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***Weaving Theory and Practice:
Anti-Trafficking Partnerships
and the Fourth 'P' in the Human
Trafficking Paradigm***

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Program on Human Rights, Center on Democracy, Development, and the Rule of Law
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Working Paper of the Program on Human Rights

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About the Center on Democracy, Development and the Rule of Law (CDDRL)

CDDRL was founded by a generous grant from the Bill and Flora Hewlett Foundation in October in 2002 as part of the Stanford Institute for International Studies at Stanford University. The Center supports analytic studies, policy relevant research, training and outreach activities to assist developing countries in the design and implementation of policies to foster growth, democracy, and the rule of law.

The **Program on Human Rights** seeks to understand how human rights can best be deployed to advance social justice, freedom, equality, development and the rule of law. Founded in 2009, the Program on Human Rights (PHR) is a unique intersection of the social sciences and public-policy formation and implementation. The Program on Human Rights is housed at Stanford's Center for Democracy, Development, and the Rule of Law (CDDRL), and is the focus of human rights research and related activities at Stanford providing a forum for the dozens of Stanford faculty who work in disciplines that engage or border on human rights (including law, philosophy, political science, education, human biology, public health, history and religious studies) and more than 30 student-initiated human rights groups on campus.

ABOUT THE AUTHORS

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Creating Surfaces makes important interventions to scholarship on human trafficking through an interdisciplinary lens in which Fukushima addresses the categorization of those constituted as trafficked through media, legal, sociological, literary, and cultural studies. In particular she analyzes Asian and Latinas/os trafficked into the United States as a complex phenomenon that has created visibilities of some experiences of exploitation, and rendered invisible the raced, gendered, and classed experiences of experiences that do not fit into the larger narrative of human trafficking due to shifting understandings of freedom, labor and migration, and sexual economies.

Fukushima specializes in gender and migration, transnational feminisms, visual culture, and social movement theory. Her academic work and activism has led to her role as a technical assistant provider and expert on human trafficking for federally funded human trafficking initiatives as well as local collaborations. Fukushima is a consultant for Office of Victims of Crime, a member of the Board of Directors and Board Secretary for the National Coalition Against Domestic Violence, and a member of the Board of Advisory for Survivor's Connect that brings new technologies to anti-trafficking initiatives and The Standing Against Global Exploitation (SAGE) Project, Inc. that which addresses commercial sexual exploitation and human trafficking through direct services and advocacy. She also has a wide range of teaching experiences at Laney College, Oakland and the University of California, Berkeley in interdisciplinary fields of Ethnic Studies. Forthcoming she will be a visiting lecturer with the American Studies Department at Scripps College. Fukushima has published on issues of militarisms and the Asia-Pacific, immigration, and human trafficking. Her scholarly contributions may be found in the form of Encyclopedia contributions with *The Greenwood Encyclopedia of Contemporary Asian American Issues Today* (2009) and edited by Edith Chen and Grace Yoo, *Battleground: Immigration* edited by Judith Warner.

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Introduction

In 2011, the Trafficking in Person's Report included a new element of partnership in the "3P" paradigm of anti-trafficking efforts to: 1) protect victims of human trafficking, 2) prosecute traffickers, and 3) prevent human trafficking.¹ This inclusion of a fourth "P" of partnership is in response to leaders such as U.S. Secretary of State Hillary Rodham Clinton and Deputy Director General of the International Organization of Migration Laura Thompson, who both stress the need for partnerships in anti-trafficking efforts. Human trafficking cases that have been prosecuted in Northern California are a testament to the need for further analyses on anti-trafficking partnerships, which are neither simple nor easy to implement. On October 8, 2009, the jury convicted Mabelle de la Rosa Dann in the first human trafficking trial in the Northern District of California for forcing a Peruvian nanny named Zoraida Peña-Canal into domestic servitude.² In the press release, the federal government credits the non-governmental organization (NGO) La Raza Centro Legal for first reporting the case to law enforcement.³ However, a subsequent article in February 2012 cited the disappointment Avantika Rao (former attorney at La Raza Centro Legal and immigration lawyer for Peña-Canal⁴) felt towards law enforcement.⁵ Despite the success in obtaining Peña-Canal's T-visa (a form of temporary immigration relief for human trafficking victims), Rao was quoted as saying, "I was absolutely devastated by [the U.S. Attorney's office's] decision [not to supply a T-visa certification letter], especially because they implied that they did not trust my client and did not view her case as important."⁶ A question that is raised for us is why, in spite of the seemingly successful legal outcomes for the prosecution and immigration remedy, is it implied that not all parties involved (NGO, law enforcement, and victim) felt that

¹ Hillary Rodham Clinton. "Partnering Against Trafficking." Op-Ed in The Washington Post. June 17, 2009. <http://www.state.gov/secretary/rm/2009a/06/125009.htm>. Accessed on March 19, 2012; Laura Thompson. "Preventing Trafficking for Labour Exploitation: Decent Work and Social Justice." 11th Alliance against Trafficking in Persons Conference. June 20, 2011. <http://www.iom.int/jahia/Jahia/media/all-speeches/cache/offonce/lang/en?entryId=29809>. Accessed March 19, 2012.

² *United States v. Dann*, 652 F.3d 1160 (9th Cir. 2011). "Walnut Creek Woman Sentenced to Five Years Imprisoned for Forced Labor of Domestic Servant," Press Release by U.S. Attorney's Office of the Northern District of California. April 15, 2010. http://www.justice.gov/usao/can/news/2010/2010_04_15_dann.sentenced.press.pdf. Last accessed March 19, 2012. In addition, both authors of this article have also worked directly with the victim in this case, but for reasons of confidentiality and attorney-client privilege, will not discuss the individual working relationship with the victim.

³ "Walnut Creek Woman Sentenced to Five Years Imprisoned for Forced Labor of Domestic Servant," Press Release by U.S. Attorney's Office of the Northern District of California. April 15, 2010. http://www.justice.gov/usao/can/news/2010/2010_04_15_dann.sentenced.press.pdf. Last accessed March 19, 2012.

⁴ Although we believe that people that leave exploitation are survivors, we use the term "victim" so as to be consistent with current policies on human trafficking and non-governmental organization assessments that ascertain whether or not one is a "victim" of human trafficking.

⁵ Ambika Kandasamy, "U.S. visas help trafficking victims, if applicants can vault legal hurdles." S.F. Public Press. February 21, 2012. <http://sfpublicpress.org/news/2012-02/us-visas-help-trafficking-victims-if-applicants-can-vault-legal-hurdles>. Last accessed March 19, 2012.

⁶ For a T-Visa to be issued pursuant to 8 U.S.C. § 1101(a)(15)(T)(i)(I), the visa applicant must also cooperate in the criminal investigation and prosecution of the trafficker. To support this application, agents or prosecutors may submit a Form I-914 Supplement B law enforcement certification letter certifying that the visa applicant has been the victim of a "severe form of trafficking in persons" and cooperated with law enforcement in the criminal investigation or prosecution or both. The T-visa may be granted without a Form I-914 Supplement B. This is different from the U-visa visa, which is an immigration remedy for immigrant victims of crime whom must submit similar a Form I-918 Supplement law enforcement certification letter to qualify for immigration relief. Approximately only 20% of the prepared T-visa applications by the author are submitted with a certification letter from law enforcement. Ambika Kandasamy, "U.S. visas help trafficking victims, if applicants can vault legal hurdles." S.F. Public Press. February 21, 2012. <http://sfpublicpress.org/news/2012-02/us-visas-help-trafficking-victims-if-applicants-can-vault-legal-hurdles>. Last accessed March 19, 2012.

their goals were accomplished? What is clear in media coverage of the case is that the victim’s voice is funneled through her legal representation; whether or not her goals were ultimately achieved is not clear. Therefore, there exists a question surrounding the effectiveness of the anti-trafficking partnership.

