



# Human Trafficking: A Rural and an Urban Problem

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Human Trafficking: A Rural and an Urban Problem

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A Thesis in the Field of International Relations  
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## Abstract

It has to be recognized that human trafficking is a problem in all American states. Small towns do, in fact, face this international problem. Human trafficking can happen in any community, large or small, in cities and rural areas alike. Globally, society lacks a complete and accurate understanding of the nature of human trafficking. Rural towns, such as Billings, Montana, are just now comprehending the size of the problem they have in their area. With the help of community organizations, residents are becoming aware that it is happening in their state, despite being a relatively secluded area of the United States.

As small rural towns, large cities, and entire nations fully understand this crisis, society can effectively create the best solutions for combatting human trafficking: first, understanding how widespread the issue is locally and internationally, and second, through theories such as conflict theory, constructivism, and trauma theory, we can properly identify victims and perpetrators. By comprehending how demographic, economic, and political variables impact how human trafficking occurs, society can see how prevalent human trafficking is in any community or part of the world.

## Dedication

I dedicate my dissertation work to my mother, whose words of encouragement still ring in my ears. Although no longer with us, thank you for giving me the drive to pursue my passions.

I also dedicate this work to my home state, Montana. May we keep climbing toward positive collective change.

Thank you, Penny Ronning for being my teacher, mentor, and friend. Thank you for helping an eager college student and encouraging me to be the voice of my generation.

Lastly, I want to dedicate this dissertation to all the survivors. I see you, I hear you, and I am walking with you. My life purpose is to make sure you are no longer “invisible,” and I will not back down from this fight. May we continue to listen and learn from all of you.

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## Chapter I

### Introduction

Human trafficking is occurring globally and domestically, with thousands of people suffering daily due to these heinous crimes. Human trafficking happens in rural towns as well as large cities. Despite the rates of human trafficking increasing in these areas, this crime is thought of as found exclusively in urban communities. This misunderstanding of the crime's geographic reach does not lessen the suffering the invisible population that is victim of this awful crime.

Often overlooked, small towns face this problem as well. The global issue of human trafficking can happen in any community, large or small, in cities and rural areas alike. One of the underlying problems in combatting this issue is that society lacks a complete understanding of the nature of human trafficking. By understanding and correctly defining human trafficking, we can effectively craft the best ways to identify victims and perpetrators.

This thesis explains this crisis through three international lenses: constructivism, conflict theory, and trauma theory. The last is a psychology theory relating to the international impact of human trafficking in a seemingly non-international environment. This thesis also examines this pervasive issue from an economic, demographic, and political perspective.



## Chapter II

### Human Trafficking in History

Before explaining human trafficking in a non-international environment such as Billings, Montana, it is essential to first explain the history of human trafficking, how human trafficking occurs, and who is vulnerable to human trafficking. This thesis argues that human trafficking is a global problem that can happen in small towns and cities in the United States, not just major cities on the other side of the globe.

Kevin Bales, a professor, author, and researcher specializing in slavery and emancipation, and Zoe Trod consider human trafficking as a major issue.<sup>1</sup> Bales fully explores contemporary slavery in the United States,<sup>2</sup> shedding light on the global problem of human trafficking from the victims' perspectives. He uses 95 narratives by slaves and former slaves around the globe, and presents them as experts, recording the challenges these victims face as they build a life in freedom. Bales analyses their stories, looking at slavery from historical, economic, and political points of view. Then he establishes a solid argument for how to make America slave-free for the first time in history.<sup>3</sup> He points out that an effective tool for abolishing human trafficking starts with listening to the victims and putting them first. Their voice is a critical component of

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<sup>1</sup> Kevin Bales, and Zoe Trodd, eds. *To Plead Our Own Cause: Personal Stories by Today's Slaves* (Ithaca, NY: Cornell University Press, 2008).

<sup>2</sup> Kevin Bales, About Kevin Bales, Author & Speaker on Modern Slavery, Human Trafficking & Climate Change. <http://www.kevinbales.net/about.html>.

<sup>3</sup> Bales and Trodd, "To Plead Our Own Cause."

fighting this global problem. By first comprehending that it can occur in all places, large or small, this sets the foundation for my own further analysis of human trafficking in Billings, Montana, and how important it is to understand that the victims are the key to understanding this problem comprehensively.

