesses. Legislative change helped create a mandate for the police and courts to become a gateway to services for victims and survivors of abuse.

I argue that analogous advances can and should be made at the local level to address sex trafficking. For example, victims and survivors should be integrated into the processes of making recommendations and monitoring victim-centered interventions. Inter-institutional coordination among the police, advocates, and other agencies, could enable goal alignment, facilitate training, develop protocols to identify victims, and facilitate the provision of services. In the courts, applying progressive protocols such as restraining orders could help protect trafficked persons from traffickers and abusive pimps and johns. Similarly, legislative change is needed to treat sex trafficking victims *as* victims, not criminals.

Although progressive responses to domestic abuse in Duluth were created in a mid-sized city with a relatively homogenous population, developed economy, and progressive legal context, they can be translated and applied to more diverse socio-legal and economic environments. Successful translation to a more diverse social environment would follow two general principles: first, to partner with marginalized groups, and, second, to coordinate and build upon existing resources. The coordinated community response model in Duluth is grounded in a flexible victim-based approach that partnered with Native American groups and other marginalized communities to assess the impact of interventions (Paymar and Barnes 2006).

Individuals often have overlapping sources of marginalization based on their race, class, or immigrant status, and have distinctive needs such that they are less likely to report victimization (Menjívar and Salcido 2002; Crenshaw 1993). In response, the justice system should be developing specialized services when extending domestic abuse interventions to sex trafficking victims. In some instances, this would mean having advocates from a similar racial, ethnic, religious, class, and/or country background who can better understand victims' needs and interpret and convey them while working within the justice system. In other cases, this would require spending more resources for the provision of basic needs (e.g., shelter and child care) while cases are being processed.

In economic environments where resources are limited, extending upon systems that are already in place to address domestic abuse and sexual assault is likely the most economical and productive way to begin addressing local sex trafficking. If we understand sex trafficking as a form of victimization that has significant similarities to domestic abuse, then we can better build upon existing networks and services in order to serve the specialized needs of this particularly vulnerable group. In less progressive legal contexts, several of the general principles and recommendations of this research can still be applied to extend domestic abuse interventions to assist trafficking victims. Initiating a community coordinated response to sex trafficking would enable inter-institutional coordination to help individuals within and outside of the state identify the dynamics of trafficking in their local area and develop grassroots victim-centered assistance protocols.

Although an in-depth discussion of responsiveness outside the policing and court system is outside the scope of this paper, there are other sectors where important advances have been made for victims of domestic abuse and sexual assault. One significant advance in the health sector has been through the Sexual Assault Nurse Examiner (SANE) program, where nurses gain specialized training for responding to sexual assault and are called upon in order to work with patients after they have been assaulted. SANE protocols could be productively modified to identify and assist victims of sex trafficking so that they get appropriate medical

care as well as access to counseling, housing, and social services. In addition, improving access to high-quality education, foster care, child protective services, and prevention programs for at-risk youth could help reduce vulnerability to trafficking in the first place.

Many feminist scholars have legitimate concerns about unforeseen or unintended outcomes when women's organizations work closely with the state (e.g., Elman 2003). For example, women's organizations can be co-opted by the state, weakening their ability to hold it accountable as they begin to function as "extensions of governments" (quote in Medie 2013, 383, Tripp 2001). However, the state has an obligation to enforce laws on violence against women and would arguably have weaker performance without women's organizations providing the essential functions of monitoring, training, and advising (Weldon 2002). The state is not monolithic or static. It is a site of contestation where the net gain of coordinating with the state is worth some of the potential costs, especially as feminist oversight of the justice system can provide training and pressure to more effectively curtail unintended consequences (Pringle and Watson 1998 and Franceschet 2003 on the state as a site of contestation).