There is little consensus as to how to define a partnership and the practice of a partnership (Brinkerhoff 2002). Our definition of a partnership is influenced by Jennifer M. Brinkerhoff’s understanding, which is defined as follows:

“Partnership is a dynamic relationship among diverse actors, based on mutually agreed objectives, pursued through a shared understanding of the most rational division of labour based on the respective comparative advantages of each partner. Partnership encompasses mutual influence, with a careful balance between synergy and respective autonomy, which incorporates mutual respect, equal participation in decision making, mutual accountability and transparency” (Brinkerhoff 2002).

The U.S. Department of Justice funding priorities illustrate federal commitments to partnerships; the Bureau of Justice Administration and Health & Human Services fund task forces, coalitions and partnerships.⁷ However, creating task forces that mandate NGOs and criminal law enforcement to work together does not automatically create effective anti-trafficking strategies or effective building of the fourth “P” of partnership. To address the issue of human trafficking partnerships, we utilize a method that is interdisciplinary and also informed by practice (we have worked directly as human trafficking advocates, educators, and technical assistant providers) to analyze the discourse and practice of human trafficking partnerships.

Methodology

Human trafficking stakeholders (participants in anti-trafficking efforts) are diverse and include: social service providers, law enforcement, health clinics, educators, faith base community organizations, policy makers, mental health services, governmental, and employment training. If human trafficking victims (identified or not) interface with such a diverse number of institutions, there is a need to offer an approach that is interdisciplinary. Through an interdisciplinary method we draw upon gender/race, human rights, legal, media, sociology and trauma studies to analyze human trafficking partnerships. In (re)visiting the *United States v. Dann* case and our own experiences of working with victims of human trafficking, what is clear is that human trafficking is a multifaceted transnational phenomenon that is linked to trends on migration and labor (Kim 2006 – 2007).

In this paper, we contribute to the discourse surrounding international human trafficking through a local perspective. Our focus on a regional perspective on California offers critical perspectives in a terrain in which there are current gaps (a majority of human trafficking research focuses on the Asia-Pacific and Europe).⁸ As illustrated in the 2011 edited volume, *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*, “many of the greatest immediate and structural threats to human rights, and some of the most significance efforts to realize human rights practice, can be found ‘in our own backyard’ [of the United States]” (Armaline et. al, 2011).

⁷ Grants & Funding: OVC-Funded Grantee Programs to Help Victims of Trafficking. *Office for Victims of Crime*: <http://www.ojp.usdoj.gov/ovc/grants/traffickingmatrix.html>; The Campaign to Rescue & Restore Victim of Human Trafficking. *U.S. Department of Health and Human Services: Administration for Children & Families*. February 16, 2012. <http://www.acf.hhs.gov/trafficking/>

⁸ By 2005, only seven percent of the human trafficking research and data collected was on the Americas. Frank Laczko. January 2005. “Data on Research on Human trafficking.” *International Migration*. Vol. 43, Issue 1-2: 5 – 16.

Although there are a variety of perceptions of what human trafficking is, due to our location in which we draw upon Northern California cases samples, we utilize the U.S. Trafficking Victims Protection Act (TVPA)⁹ to define human trafficking.¹⁰ Northern California has seen many sex and labor trafficking cases. A 2005 Human Rights Center report on human trafficking found that from 1998 to 2003, forty-three percent of the over five hundred identified forced labor cases were in the greater San Francisco Bay Area. Central to our framework is not to perpetuate a moral panic surrounding exploitation (Agustin 2007). But rather, we offer a critical analysis of human trafficking partnerships that is informed by culturally aware practices and women of color feminist and transnational feminist perspectives (i.e., Grewal and Kaplan 2006).

California has a long history engaged in the anti-trafficking efforts stemming from the notorious El Monte Thai garment worker and the Lakireddy Bali Reddy cases. In addition, in 2003, two out of eight of the first comprehensive federal grants awarded to NGOs to provide services for trafficking victims were in California-CAST and the Asian Anti-Trafficking Collaborative (Caliber 2007).¹¹ The San Francisco Bay Area Trafficking Task Force was one of the first regions awarded with a federal grant in 2005 for anti-trafficking efforts. The anti-trafficking collaborative efforts in the form of task forces are thriving; the Bay Area currently has two main task forces where law enforcement and victim services providers work collaboratively on international human trafficking cases: the North Bay Task Force and the San Jose Police Department Human Trafficking Task Force (Lee and Parker 2010).

Problem/Argument

Critics and service providers frequently complain that one of the biggest, consistent challenges in existing anti-trafficking models is the continued overemphasis and reliance on the “P” of prosecution at the expense of the other two “Ps,” especially protection of the victims (Shigekane 2007). Emphasizing only one “P” of the paradigm creates an inherently non-victim centered approach, where the victim’s interests are de-prioritized. As delineated by Dina Francesca Haynes, the responses to human trafficking that exclusively focus on prosecution of traffickers¹² or a victim-oriented approach¹³ are still limiting (Haynes 2004). This limitation is furthered by perceptions by the public at large surrounding a successful response to human trafficking.

As reflected in the media coverage and public attention on arrests¹⁴ and convictions (Srikantiah 2007), the public tends to regard a successful trafficking case when the trafficker is brought to justice and imprisoned. Because law enforcement’s goal more narrowly is to achieve the prosecution of a trafficker, sometimes victims and social services can be seen as non-cooperative with the criminal process (Lloyd, Simmons, Stewart 2012), or vice versa (as seen in the example in the *United States v. Dann* case above), potentially leading to anger and mistrust from all parties involved rather than a strategic partnership (Konrad 2002). Less

⁹ 22 USC § 7102 (2008).

¹⁰ Severe human trafficking is defined by the Trafficking Victims Protection Act as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age, or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. 22 U.S.C. § 7102 (8)(A)-(B).

¹¹ Caliber. “Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned.” June 2007. <https://www.ncjrs.gov/pdffiles1/nij/grants/218777.pdf>.

¹² For example, victims may end up in the criminal justice system and prosecuted, in spite of the crimes committed against them. Other times, victims can be arrested as material witnesses in cases and are forced to participate in criminal proceedings against their traffickers unwillingly.

¹³ It has been critiqued that victim-oriented approaches fail to engage with organized crime elements and broader issues that facilitate human trafficking.

¹⁴ Misty Showalter. “Pimps feed on twisting Californian dream.” *CNN*. August 10, 2011. http://articles.cnn.com/2011-08-10/us/freedom.orange.county_1_task-force-human-trafficking-arrest-one/3?s=PM:US (accessed on September 21, 2011).

attention is paid to the successful partnerships in anti-trafficking efforts and how they contribute to successful outcomes and achievements. In particular, the victim is frequently not seen as an important member of the partnership to achieve successful outcomes in a particular case and overall anti-trafficking efforts. We suggest that delving into an understanding of varying goals, particularly those of the victim, will promote a strengthening of strategic partnerships, regardless of case type.