Human trafficking has been around for centuries, with the earliest forms of global human trafficking beginning with the African slave trade. Although there is no substantial evidence to support that first-time slavery was created as a form of human exploitation, human trafficking can be traced back to some of the earliest civilizations.<sup>4</sup> Extensive literary sources discuss slavery in the third and second millennia B.C. Slavery was widespread in Greece: “Having slaves was a universally accepted phenomenon for Greeks, and they grew up with their slaves forming a kind of friendship with them.”<sup>5</sup> It was considered a “normal” part of life and not seen as cruel.<sup>6</sup> This view on slavery highlights how over time society changes its views on what is cruel and that are basic human rights. During those ancient times, something that was seen as “normal” was later viewed as a global issue that needed to be addressed.

Slavery was illegal in most countries in the 1800s.<sup>7</sup> Different African groups were items of trade. with America and European countries as buyers.<sup>8</sup> This began before the

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<sup>4</sup> Great Courses. “The Principles of Slavery in Ancient Greece.” *Great Courses Daily*, September 15, 2020. <https://www.thegreatcoursesdaily.com/the-principles-of-slavery-in-ancient-greece/>.

<sup>5</sup> Great Courses.

<sup>6</sup> Great Courses.

<sup>7</sup> Hannah Michelle Martin, and L. Murphy Smith, “Historical Overview and Demographic Analysis of Human Trafficking in the USA,” *International Journal of Public Law and Policy* 5, no. 3 (2015): 2.

<sup>8</sup> Grant Oster, et al., “The History of Human Trafficking,” *Hankering for History*, July 29, 2020, <https://hankeringforhistory.com/the-history-of-human-trafficking/>.

first law against slavery was established in 1807. Slavery was both legal and regulated by the government.<sup>9</sup> In 1820, the United States banned slavery before the American Civil War.

Even though slavery was not a new occurrence in global societies, nations began to identify slavery based on the definition of slavery that they had at the time. Campaigns against “white slavery” began in London in August 1885.<sup>10</sup> Thousands of people gathered to demand that white slavery be outlawed and for the age of consent for girls to be raised.<sup>11</sup> “White slavery” meant the slavery of white women by foreign men, a narrative created by popular media and culture, showing that foreign men ruined the innocence of white women.<sup>12</sup>

After these demonstrations, the Criminal Law Amendment Act (CLAA) was adopted. This created a definition of a trafficked girl of being involuntary prostitutes.<sup>13</sup> It made it an offense to procure “any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal *connexon* [stet].”<sup>14</sup> By including the words “not being a common prostitute, or of known

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<sup>9</sup> Oster, et al. 2020.

<sup>10</sup> Laura Lammasniemi, “‘White Slavery’: The Origins of the Anti-Trafficking Movement,” Open Democracy.net, November 16, 2017. <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/white-slavery-origins-of-anti-trafficking-movement/>.

<sup>11</sup> Lammasniemi, 2017.

<sup>12</sup> Lammasniemi, 2017.

<sup>13</sup> Lammasniemi, 2017.

<sup>14</sup> Lammasniemi, 2017.

immoral character,” the section excluded from the scope of the law not only those working in prostitution but also any women considered promiscuous or not respectable.<sup>15</sup>

In 1899, international conferences were organized against “white slavery” in Paris. This led to the signing of the first international agreement on human trafficking.<sup>16</sup> This agreement was called the International Agreement for the Suppression of White Slave Traffic. Although this agreement was made into law, the criminalization of white slavery was not signed until the International Convention for the Suppression of the White Slave Trade in 1910.<sup>17</sup>

The First World War soon drew attention away from the global issue of trafficking as nations focused on rebuilding their countries after years of conflict.<sup>18</sup> It was not until the establishment of mandates given to the Allied Powers over the nations in Africa and the Middle East that attention would be brought back to the international trafficking of women and children.<sup>19</sup>

In 1921, 33 countries at the League of Nations international conference signed the International Convention for the Suppression of Traffic in Women and Children. However, this covered only half of the global crisis, focusing solely on sexual exploitation and prostitution. It failed to address the other major types of trafficking such

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<sup>15</sup> Lammasniemi, 2017.

<sup>16</sup> Lammasniemi, 2017.

<sup>17</sup> Lammasniemi, 2017.

<sup>18</sup> Oster, et al., “The History of Human Trafficking.”