Many agencies and service providers addressing domestic abuse are *already* serving victims of sex trafficking, whether they are aware of it or not. Extending on current systems can expand the scope of individuals who can be helped, as opposed to revictimized, when they seek redress for abuse. Failures to recognize abuse within sex trafficking and/or prostitution are analogous to the lack of recognition of domestic abuse before women's movements mobilized to advance appropriate protocols and services. The findings in this study extend not only to the small city of Duluth, but to any city in the world with the capacity to coordinate services—especially those that have already adopted the Duluth Model approach to domestic abuse. Transformations in the justice system have improved responsiveness to domestic abuse, and analogous changes are needed to treat sex trafficking as a form of abuse. Extending on advances made in Duluth would keep the protection of human rights at the core of this victim-centered approach to sex trafficking.

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## Appendix

### Minnesota Laws on Sex Trafficking and Prostitution

In order to be able to extend domestic abuse services to people who are being sex trafficked, the police and courts must be able to recognize that any prostituted people who have a pimp/manager/boyfriend are likely victims of sex trafficking under federal law (if the prostitution was induced by force, fraud, or coercion), and always victims of sex trafficking under Minnesota law (regardless of force, fraud, or coercion). Minnesota

law makes proving force, fraud or coercion unnecessary by simply defining trafficking as third party involvement in prostitution.<sup>21</sup> Under Minnesota law, sex trafficking victim means a person subjected to sex trafficking practices (e.g., pimping), defined as “(1) receiving, recruiting enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).”<sup>22</sup>

Alternatively (and similarly), a “prostitute” is defined as “an individual who engages in prostitution by being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.”<sup>23</sup> “Prostitution” is defined as “hiring, offering to hire, or agreeing to hire another individual to engage in sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.”<sup>24</sup> If there is third party involvement (pimping), then the justice system can (and should) treat women who would ordinarily be classified as prostitutes as victims of sex trafficking. However, since women who have pimps are under their control and unlikely to identify them, proving third party involvement should not be a requirement for treating prostituted people as victims of sex trafficking.

The Program for Aid to Victims of Sexual Assault (PAVSA) in Duluth articulates how to recognize trafficking, noting that “In simple terms, [sex] trafficking is buying and selling of an individual or individuals for sexual exploitation. Trafficking occurs when an individual is made to perform any kind of sexual activities in exchange of money or anything of value: shelter, food, clothes, drugs etc.”<sup>25</sup> In other words, sex trafficking is the pimping out and purchase of sex from another person.

In addition, Minnesota adopted Safe Harbor legislation in 2011, with all provisions effective in 2014. According to the Minnesota Department of Public Safety (2013), the Safe Harbor Law includes five key changes: 1) The Law excludes sexually exploited youth under age 16 from the definition of a delinquent child. Thus, it resolves a prior conflict in the law defining sexually exploited youth as both victims and delinquents. 2) It creates a mandatory first-time diversion for 16 or 17 year olds who has been exploited in prostitution. If children come through more than once, this enables the state to divert them from the justice system again or to use juvenile proceedings. 3) The Law includes the definition of sexually exploited youth in Minnesota’s child protection codes. 4) It increases penalties against commercial sexual abusers. 5) The Law mandates the creation of a victim-centered response to sexually exploited youth (Minnesota Department of Public Safety 2013, 1–2, some information is quoted directly from this report).

<sup>21</sup> Minnesota Statute 609.321, Subd. 7a (2009).

<sup>22</sup> Minnesota Statute 609.321, Subd. 7a. 2014. “Prostitution and Sex Trafficking; Definitions.” <https://www.revisor.mn.gov/statutes/?id=609.321>

<sup>23</sup> Minnesota Statute 609.321, Subd. 8. 2014. “Prostitution and Sex Trafficking; Definitions.” <https://www.revisor.mn.gov/statutes/?id=609.321>

<sup>24</sup> Minnesota Statute 609.321, Subd. 9. 2014. “Prostitution and Sex Trafficking; Definitions.” <https://www.revisor.mn.gov/statutes/?id=609.321>

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