Dina Francesca Haynes article “Used, Abused, Arrested and Deported: Extending Benefits to Protect Victims of Trafficking and Prosecution of Traffickers” (May 2004) calls for human trafficking approaches that will address the gaps in current anti-trafficking strategies through the following:

- Alter perceptions of who is a trafficked person
- Bring to the center a human rights approach
- Focuses on protecting victims (and not prosecuting them)
- Respond to the socio-economic vulnerabilities that exacerbate trafficking
- Prosecute traffickers and trafficker co-conspirators
- Make it an international offence for international workers (i.e., peacekeepers) to visit brothels
- Increase forfeiture of assets for traffickers and restitution for victims
- Implement laws
- Promote international cooperation
- Target the demand, and
- Create immigration solutions

However, in order to even accomplish any of Haynes goals requires partnerships between differing entities.

As reflected in reports and findings, there is still much confusion about the roles of different agencies in anti-trafficking efforts. For example, in 2006, Caliber conducted a survey with law enforcement personnel, finding that ninety percent of the respondents did not know what the role of victim service providers or federal agent was during a human trafficking investigation, despite the fact that more than one-quarter of the respondents also identified federal agents and victim service providers as vital to their role in working a human trafficking case (Clawson, Dutch, and Cummings October 2006). Furthermore, the lack of understanding of roles of each individual involved in the partnership can greatly impact the effectiveness of a partnership. In 2007, Caliber issued a report finding that in a survey interviewing federal prosecutors, social services were only involved in fifty-seven percent of the trafficking cases prosecuted, and the relationships with service providers were rated as ‘excellent’ to ‘very good’ in only forty-three percent of these cases (Clawson, Dutch, Lopez, and Tiapula June 30 2008). The different industries, victim profiles, trafficker profiles, numbers of victims per case, and methods of trafficking affect the sheer breadth and type of trafficking cases and differing responses to each case. In addition, human trafficking crosses a variety of social issues: domestic violence, child abuse, sexual exploitation, poverty, and public health issues. To effectively respond to varying capacities, stakeholders at the table, and ideologies of “best practices,” we call for a *strategic anti-trafficking partnership*.

Although seemingly common sense, it is necessary to articulate what a strategic anti-trafficking partnership is. A strategic partnership incorporates an understanding of the differing cultural practices of participating partners that impact goals and is flexible to adapt to changing dynamics of human trafficking case or the context within which the victims are being served. While there has been some research and discussion about the effectiveness of task force based on their structures,¹⁵ there is little to prepare anti-trafficking advocates, scholars, lawyers, policy makers, law enforcement, and social services providers, on how to work with one

15 “Anti-Human Trafficking Task Force Strategy and Operations E-Guide.” Office for Victims of Crime: Training and Technical Assistance Center. 2010. <https://www.ovttac.gov/taskforceguide/> Accessed on December 31, 2011.

another effectively in encountering the myriad of permutations a single case can result in. Therefore we argue that through an interdisciplinary approach, a strategic anti-trafficking partnership is necessary to address the gaps in current anti-trafficking initiatives.

Before we offer an analysis of what we are calling for as needed frameworks for a human trafficking partnership, a strategic anti-trafficking partnership, situating of our logic in an anti-trafficking discourse is much needed.

Human Trafficking, Human Rights and Partnerships

Currently there are a variety of scholarly contributions to the current anti-trafficking discourse such as those that:

- Describe human trafficking (for example Farr 2004; Raymond and Hughes 2001),
- Address the causes (for example Gallagher and Pearson 2010; Outshoorn 2004),
- Offer a picture of the political economics of the problem (for example Bales 2004),
- Conceptualize human trafficking as a crime (for example Stoecker and Shelley, 2004)
- Argue that human trafficking is a human rights issue (for example Brysk and Choi-Fitzpatrick 2012), and
- Situate such discourses as grounded in legal perspectives (for example Chacon 2006, Chuang 2006, Gallagher 2010)

While human trafficking is a crime, we want to emphasize the rights that individuals have, and therefore see human trafficking as a human rights violation that necessitates a human rights approach. We draw upon the work of Alison Brysk and Choi Fitzpatrick's *From Human Trafficking to Human Rights* as useful for situating how a human rights discourse is a significant framework for policy and scholarship on human trafficking, so as to "rethink" rescue narratives that have been created due to a crime perspective (Brysk and Fitzpatrick 2012). To move out of the limitations that have been created in anti-trafficking discourse, we are in dialogue with a human rights approach. The question that forms is, how do you implement a human rights approach across disciplinary practices and institutions of a partnership?

Partnerships are no easy task and are assumed to occur naturally. Reflecting on our own experiences of working with a variety of institutions, it is integral to continually improve on existing models to adapt to shifting populations. There exist models and scholarship on how to form a partnerships, including those that are focused on victim-centered approaches (Koeplinger 2008; Shigekane 2008; Mattar 2008), diverse models that exist from structured models to interpersonal developed partnerships (Lee and Parker, 2010), and models that focus on development of task forces in the U.S. and as seen as multi-disciplinary and adaptable to other countries (Office of Victims of Crime and Bureau Justice Assistance, 2010). Whether one is working in an inter-agency partnership, is part of the one of the forty-two task forces that are funded by the Bureau of Justice Administration,¹⁶ one of the fifty-two human trafficking coalitions funded by health and human services,¹⁷ or an independent coalition that formed out of necessity such as the Freedom Network,¹⁸ ATEST,¹⁹ or on a smaller scale, the Asian Anti-Trafficking Collaborative,²⁰ these wide range of partnerships work and

¹⁶ "Anti-Trafficking Task Force Initiative." *Bureau of Justice Administration*. 2008.

https://www.bja.gov/ProgramDetails.aspx?Program_ID=51. Accessed on January 11, 2012.

¹⁷ "Contact Information for Coalition." U.S. Department of Health and Human Services: Administration for Children & Families. February 7, 2012. http://www.acf.hhs.gov/trafficking/about/coalition_list.html. Accessed on January 15, 2012.

¹⁸ The Freedom Network: <http://www.freedomnetworkusa.org/>

¹⁹ Alliance to End Slavery and Trafficking: <http://www.endslaveryandtrafficking.org/>

²⁰ Asian Anti-Trafficking Collaborative: <http://endtrafficking.wordpress.com/>. After the passage of the Trafficking Victim's Protection Act (TVPA), Asian Pacific Islander Legal Outreach (APILO) began leveraging local coalitions and partnerships built over 30 years of work to address domestic violence to expand its service infrastructure to assist victims of human trafficking. In collaboration with three key partners, APILO applied for the Comprehensive Services grant. The key partners were the Asian Women's Shelter (AWS), Narika, and Donaldina Cameron House (DCH). Under the grant, the Asian Anti-Trafficking Collaborative (AATC) was formalized as the first anti-trafficking collaborative response network in Northern California; however, the four agencies had conceptualized the initiative in 2001." See Caliber. "Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned." June 2007. <https://www.ncjrs.gov/pdffiles1/nij/grants/218777.pdf>.

mobilize with different types of resources. Starting a partnership is one thing, but maintaining those relationships is another. There also exist handbooks that are models for performance evaluators such as models published with the International Office for Migration.²¹

We argue that utilizing human trafficking models for task forces and coalitions is needed, but we emphasize that in order to implement an effective strategic anti-trafficking partnership, we must begin by framing a deeper understanding of varying cultural practices that impact goals.²² In working with cases that are diverse from cases of individuals trafficked (i.e., *United States v. Dann*; *United States v. Ding, et. al.*,²³ *United States v. Penzato*²⁴) to group cases such as Operation Gilded Cage²⁵ and Giant Labor Solutions,²⁶ we argue that a strategic partnership needs flexible processes that commit to supporting participating partners in achieving a common goal.