<sup>19</sup> Oster, et al., “The History of Human Trafficking.”

as labor trafficking.<sup>20</sup> Indeed, nations were becoming aware that human trafficking did not involve only sexual exploitation but labor trafficking as well. This is often confused with labor migration, but I will explain below the differences between being forced to migrate and voluntarily migrating.

Thereafter, countries began to establish universal documents on human rights. After the Second World War, the United Nations adopted the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others in 1949.<sup>21</sup> This was a significant step in identifying, addressing, and finding solutions for human trafficking, but only 66 countries ratified it.<sup>22</sup>

Even with these signed documents and conventions, trafficking was still increasing and spreading throughout all the geographic areas worldwide. Once the United Nations saw that the volume of trafficking continued to increase, it criminalized trafficking at the turn of the 21<sup>st</sup> century. The protocol that criminalized it is called the Protocols of Transnational Crime.<sup>23</sup>

### Types of Trafficking

In order to criminalize human trafficking effectively, there needs to be a complete understanding of what it is. By acquiring a definition and solid understanding of human trafficking, we can create a better framework for addressing this growing international

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<sup>20</sup> Oster, et al., “The History of Human Trafficking.”

<sup>21</sup> Oster, et al., “The History of Human Trafficking.”

<sup>22</sup> Oster, et al., “The History of Human Trafficking.”

<sup>23</sup> Oster, et al., “The History of Human Trafficking.”

crisis. This can aid in recommending effective solutions by identifying victims and perpetrators.

When society often hears about human trafficking, it is commonly thought of as sexual exploitation or forced prostitution. However, there are two types of trafficking: sex trafficking and labor trafficking. Many nations and organizations have tried to establish their definitions of trafficking. However, there still is much for the world to learn and societies are far from having a complete definition that thoroughly defines the crisis.

Human trafficking can also be confused with other crimes. This chapter provides examples of how it is defined as compared with those of other established nations. Parreñas, et al., in their essay, *What Is Human Trafficking?*, claim that human trafficking is often confused with the smuggling and migration of persons.<sup>24</sup> However, it is essential to note the differences between the two. The United Nations established a protocol concerning human trafficking as follows:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol) defines “trafficking of persons” to mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation or prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; The

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<sup>24</sup> Rhacel Salazar Parreñas, Maria Cecilia Hwang, and Heather Ruth Lee, “What Is Human Trafficking? A Review Essay,” *Signs* 37, no. 4 (2012): 1015-029. doi:10.1086/664472. Accessed July 5, 2021.

recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph of this article; “Child” shall mean any person under eighteen years of age.<sup>25</sup>

Simply put, trafficking is defined as the transportation of a person through force, fraud, or coercion for exploitation purposes. This contrasts with the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, which accounts for consent in its definition. Under this protocol, one assumes that an individual is crossing a state border consensually.<sup>26</sup> The individual might then wrongly fall under the broader category of being considered a “migrant.” Migration is the voluntary movement of an individual, where as human trafficking is the non-consensual movement of a person.

It should be noted that the definition can differ between many lawmakers, decision makers, and even scholars. Despite the detailed definition from the United Nations, many scholars believe that the United Nations leaves considerable room for a range of interpretations. Kamala Kempadoo, in her edited collection, *Trafficking and Prostitution Reconsidered*, found there is little agreement among researchers, policymakers, and activists on the scope of the crisis.<sup>27</sup>

Kempadoo gives the example of the Palermo Protocol, which has a very simple definition of “exploitation”: “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery,

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<sup>25</sup> United Nations Convention Against Transnational Organized Crime. “Protocol to Prevent, Suppress and Punish Trafficking.” Article 3(a). 2000. <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

<sup>26</sup> Parreñas, et al., “What Is Human Trafficking?”

<sup>27</sup> Kamala Kempadoo, “Introduction: From Moral Panic to Global Justice: Changing Perspectives on Trafficking.” (vii–xxxiv.). In: Kamala Kempadoo, Jyoti Sanghera, & Bandana Pattanaik, eds., *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm, 2005). <https://catalogue.nla.gov.au/Record/3544595>.

servitude, or the removal of organs.”<sup>28</sup> According to Zimmerman and Kiss, human trafficking is a human rights violation that centers around the act of exploitation.<sup>29</sup> Frequently, many reduce their definition of trafficking and focus primarily on the exploitive aspect of the crime. This definition ignores the fact that it must also include the transportation of persons.<sup>30</sup> A full definition should include both because many human trafficking cases involve both issues. The transportation of persons, or migration, within and across national borders has been a norm for decades and has benefited many worldwide. However, the increasing labor and sexual exploitation rate has become a massive global problem that many nations are struggling to address. Therefore, the definition must include both.