Partnering with Law Enforcement

“Effective partnerships are the key component of the Department’s Blue Campaign. Secretary Napolitano is committed to fighting human trafficking through effective collaboration: Human trafficking is global problem that requires a global solution.” – One DHS: The Blue Campaign. Department of Homeland Security.²⁷

The Blue Campaign is on board with combating human trafficking, with a provocative message of human trafficking as a way to lose your life. As law enforcement has joined the international movement to respond to such human violations as impacting individual freedoms, the culture of law enforcement must be understood as not monolithic. There are also challenges to partnerships due to the image of rescue and the criminalization of victims. In spite of these challenges, law enforcement campaigns such as the Blue Campaign illustrate their visible role in anti-trafficking efforts.

The culture of law enforcement is not monolithic; law enforcement agencies are an extension of the state and tend to have organized and bureaucratic institutional cultures (Meier and Nicholson-Crotty 2006). That is, the mandate of law enforcement is to enforce existing laws for the public’s safety, which for criminal law enforcement is frequently measured by investigations, arrests, prosecutions, and convictions (Stoll, Edwards Mynatt 2010). One must understand the culture of law enforcement agencies as differing in their institutional goals based on the specific mandates of laws they enforce and how they enforce these laws (e.g. federal v.

²¹ *International Office for Migration*. 2008. “Handbook on Performance Indicators for Counter-Trafficking Projects.” Washington D.C.

http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/pi_handbook_1808_08.pdf. Accessed on February 15, 2012.

²² These goals are variable in which NGOs, law enforcement, and victims are diverse, including those that are national or international, those in industrialized versus developing contexts, those that are funded from development industry and those that are not, and membership versus non-membership organizations, are diverse with a diversity of goals (Lewis 2001).

²³ *United States v. Ding, et. al.*, Case No. 2009R00982 (N.D. Cal. May 27, 2010). U.S. Department of Justice, U.S. Attorney’s Office, Northern District of California. “Fremont Woman Sentenced to More than Three Years Imprisonment for Human Trafficking Charge.” November 17, 2010.

http://www.justice.gov/usao/can/news/2010/2010_11_17_ding.sentenced.press.pdf.

²⁴ *United States v. Penzato et. al.*, No. 3:2010cv05154 (N.D. Cal. June 24, 2011). Ari Burack and Mike Aldax. “Couple at the Italian Consulate in San Francisco Accused of Nanny Abuse.” San Francisco Examiner. June 29, 2011.

<http://www.sfoxaminer.com/local/2011/06/couple-italian-consulate-accused-nanny-abuse>.

²⁵ U.S. Department of Justice, U.S. Attorney’s Office, Northern District of California. “29 Charged in Connection With Alien Harboring Conspiracy.” July 1, 2005.

²⁶ *United States v. Askarkhodjaev*, No.4:09-CR-00143 (W.D. Mo. May 27, 2009).

²⁷ http://www.dhs.gov/files/programs/gc_1270739792024.shtm

local, criminal v. civil). Law enforcement has the clear goal of punishing traffickers to promote public safety and the mete out justice. For example, Steven Merrill, a supervisory special agent in the FBI office, has stated, “There’s a variety of reasons why [victims are unwilling to share their victimization], but that will always remain a difficulty from the FBI and any other law enforcement’s perspective in accomplishing our mission to put human traffickers — to convict them in court.”²⁸

There are two central challenges that impact anti-trafficking partnerships: a narrative of rescue and criminalization of victims. The discourse on law enforcement (i.e., police officers and agents) and human trafficking as first responders (Sawyer, Tapia, Pesheck, and Davenport 2004)²⁹ perpetuates an image of “saving” or “rescuing” victims of human trafficking (Srikantiah 2007).³⁰ Law enforcement agents (and at times, NGOs) participate in what is referred to as a “rescue industry” that in cases such as Operation Bad Neighbor and Operation Gilded Cage, leads to further victimization of victims or is not empowering (Agustin 2007). In 2005 massage parlor raids, such as in the San Jose case dubbed “Operation Bad Neighbor,” although there were potential female victims found at the massage parlor, those that refused to testify were deported.³¹ This reinforces the idea that trafficking victims do not deserve assistance if they have committed a crime, regardless of whether or not the crime was committed under duress and in the context of their trafficking. Rescue does not necessarily lead to the identification of victims of human trafficking as shown in the 2005 Operation Gilded Cage case, in which one-hundred two potential women were found, only to have a majority of the women deported due to lack of evidence that proved their victim-status (Kim and Chang, 2007).³² Another challenge is that victims oftentimes may participate in criminal acts related to their

²⁸ Ambika Kandasamy, “U.S. visas help trafficking victims, if applicants can vault legal hurdles.” S.F. Public Press. February 21, 2012. <http://sfpublicpress.org/news/2012-02/us-visas-help-trafficking-victims-if-applicants-can-vault-legal-hurdles>. Last accessed March 19, 2012. Compare this to the efforts of Alameda County, where the HEAT Watch Program is focused on domestic minors in commercial sex trafficking. The focus is heavily geared towards prosecution and ensuring the safety of the “girls.” <http://oaklandlocal.com/blogs/2010/02/alameda-county-da-unveils-anti-human-trafficking-effort> and <http://www.heat-watch.org/>.

²⁹ First responders are members of organizations and agencies such as emergency communications centers; emergency medical services; fire, rescue, and hazardous material response teams; law enforcement agencies; the Red Cross, and other disaster relief organizations.

³⁰ See, for example, statements from Sgt. Kyle Oki and Lt. John Vanek of the San Jose Police Department regarding part of their role as rescuing victims. Nadejda Marques. “Bay Area law enforcement adopt victims-based approach to combat human trafficking.” Stanford Center for Democracy, Development and the Rule Law and PHR News. March 1, 2012.

http://healthpolicy.stanford.edu/news/bay_area_law_enforcement_adapt_victimsbased_approach_to_combat_human_trafficking_20120301/. Last accessed March 19, 2012. See also Lt. John Vanek’s “John Vanek’s Human Trafficking Blog,” at <http://jvanek.wordpress.com/>.

³¹ Meredith May. “5 Chinese citizens charged with running prostitution ring.” San Francisco Chronicle. October 28, 2005. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/10/28/BAGOFFFD7A1.DTL>. Last accessed March 19, 2012.

³² Case is also featured in the Human Trafficking in California report. California Alliance to Combat Slavery and Trafficking Task Force. October 2007. “Human Trafficking in California: Final Report.” California Attorney General Office and Crime and Violence Prevention Center. http://ag.ca.gov/publications/Human_Trafficking_Final_Report.pdf. Accessed on January 10, 2012. In this case, Jayashri Srikantiah notes that although the Department of Justice referred to the location where the women were sent to as a “non-detention location,” articles cite that over a hundred potential trafficking victims discovered during Operation Gilded Cage were removed from the brothels “in handcuffs,” taken “into custody,” and were “being held ... at an undisclosed location,” and that the government typically holds victims in some sort of detention from which they are unfree to leave. Srikantiah, citing Jaxon Van Derbeken & Ryan Kim, “Alleged Sex-Trade Ring Broken Up in Bay Area,” San Francisco Chronicle, July 2, 2005, at A1. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/07/02/MNGDLDDIDVD1.DTL>. Last accessed March 19, 2012. See also Jaxon Van Derbeken, “Officials Move to Close Raided Massage Parlors,” San Francisco Chronicle, July 28, 2005. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/07/28/BAG06DUIE61.DTL>. Accessed May 19, 2012.

trafficking such as prostitution or drug trafficking (Srikantiah 2007). Another example of the challenges with individuals trafficked is best described in a 2009 case of a Honduran immigrant who was convicted of felony charges of dealing crack in the Tenderloin despite his defense that he had been brought to the Bay Area by coyotes, who threatened to hurt him, subjected him to peonage, and forced him to sell drugs. The Assistant District Attorney (ADA) from the San Francisco District Attorney's Office, Richard Hechler, in his closing statement said, "He may or may not have been trafficked. That's not the issue. The issue is, did he commit a crime?"³³

However, even law enforcement adapts its goals for strategic and philosophical reasons. In October 2011, the San Francisco Police Department (SFPD) announced the creation of a Special Victims Unit (SVU). The SFPD SVU consolidates investigation of child and elderly abuse, domestic violence, sex crimes, human trafficking, missing persons, and financial crimes in one unit, and ensures cross-trained officers and dedicated officers for anti-trafficking investigations.³⁴ Captain Antonio Parra, leading the SFPD's SVU, specifically clarified that the SVU represents a philosophical shift from enforcement to investigation,³⁵ and that the focus of the SVU is to help victims with a victim-centered approach³⁶ that enables criminals who are also victims of human trafficking to be re-categorized as victims deserving assistance.³⁷ Aside from SFPD, in the Bay Area, we have also seen shifts in the philosophical approach towards anti-trafficking work from federal agencies, such as the Department of Homeland Security and Federal Bureau of Investigations from enforcement towards investigation.³⁸

³³ Jaxon Van Derbeken. "S.F.'s 'sell crack or die' defendant convicted: Immigrant blamed his actions on threats by human traffickers." *SFGATE.com*, September 26, 2009 http://articles.sfgate.com/2009-09-26/bay-area/17205058_1_human-trafficking-mr-valle-illegal-immigrant (accessed on September 21, 2011).

³⁴ Historically human trafficking responders were housed under the vice unit. The shift from an enforcement to an investigation model is also reflected in Sgt. Kyle Oki from the San Jose Police Department's statements that a victim-centered approach "is often restricted to identifying and rescuing victims of human trafficking," and that "while it would be ideal to prosecute offenders, that is often not possible because police officers must ensure that they respect the victims' agency and also guarantee their safety and confidentiality." Barbara Taylor. "SF Unveils New Special Victims Unit." *CBS Local San Francisco*. October 20, 2011. <http://sanfrancisco.cbslocal.com/2011/10/20/sfpd-unveils-new-special-victims-unit/>. Last accessed March 19, 2012.

³⁵ Nadejda Marques. "Bay Area law enforcement adopt victims-based approach to combat human trafficking." *Stanford Center for Democracy, Development and the Rule Law and PHR News*. March 1, 2012. http://healthpolicy.stanford.edu/news/bay_area_law_enforcement_adapt_victimsbased_approach_to_combat_human_trafficking_20120301/. Last accessed March 19, 2012.

³⁶ Jason Winshell. "San Francisco police say Special Victims Unit to investigate more cases for evidence of human trafficking." *S.F. Public Press*. October 18, 2012. <http://sfpublicpress.org/news/2011-10/san-francisco-police-say-special-victims-unit-to-investigate-more-cases-for-evidence-of>. Last accessed: March 19, 2012; Jason Winshell. "SFPD to Launch New Trafficking Unit." *S.F. Public Press*. October 19, 2012. <http://newamericamedia.org/2011/10/sfpd-to-launch-human-trafficking-unit.php>. Last accessed March 19, 2012. See also the statement from Sgt. Arlin Vanderbilt, lead human trafficking investigator in the San Francisco Police Department's SVU: "If your objective is to primarily identify human trafficking victims and address their needs, contacting them through the arrest process is the least effective way of doing it," because it is "counterproductive." Jason Winshell "Bay Area Agencies Improvise Tactics to Battle Human Trafficking." *S.F. Public Press*. February 17, 2012. <http://sfpublicpress.org/news/2012-02/bay-area-agencies-improvise-tactics-to-battle-trafficking>. Last accessed May 19, 2012.

³⁷ "SFPD, SJPD Address Human Trafficking." *The Stanford Daily*. February 29, 2010. <http://www.stanforddaily.com/2012/02/29/1059918/>. Last accessed March 19, 2012.

³⁸ For example, in Northern California, HSI Special Agent Jennifer Alderete, has said that "...Homeland Security Investigations is focused on supporting victims and catching traffickers, not turning over victims to Enforcement and Removal, and that in her nine years as a federal investigator she has never turned over a victim for deportation." Jason

A case example of the potential of flexible processes is best described when we collaborated to support a trafficking victim, Jan,³⁹ who was being prosecuted for identity theft by the local prosecutor's office. Simultaneously, the local police department interviewed the client for her past history as a victim of sex trafficking and subsequent voluntary participation in prostitution after terminating her initial sex trafficking situation. In this case, we were successful in obtaining a T visa for the client and her release from detention. Although there were potential conflicting interests in this case, all parties involved discussed our common goals of assisting trafficking victims, regardless of collateral criminal issues. The police officer cited success in being able to obtain information and intelligence on how the sex trafficking ring had operated, as well as assisting the victim. The police officer's goals evolved from the narrow, traditional goal of merely arresting traffickers to gathering information on complex trafficking schemes to assist with future investigations. This also marks a shift away from the traditional concept of counting as many arrests and victims as possible, and towards a more thoughtful investigative process towards a complex, insidious rights violation.

Ultimately, while not every individual law enforcement officer and agency in Northern California has adopted a philosophical shift from enforcement to investigation of human trafficking, it is important to highlight that the evolving goals that many law enforcement agencies are now professing towards anti-trafficking efforts tend to be more victim-centered and will foster better partnerships with social service providers and victims.

Social Service Providers & Victims

“Can you recognize victims of human trafficking among the people you help everyday? As a social service provider, you can help liberate victims of human trafficking.” *Rescue & Restore Victims of Human Trafficking*. “Look Beneath the Surface.” Washington D.C.: U.S. Department of Health and Human Services, Administration for Children & Families, 2007. Brochure.

Service providers, although less visible in the media, are clear central figures in anti-trafficking effort as portrayed in the Department of Health & Human Services *Look Beneath the Surface* human trafficking campaign that specifically targets service providers in their outreach. Social service providers⁴⁰ are diverse, and understanding the range in which NGOs work to support victims of a crime is necessary for a strategic partnerships. However, similar to law enforcement, service providers experience challenges that impact partnerships, ranging from current mandates on receiving benefits in exchange for cooperation with law enforcement and to victims falling through the service gaps.

Service providers in the anti-trafficking movement range from legal services, trauma centers, faith based organizations, ethnic specific organizations, women's services, children's services, family services, immigration organizations, health services, shelter based organizations, to drop-in centers. Service providers are frequently contextualized in the greater social justice movement they are seeking to achieve (e.g. anti-violence work, workers' rights, immigrants' rights, women's rights, etc.) and the ways they seek to provide the service (e.g. immigration legal services, civil legal services, case management, counseling, etc.). Their goals are diverse, but in general are intended to meet the needs of the populations they serve (Green and Griesinger 2006).

There are few organizations whose sole purpose is to provide services human trafficking victims, even in California. For example, the Coalition Against Slavery and Trafficking (CAST) was formed in Los Angeles as a response to the 1995 El Monte human trafficking case involving the forced labor of 72 Thai garment

Winshell “SFPD to Launch New Trafficking Unit.” S.F. Public Press. October 19, 2012.
<http://newamericamedia.org/2011/10/sfpd-to-launch-human-trafficking-unit.php> Last accessed March 19, 2012.