With the importance of acknowledging sex and labor trafficking, the United States Congress has defined and classified human trafficking into two categories: sex trafficking and labor trafficking. The US Department of Health and Human Services defines “sex trafficking” as:

The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, in which a person is forced to perform such an act is younger than 18.<sup>31</sup>

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<sup>28</sup> United Nations, “Protocol to Prevent, Suppress and Punish Trafficking.”

<sup>29</sup> C. Zimmerman, and L. Kiss, “Human trafficking and exploitation: A global health concern,” *PLoS Med* 14, no. 11 (2017): e1002437. <https://doi.org/10.1371/journal.pmed.1002437>

<sup>30</sup> Parreñas, et al. “What Is Human Trafficking?”

<sup>31</sup> US Department of Health & Human Services, “Human Trafficking Into and Within the United States: A Review of the Literature.” August 30, 2009. <https://aspe.hhs.gov/system/files/pdf/75891/index.pdf>.



Labor trafficking is defined as: “the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, by force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”<sup>32</sup>

According to the US Department of Homeland Security, the definition for human trafficking involves force, fraud, or coercion to obtain some type of labor or commercial sex act. This includes both labor exploitation and sexual exploitation. Where does it occur? By having a low-risk and high-profit crime, human trafficking can and has happened in many different communities and the victims can be of any age, any race, gender, or nationality.<sup>33</sup> The Department of Homeland security states that “Traffickers use force, fraud, or coercion to lure their victims and force them into labor or commercial sexual exploitation.” They may use violence, manipulations, or false promises to lure their victims into trafficking situations.<sup>34</sup>

There is a similarity between each of the definitions. Nevertheless, a major piece is missing—trauma theory—which is why this thesis will also address this psychological theory. Every definition of trafficking includes that the traffickers use fraud, force, or coercion; most fail to touch on the emotional entrapment that many victims endure. By applying trauma theory to enhance our understanding of human trafficking, the gaps ignored in the definition are filled, and human trafficking can be understood because every fact of the problem is covered.

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<sup>32</sup> US Department of Health & Human Services, “Human Trafficking,” 3.

<sup>33</sup> US Department of Homeland Security. “What is Human Trafficking?” May 24, 2021. <https://www.dhs.gov/blue-campaign/what-human-trafficking#:~:text=Human%20trafficking%20involves%20the%20use,labor%20or%20commercial%20sex%20act.&text=Traffickers%20use%20force%2C%20fraud%2C%20or,labor%20or%20commercial%20sexual%20exploitation>.

<sup>34</sup> US DHS, “What is Human Trafficking?”

Penny Ronning, co-founder of the Yellowstone County Human Trafficking Task Force, has made it her mission to make this gap in the definition known through community outreach, extensive research, and filling in the missing pieces in the definition of what encapsulates the crime of human trafficking.<sup>35</sup> Trafficking is not only physical in terms of labor or sexual exploitation but can also trap victims starting in their minds—more elaboration on this concept to come.

### Prostitution versus Human Trafficking

Human trafficking differs depending on transportation, types of exploitation, and consent. Furthermore, a common misconception and tendency is to view prostitution in the same light as human trafficking. They are not the same thing, although forced prostitution can be human trafficking.<sup>36</sup> Force is the key factor defining a barrier between the two.

Kara Siddharth in her book *Sex Trafficking: Inside the Business of Modern Slavery*, connects prostitution to human trafficking. However, comparing the above definitions of human trafficking to prostitution, some differences need to be considered. The term “prostitution” refers to the “act of having sexual intercourse or performing other sexual acts, explicitly for material compensation—normally money, but also other forms of property, including drugs, expensive clothing, jewelry, or real estate.”<sup>37</sup> Svetlana

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<sup>35</sup> Penny Ronning. Personal conversation, June 21, 2021.

<sup>36</sup> Kara Siddharth, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).

<sup>37</sup> “Prostitution.” Wikipedia. Available from <http://en.wikipedia.org/wiki/Prostitution>. Accessed January 20, 2007.