³⁹ Pseudonym

⁴⁰ We use NGO and social service provider interchangeably.

workers in Southern California.⁴¹ In the beginning of the 21st century as late as 2003, there were no human trafficking shelters. To date there currently exist only two shelters that are specifically for human trafficking victims in the entire state of California.⁴² Anti-trafficking programs are oftentimes housed within programs of NGOs whose services are varied⁴³ but have the capacity to enable victims to access benefits.⁴⁴

Social services that implement flexible processes must adapt services to meet the needs of the diverse demographics of victims of human trafficking. Because law enforcement agencies act on behalf of the state and social services, as diverse as they are, tend to operate within an institutional discipline driven by a framework or movement, the biggest wild card in a successful partnership is the victim (Caliber 2006).⁴⁵ Trafficking victims' needs have been explored in many reports and articles (Shigekane 2007, Caliber 2004, Caliber 2007). However, because "[l]ittle documentation exists on the process of rehabilitation and community integration of trafficking survivors, particularly those who have an opportunity to remain in the United States" (Shigekane 2007), victims goals are not well charted. A 2007 Caliber report in surveying comprehensive victim services noted that in some cases, "victims were overlooked and 'fell through the cracks,' or information regarding a client's legal case was not communicated to the client or case manager in a timely or consistent manner. Clients felt unimportant and, in some cases, deceived" (Caliber 2007). The report also cites feedback that a few social service agencies over-identified with the goals of law enforcement rather than those of their clients (Caliber 2007). The important takeaway is that while many different service providers perceive specific outcomes that they too must also achieve for the client (e.g. housing, legal status, monetary compensation from the trafficker, etc.), there is a need to interrogate and adapt their own service models to meet the need of the populations served.

A case example of the challenges of conflicting goals for service providers with victim families is best described in the infamous Lakireddy case. In the 1999 Lakireddy Bali Reddy case, which rocked the Bay Area, a 64 year-old real estate tycoon in Berkeley brought in 25 Indian laborers over thirteen years under false pretenses and specifically trafficked two minors from India for labor and sexual servitude, resulting in the death of Chanti Prattipati. The outrage from this case would pave the way for U.S. legislation on human trafficking (Lee and Lewis 2003).⁴⁶ Reddy was subsequently released in April 2008 and remains well-respected in his hometown in India from where he sourced his victims.⁴⁷

⁴¹ "CAST's history." Coalition to Abolish Slavery and Trafficking. <http://www.castla.org/history>.

⁴² Freedom House and Coalition to Abolish Slavery and Trafficking to date are the only two shelters in California for victims of human trafficking. Freedom House only accommodates adult female victims of human trafficking. <http://www.castla.org/client-services-program#shelter>; <http://www.freedomhousesfbay.org/vision>

⁴³ For example, almost all direct legal services in Northern California provide services to other communities and operate within other frameworks. API Legal Outreach, Santa Clara Community Law Clinic, Asian Women's Shelter, Narika, Shimtuh, and Community Solutions all provide assistance for victims of domestic violence.

⁴⁴ Under the TVPA and its subsequent reauthorizations, trafficking victims can receive federal assistance for benefits such as Medicaid, Refugee Cash Assistance, and Food Stamps, but only if they receive Continued Presence or a T-visa. Both Continued Presence and T-visas are forms of temporary immigration relief available to trafficking victims, but are only available if they are willing to participate in the criminal investigation and prosecution of the trafficker.

⁴⁵ For example, HSI Special Agent Jennifer Alderete cites the critical element in being able to bring the high profile case United States v. Giuseppe Penzato, Kesia Penzato, in which Italian employees trafficked their domestic servant, was keeping the female victim "engaged and cooperating." Jason Winshell "Bay Area Agencies Improvise Tactics to Battle Human Trafficking." S.F Public Press. February 17, 2012. <http://sfpublicpress.org/news/2012-02/bay-area-agencies-improvise-tactics-to-battle-trafficking>. Last accessed May 19, 2012.

⁴⁶ Because no U.S. state or federal anti-trafficking criminal law existed yet on the books, Reddy would not be convicted for trafficking, but rather, on two accounts of transportation of minors for illegal sexual activity, conspiracy to commit immigration fraud and filing a false tax return. Darryl Bush. February 16, 2012. "How Lakireddy Case Spurred California Sex Trafficking Laws." New America Media: Law & Justice. <http://newamericamedia.org/2012/02/how-lakireddy-case-spurred-california-sex-trafficking-laws.php>. Accessed on February 17, 2012. In conjunction with the El

Service providers have a unique opportunity to meet the legal needs for victims. As Jayashri Srikantiah wrote regarding the Lakireddy case, “. . . I feel that my role is to make sure the victims’ interests are protected during the prosecution.”⁴⁸ The attorneys work to ensure that the victims’ rights are protected⁴⁹ and support victims during legal proceedings of their case.⁵⁰ As Jayashri Srikantiah has written her goals of serving the victims of the Lakireddy Reddy case are to facilitate through advocacy a process “for [the victims] to be fully empowered women . . .”⁵¹ Michael Rubin, who assisted the victims in filing a civil lawsuit,⁵² felt the victims had not received justice in the criminal case, and that they should be compensated for the harm done to them.⁵³ Although Michael Rubin and his co-counsel were ultimately able to obtain an \$8.9 million settlement for some of the victims in June 2004, in June 2005, the Prattipati family (whose two daughters were trafficked by Lakireddy Reddy) sued Michael Rubin’s law firm and their co-counsel in the case for malpractice. In the complaint, it asserted that the civil attorneys refused the family’s wishes to settle earlier in order to collect higher attorney’s fees. The family did not want a trial because they did not want to endure additional emotional trauma. The complaint also alleged that the “[a]ttorneys wanted to try the case for the publicity

Monte case of Thai garment workers trafficked in Southern California and the Daewoosa garment factory case in American Samoa (United States v. Kil Soo Lee, see “Sweatshops Under the American Flag” New York Times, May 10, 2002, <http://www.nytimes.com/2002/05/10/opinion/sweatshops-under-the-american-flag.html>). See also Viji Sundaram. “How an infamous Berkeley trafficking case fueled reform.” S.F. Public Press. February 16, 2012. <http://sfpublicpress.org/news/2012-02/how-an-infamous-berkeley-human-trafficking-case-fueled-reform>. Last accessed March 19, 2012.

⁴⁷ See also Viji Sundaram. “How an infamous Berkeley trafficking case fueled reform.” S.F. Public Press. February 16, 2012. <http://sfpublicpress.org/news/2012-02/how-an-infamous-berkeley-human-trafficking-case-fueled-reform>. Last accessed March 19, 2012.; Department of Justice Federal Bureau of Prisons Inmate Locator. “Lakireddy Bali Reddy.”

<http://www.bop.gov/iloc2/InmateFinderServlet?Transaction=NameSearch&needingMoreList=false&FirstName=lakireddy&Middle=&LastName=reddy&Race=U&Sex=U&Age=&x=64&y=1>. Last accessed March 19, 2012.

⁴⁸ “All Indians are not law-abiding people: Jayashri Srikantiah took questions on the Lakireddy Bali Reddy cases.” Rediff.com. April 17, 2001. <http://www.rediff.com/chat/trans/0417jaya.htm>. Last accessed March 19, 2012.

⁴⁹ Rights include the right to be informed about the proceedings and participate in the sentencing. California Victims’ Bill of Rights Act: Marsy’s Law, California Constitution, Article I, Section 28(b). See http://oag.ca.gov/victimservices/marsys_law and the federal Crime Victims’ Rights Act, 18 U.S.C. § 3771 (e).

⁵⁰ During sentencing, the attorney can assist the victim in preparing the victim impact statement, which may impact the sentence, and appropriate calculation of restitution. While criminal prosecutors submit their own restitution calculations, many prosecutors, especially federal criminal prosecutors, calculate restitution very differently from victims services attorneys. For example, California labor laws are much stronger than federal labor laws and yield much higher restitution calculation. Therefore, a victim services attorney working with a victim participating in a federal criminal prosecution may want to submit separate restitution calculation rates based on California labor law rather than relying on the federal prosecutor’s restitution calculation, which is more often than not solely based on the much lower federal labor laws. As our cases largely occurred in California and California labor laws can yield much higher wage and hour calculations than federal labor laws, the attorney’s involvement in helping the client obtain a certain measure of restitution. The higher California labor rates and treble damages as they exist in AB22 mean that civil litigation in California may also yield higher damages. See fact sheets on the Legal Aid Society-Employment Law Center: <http://www.las-elc.org/factsheets.html>. See also Kathleen Kim and Daniel Werner, Civil Litigation On Behalf of Victims of Human Trafficking (2010).

⁵¹ “All Indians are not law-abiding people: Jayashri Srikantiah took questions on the Lakireddy Bali Reddy cases.” Rediff.com. April 17, 2001. <http://www.rediff.com/chat/trans/0417jaya.htm>. Last accessed March 19, 2012.

⁵² *Jane Doe I v. Lakireddy Bali Reddy*, No. C 02-05570 (N.D. Cal. filed Oct. 23, 2002).

⁵³ Viji Sundaram. “How an infamous Berkeley trafficking case fueled reform.” S.F. Public Press. February 16, 2012. <http://sfpublicpress.org/news/2012-02/how-an-infamous-berkeley-human-trafficking-case-fueled-reform>. Last accessed March 19, 2012.

and notoriety attendant with trying Plaintiffs' highly publicized case."⁵⁴ In this case, the partnership between victims and social service providers through legal services prioritized the goals of the civil attorney. Where did the breakdown of the communication between the desires of the victims and their families and their advocates occur? Contrast that to the sentiment expressed at the sentencing of Lakireddy Reddy. Two of the victims had their statement read by their attorney, Jayashri Srikantiah, at Lakireddy Reddy's sentencing hearing. They wrote, "The most important thing is that his crime has been exposed . . . (And now we) can go on and rebuild our lives."⁵⁵ Civil litigation, while able to bring other forms of justice to trafficking victims as plaintiffs, can prolong a case and the trauma that trafficking victims experience. A strategic partnership that takes into account the fourth P requires consistent and regular follow-up with the victims to ensure that their desires are updated and reflected in the services provided.

A case example of flexible services and victims services is delineated in a case we collaborated on that provides insight into how the pressures of family dynamics impacted the victim's decisions. Cathy, post-sex trafficking experience, managed to pay off her debts, remarry, and reunify with her child.⁵⁶ When we discussed her criminal charges and immigration removal consequences due to her criminal history of being an unidentified sex trafficking victim, we offered a few legal options for her that involved disclosure of her trafficking and cooperation with law enforcement, and services of group therapy with other victims of exploitation. Cathy refused to disclose information to law enforcement and stated flatly that she had put the past behind her and would rather be deported back to her home country than to expose her trafficking history to her family. However, she accepted participating in group therapy because she wanted to address how her experiences impacted her. In effect Cathy's advocate wrote a letter to the courts that ended up being favorable for her legal case. Although frustrating from our perspective to watch Cathy (and have witnessed other victims) be punished for a crime she was not guilty for, we had to respect her decision and determination of her own self-interests and were fortunate that she had a favorable legal outcome.

Although sometimes victims are also invested in the prosecution of their trafficker, in which the publicity from *United States v. Dann* case suggests that the victim of domestic servitude in northern California felt "vindicated" when her trafficker was prosecuted,⁵⁷ this may not be the norm. But having witness to their experience may also be the goal. Another case, Elena was subjected to domestic servitude and expressed her happiness over the federal prosecution and civil lawsuit against her traffickers: "It felt very good to have people like you and the U.S. government believe me, recognize their wrongdoing, and treating me like I wasn't the criminal."⁵⁸ For some, the goal is to expose the truth of the trafficker's crimes, and the victim's suffering as a record in history and public vindication. When Lakireddy Reddy pleaded guilty, Jayashri Srikantiah wrote "...I can tell you that from the victims' perspective, we felt vindicated that [Lakireddy Reddy] was exposed for what he really is."⁵⁹ While recording this narrative is a powerful function of the criminal justice system or civil litigation, victims have also indicated a high level of satisfaction simply by

⁵⁴ Jarmani Prattipati, Lakshmi Prattipati, and Usha Kiran Prattipati v. Altschuler, Berzon, Nussbaum, Rubin & Demain; Michael Rubin; Latham & Watkins; John P. Flynn, Case No 05-441105 (N.D. Cal filed May 10, 2005); see also Jessica Lum, "Sex Ring Plaintiffs Sue Former Attorney," The Daily Californian, June 20, 2005.

http://archive.dailycal.org/article/18884/sex_ring_plaintiffs_sue_former_attorneys. Last accessed March 19, 2012.

⁵⁵ Matthew Yi. "Berkeley landlord jailed for 8 years: He is to pay \$2 million to victims." San Francisco Chronicle. June 20, 2001. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2001/06/20/MN157228.DTL>.

⁵⁶ Confidential case.

⁵⁷ Henry K. Lee. October 10, 2009. "Walnut Creek woman convicted of enslaving nanny." *San Francisco Chronicle*. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/10/09/BAKL1A3HGA.DTL>. Accessed on January 15, 2012.

⁵⁸ Fan ping ding case: U.S. v. Shen, et al, 09-CR-00573 (N.D. Cal., May 27, 2010)

⁵⁹ <http://www.rediff.com/chat/trans/0417jaya.htm>

having an advocate, law enforcement, or an attorney listen to their story and express their empathy and validation about the ordeal they have endured.⁶⁰

Concluding remarks

While partnership is the last “P”, it should not be treated as the last element to address anti-trafficking strategies. As the anti-trafficking movement continues to grow and shift, what does it mean to accomplish a fourth “P” of partnership? We offer a framework of anti-trafficking partnerships that weaves academic discourse on human rights and human trafficking as a means to understand the practice of partnership and address current challenges. That is, a human rights approach that is not only embedded in theory and analyzes discourse on human trafficking, but also informed by practice.

As delineated in the cases we have shared, and in particular, the case we began with, of *Dann v. USA*, the discourse highlighted the challenges of partnership. Such challenges raise important questions surrounding partnerships. Our perspective and call for a human rights approach to partnership is informed by our theoretical framing and in the field experiences. Such interrogations of approaches to partnership are even more necessary as local and global approaches to human trafficking are used as a platform for anti-trafficking efforts in the “4P” paradigm of human trafficking.

Consulted Works

Agarwal, James and David Cruise Malloy. 1999. “Ethical Work Climate Dimensions in a Not-For-Profit Organization: An Empirical Study” *Journal of Business Ethics* 20: 1 – 14.

Agustin, Laura Maria. 2007. *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. London, UK: Zed Books.

Armaline, William T., Davita Silfen Glasberg, and Bandana Purkayastha. 2011. *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*. Philadelphia, Pennsylvania: University of Pennsylvania Press.