Batsyukova, in *Prostitution and Human Trafficking for Sexual Exploitation*, states that the difference between the two is that in the case of prostitution, individuals chose their path “voluntarily” regardless of whether it is legal in their state or not.<sup>38</sup> In the case of human trafficking, individuals do not typically consent to rendering services, but are instead often forced into prostitution. Depending on the services offered, Batsyukova says, “sex workers are paid differently, but as a matter of fact, they normally get material compensation for their services. They should be able to quit their ‘job’ whenever they want.”<sup>39</sup> Conversely, human trafficking victims may or may not be allowed to leave. Trafficked individuals are often kept in either labor slavery or sex slavery as long as they can bring a profit.

Forced prostitution could have an excellent argument for being classified as sex trafficking. Many researchers such as Batsyukova argue that the link between prostitution and human trafficking should not be ignored:

In the era of globalization, when everything travels, including people, money, diseases, and crime, we do not have a right to disregard human trafficking and its links with the exploitation of prostitution. A comprehensive understanding of these two phenomena should provide for effective crime prosecution, victim assistance and should prevent the mistreatment of trafficked victims.<sup>40</sup>

This gives rise to an important question: would legalization and government regulation of prostitution lead to a decrease in sex trafficking? Some scholars claim that prostitution reduces the demand for trafficked women. Seo-Young Cho, Axel Dreher, and

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<sup>38</sup> S. Batsyukova. “Prostitution and Human Trafficking for Sexual Exploitation,” *Gender Issues* 24, 47 (2007). <https://doi.org/10.1007/s12147-007-9001-0>

<sup>39</sup> Batsyukova, “Prostitution and Human Trafficking,” 47.

<sup>40</sup> Batsyukova, “Prostitution and Human Trafficking,” 50.

Eric Neumayer argue that “on average, countries where prostitution is legal experience larger reported human trafficking inflows.”<sup>41</sup>

Understanding both phenomena and their differences can help identify solutions to human trafficking. A complete evaluation of the pros and cons of legalizing prostitution is beyond the scope of this present paper but should be considered when determining the full understanding and definition of human trafficking.

### How Do Traffickers Find Their Victims?

Considering the range of definitions of human trafficking and the different types, how does trafficking occur? What do force, coercion, and fraud mean? Although the definition has simplified the way traffickers lure their victims in three simple terms, it is crucial to know how traffickers exploit their victims. This information will provide a pathway for finding solutions on how to stop the crime.

Traffickers target individuals through many means. Mark Porter, a human trafficking researcher, says, “They do it online through the internet, they do it in schoolyards, homeless shelters, malls, and businesses, at parties, in restaurants, to those leaving prison, orphanages, shelters, and many other locations.”<sup>42</sup> Traffickers look for vulnerable individuals who may be suffering emotionally from past abuse, are isolated from friends or family, have low income, have drug or alcohol addictions, or anyone they feel can be preyed upon. Traffickers typically seek out vulnerabilities or pain points that

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<sup>41</sup> Seo-Young Cho, Axel Dreher, and Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?,” *World Development*, 41 (2013): 67-82. ISSN 0305-750X <https://doi.org/10.1016/j.worlddev.2012.05.023>. See also <https://www.sciencedirect.com/science/article/pii/S0305750X12001453>.

<sup>42</sup> Mark Porter, Personal conversation, June 2, 2021.

they can leverage to gain an individual's trust.<sup>43</sup> They may use this tactic to keep their crime silent, hidden and out of the eyes of the public. However, they may also aggressively force and kidnap their victims.<sup>44</sup>

An emotional component should be included in the definition of human trafficking because traffickers often use fear and trauma to gain trust and control their victims. There is no doubt that psychological methods apply to all aspects of human trafficking before, during, and after victimization. Although a theory applied to psychology, trauma theory can be applied to global problems such as human trafficking. Trauma theory is a tool that can be used when analyzing victim trauma. It argues that victims are unaware of the abuse when the trafficker is in control of them. Traffickers remain in control and manipulate their victims as well as all involved in the crime.<sup>45</sup> Usman Mikail Usman, in *Trafficking in Women and Children as Vulnerable Groups*, explains that research shows a distinction between fear and betrayal that should be applied to human trafficking.<sup>46</sup> Human trafficking does, in fact, involve the betrayal, pain, and punishment of the victim, which is not be able to escape the trauma that they experience but will re-experience it throughout life. In turn, victims may repeat behaviors without even knowing they are doing it.<sup>47</sup> Unknowingly repeating behaviors such as

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<sup>43</sup> Porter, June 2, 2021.