Bales, Kevin. 2004. *Disposable People: New Slavery in the Global Economy*. Berkeley, California: University of California Press.

Brinkerhoff, Jennifer M. 2002. “Government-Nonprofit Partnership; a Defining Framework.” *Public Administration Dev.* Vol. 22. New Jersey: Wiley & Sons, Ltd.: 19 – 30.

Brysk, Alison and Austin Choi-Fitzpatrick, Eds. 2012. *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Pennsylvania: University of Pennsylvania Press.

Chacon, Jennifer M. May 2006. “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking.” *Fordham Law Review*, Vol. 74: pp. 2977 – 3029.

Chuang, Janie. 2006. “The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking.” *Michigan Journal of International Law*. Vol. 27: pp. 437 – 494.

Clawson, Heather J., Nicole Dutch, Susan Lopez, and Suzanna Tiapula. June 30, 2008. “Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices.” Washington D.C.: National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf>. Accessed on December 31, 2011.

⁶⁰ Salgado, Yusuf etc., *Doe v. Siddig*, CIV.A. 10-1256 CKK, 2011 WL 4102801 (D.D.C. Sept. 12, 2011) (civil trafficking case w/ domestic servant)

Clawson, Heather J., Nicole Dutch, and Megan Cummings. October 2006. "Law Enforcement Response to Human Trafficking and Implications for Victims:

Current Practices and Lessons Learned." Washington D.C.: National Institute of Justice.

Farr, Kathryn. 2004. *Sex trafficking: the global market in women and children*. New York, New York: Worth Publishers.

Fukushima, Annie. 2012. "Asian Americans and the Anti-Trafficking Movement." *Asian Americans: An Encyclopedia of Social, Cultural, Economic, and Political History*. California: ABC-Clio.

Gallagher, Anne T. and Elaine Pearson. 2010. "The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking." *Human Rights Quarterly*, Vol. 32: pp. 73 – 114.

Green, Jack C. and Donald W. Griesinger. September 2006. "Board Performance and Organizational Effectiveness in Non-Profit Social Services Organizations." *Nonprofit Management and Leadership*. Vol. 6, Issue 4: 381 – 402.

Grewal, Inderpal and Caren Kaplan. 2006. *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices*. Minneapolis: University of Minnesota Press.

Haynes, Dina Francesca. May 2004. "Used, Abused, Arrested and Deported: Extending Benefits to Protect Victims of Trafficking and Prosecution of Traffickers." *Human Rights Quarterly*. Vol. 26, No. 2: 221 – 272.

Human Rights Center. "Freedom Denied: Forced Labor in California." University of California, Berkeley. <http://www.law.berkeley.edu/files/FreedomDenied.pdf>. Accessed on March 18, 2012.

Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Boulder, Colorado: Paradigm Publishers.

Kim, Kathleen. 2006 – 2007. "Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting the United States v. Kozminski and Understanding Human Trafficking." *University of Toledo Law Review*. Vol. 38: 941 – 972.

Kim, Kathleen and Grace Chang. August 2007. "Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s)." California: *Stanford Journal of Civil Rights & Civil Liberties*. <http://ssrn.com/abstract=1051601>. Accessed on March 1, 2012.

Koeplinger, Suzaanne. Fall 2008. "Sex Trafficking of American Indian Women and Girls in Minnesota." *University of St. Thomas Law Journal*, Vol. 6. Issue 1: pp. 129 - 137.

Konrad, Helga. 2002. "Trafficking in human beings - the ugly face of Europe." *Helsinki Monitor*. Volume 13: pp 260 - 271.

Kyle, David and Rey Koslowski. 2011. *Global Human Smuggling: Comparative Perspectives*. Second Edition. Maryland: John Hopkins University Press.

Laczko, Frank. January 2005. "Data on Research on Human trafficking." *International Migration*. Vol. 43, Issue 1-2: 5 – 16.

Lee, Ivy C. and Lynette M. Parker. 2010. *Representing Survivors of Human Trafficking: A Promising Practices Handbook*. California: Immigrant Legal Resource Center.

Lee, Ivy and Mie Lewis. 2003. "Human Trafficking from a Legal Advocate's Perspective: History, Legal Framework and Current Anti-Trafficking Efforts." *University of California Davis Journal of International Law and Policy*. Vol. 10: pp 169 – 195.

Lewis, David. 2001. *Management of Non-Governmental Development Organizations*. Second Edition. New York, New York: Routledge.

Lloyd, Paulette, Beth A. Simmons, and Brandon M. Stewart. February 9, 2012. "The Global Diffusion of Law: Transnational Crime and the Case of Human Trafficking." *Draft*. Massachusetts. <http://clstudies-dev.ss.uci.edu/files/internationalstudies/docs/2012/simmons.pdf>. Accessed on February 15, 2012.

Marlatt, G. Allan. 1996. "Harm Reduction: Come as you are." *Addictive Behaviors*, Vol. 21, No. 6, pp. 779-788.

Mattar, Mohamed Y. 2008. "Comparative Models of Reporting Mechanisms on the Status of Trafficking in Human Beings." *Vanderbilt Journal of Transnational Law* Vol. 41: pp. 1355 – 1415.

Meier, Kenneth and Jill Nicholson-Crotty. "Gender, Representative Bureaucracy, and Law Enforcement: The Case of Sexual Assault." *Public Administration Review*. Vol. 66, Issue 6: pp. 850 – 860.

Migration and Remittances Fact book 2011. 2011. 2nd Edition. The World Bank. Washington DC: The International Bank for Reconstruction and Development.

Mohanty, Chandra Tapalde. 2003. *Feminism without borders: decolonizing theory, practicing solidarity*. Durham: Duke University Press.

Outshorn, Joyce. 2004. *Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce*. Cambridge, UK; New York: Cambridge University Press.

Office of Victims of Crime and Bureau Justice Assistance. 2010. *Anti-Human Trafficking Task Force Strategy and Operations E-Guide*. <https://www.ovcttac.gov/TaskForceGuide/EGuide/Default.aspx>. (Accessed on March 12, 2012).

Raymond, Janice G. and Donna M. Hughes. March 2001. "Sex Trafficking of Women in the United States: International and Domestic Trends." *Coalition Against Trafficking in Women*. http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf. Accessed on January 15, 2012.

Sassen, Saskia. 1998. *Globalization and its Discontents: Essays on the New Mobility of People and Money*. New York: The New Press.

Sawyer, Steve, Andrea Tapia, Leonard Pesheck, and John Davenport. March 2004. "Mobility and the First Responder." *Magazine: Communications of the ACM - Homeland Security*. Volume 47, Issue 3: pp. 62 – 65.

Shigekane, Rachel. "Rehabilitation and Community Integration of Trafficking victims in the U.S.." *Human Rights Quarterly*. 29.1 (2007): 112 – 136.

Srikantiah, Jayashri. February 2007. "Perfect Victims and Real victims: The Iconic Victim in Domestic Human Trafficking Law." *Boston University Law Review*. Vol. 87: pp. 157 – 211.

Stoecker, Sally and Louise Shelley, Eds. 2005. *Human Traffic and Transnational Crime: Eurasian and American Perspectives*. UK: Rowman & Littlefield Publishers, Inc.

Stoll, Jennifer, W. Keith Edwards, Elizabeth D. Mynatt. February 6 – 10, 2010. "Interorganizational Coordination and Awareness in a Nonprofit Ecosystem." *CSCW 2010*, Savannah, Georgia: pp. 51 – 60.