<sup>44</sup> Porter, June 2, 2021.

<sup>45</sup> Mikail Usman, "Trafficking in women and children as vulnerable groups: Talking through theories of international relations," *European Scientific Journal* 10, no. 17 (2014): 290.

<sup>46</sup> Usman, "Trafficking in women and children as vulnerable groups," 290.

<sup>47</sup> Usman, "Trafficking in women and children as vulnerable groups," 290.

going back to their traffickers is a fundamental problem that arises from traumatic experiences.

With learning to live and adapt in traumatic environments, sex-trafficking victims oftentimes become romantically attached to their traffickers. Sometimes, there is a difference between how the victim views their trafficker and how they are viewed in the eyes of the criminal justice system. A boyfriend or a family member could lure them in. Traffickers promise to take them out of a harmful living situation, take care of them, and nurture them. Victims see them as trying to help; in turn, victims do not view them as a criminal. In addition to having a relationship with their trafficker, they may be pressured to pay off debts, become victims of abuse, and be threatened daily. Since they do not know they are being exploited, they may not ask for help or know that what is being done is wrong.

Because the victim views their trafficker differently than the criminal justice system, the dynamic is complicated. In turn, there is a massive power imbalance that is shielded from the victims.<sup>48</sup> This imbalance can make it very difficult for victims to self-identify as trafficked or speak up to ask for help due to feelings of loyalty they have created with their traffickers. When trauma theory is applied, the victims suffer deep distress due to their traffickers and may not know it until they are rescued and receive the help they need. This phenomenon is referred to as “Stockholm Syndrome,” which occurs when victims of abuse or kidnappings develop a psychological bond with their abusers in

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<sup>48</sup> Chitra Raghavan, et al., “Trauma-Coerced Bonding and Victims of Sex Trafficking: Where Do We Go from Here?,” OMICS International. <https://www.omicsonline.org/open-access/traumacoerced-bonding-and-victims-of-sex-trafficking-where-do-we-go-from-here-1522-4821-1000223.php?aid=55771>. Accessed July 11, 2021.

response to trauma suffered.<sup>49</sup> This connection can develop over the course of hours, days, weeks, or even months of abuse or captivity, but over time the victim develops positive feelings toward the trafficker, perhaps even sharing common goals or desires.<sup>50</sup> In turn, they may resent anyone who tries to help them. Many medical professionals consider this syndrome to be a coping mechanism that helps victims handle their trauma.<sup>51</sup>

### Who is Vulnerable to Human Trafficking?

Human trafficking is a growing problem in larger cities and rural towns, and society is becoming increasingly aware of its existence. Mark Porter states:

Every community is vulnerable to human trafficking because each community has people looking to buy sex from trafficked individuals. There are always criminals looking to make money, and break the law to serve themselves no matter how much human suffering it causes.<sup>52</sup>

Human trafficking can occur at a frequently visited playground, a city library, or the spa down the street. However, it is communities that seem especially susceptible to human trafficking when residents are uneducated about the issue, where there is little or no awareness among the general public, no accountability from businesses or local governments, and no understanding of laws in place or those that need to be changed.<sup>53</sup>

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<sup>49</sup> Kimberly Holland, “Stockholm Syndrome: Causes, Symptoms, Examples,” *Healthline Media*, November 11, 2019. <https://www.healthline.com/health/mental-health/stockholm-syndrome#definition>.

<sup>50</sup> Holland, “Stockholm Syndrome.”

<sup>51</sup> Holland, “Stockholm Syndrome.”

<sup>52</sup> Porter, June 2, 2021.

<sup>53</sup> Porter, June 2, 2021.

Who are the victims within these communities that fall into human trafficking?

There is a common misconception that victims are young girls, but that is incorrect. Men, women, and children of all ages can become victims of traffickers. They can be brought in from other countries (forced migration) or trafficked within their own country.<sup>54</sup>

Traffickers look for vulnerabilities among potential victims. These can be emotional vulnerabilities, economic hardship, psychological vulnerability, or lack of a social foundation. In most cases, vulnerabilities involve poverty, a history of violence, drug use, a generational history of abuse, and homelessness.<sup>55</sup> Such individuals are often looking for an anchor. Traffickers leverage that need for security by offering to provide for a victim's needs. They are tricked by buying into lies about how they will be cared for, and false versions of what their life could be. Often victims are promised a better life, with promises of being given all they will need to enhance their living situation. Ultimately, traffickers gain the trust of a potential victim and work to maintain that power over them.<sup>56</sup>

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<sup>54</sup> National Human Trafficking Hotline, "The Victims," April 7, 2020.  
<https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims>.

<sup>55</sup> National Human Trafficking Hotline, "The Victims."

<sup>56</sup> Marissa McCormick, Personal conversation, June 6, 2021.



## Chapter III

### Human Trafficking: A Global View

This thesis has addressed the history of human trafficking, provided several definitions, and discussed the individuals who are trafficked and the process traffickers use to lure their victims. Now, I will analyze crucial international relations methods, and discuss how human trafficking impacts nations from a global perspective. Through such analysis, one can conclude that human trafficking has been a concern globally for many centuries.

As noted earlier, state agencies have taken the initiative to address human trafficking by prosecuting traffickers. However, human-rights organizations have shifted their focus to providing victims with services they need for healing and rehabilitation. This chapter focuses on three significant factors that shape how human trafficking occurs on an international scale: economic factors, political factors, and demographic factors.

#### Economic Factors

From the earliest civilizations, there has always been an economic component that led to finding cheap labor and exploiting humans through slavery. Traffickers found that through enslavement, they could leverage their victims' hardships to obtain what they wanted, whether it be labor or sex. Martin and Smith found that victims who fall prey to these tactics are then forced to pay back unreachable debts and/or are made to sell themselves in an attempt to obtain financial stability for themselves and/or their

families.<sup>57</sup> In developing countries, families that are at an economic disadvantage are lured by the promise of income and a better living environment. Many who are lured by this false promise discover in reality they fall deeper into debt with the traffickers who make them feel they owe sums that are unreachable. They are lied to about location they are being taken, and once they arrive they are forced to pay transportation costs and more. Barner, Okech, and Camp, in *Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade* say that victims are promised a job and then sent to another geographic location only to realize that it is not the job to which they had agreed. They believed the promise that they would reach financial stability.<sup>58</sup>

Victims may fall prey to human trafficking because they are trying to escape an economic crisis in their country. Many international trafficking victims originate from poor countries where they see no way out but to trust a trafficker. Many are promised better living and economic situations. They are deceived by false promises of economic opportunities that await them in countries such as the United States. When they accept offers from traffickers, very often their passport is taken from them, threats are made toward their families, and they are told there are huge financial debts that must be repaid. Similarly, in labor trafficking victims are promised good jobs and better living conditions but instead find themselves trapped into working long shifts, enduring constant abuse, with no way out.<sup>59</sup>

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<sup>57</sup> Martin and Smith, "Historical Overview and Demographic Analysis," 8.

<sup>58</sup> John R. Barner, David Okech, and Meghan A. Camp, "Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade," *Societies* 4, no. 2 (2014): 148-160. <https://doi.org/10.3390/soc4020148>

<sup>59</sup> US DHS, 2009.

## Conflict Theory

Both financial hardship and poverty correlate with what is known as the conflict theory. Conflict theory is a fundamental idea that economic and social drives cause crime in society.<sup>60</sup> It can help to explain the correlation between the struggle of classes and its impact on human trafficking. Traffickers, who have the upper hand economically, use that power to exploit others in less powerful financial situations. With economic hardships, separation of classes, and poverty, victims of trafficking are deprived of human freedoms. Since traffickers are wealthier than their victims and control their identification documentation, these are key methods for controlling victims' ability to escape. Traffickers make all the rules, having all the control, and the individuals find they cannot leave their entrapment.<sup>61</sup>

## Political Factors

As history has shown, human trafficking has been a primary political concern for governments worldwide. The focus of many international anti-trafficking efforts has been on the criminal aspect of this crime, and such efforts lack meaningful emphasis on services to victims and survivors.<sup>62</sup> When seeking help, many victims are more likely to come in contact with non-governmental organizations than with law enforcement.<sup>63</sup> This is a significant challenge that requires shared contributions from local communities and

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<sup>60</sup> Usman, "Trafficking in Women and Children, 290"

<sup>61</sup> Usman, "Trafficking in Women and Children,"290

<sup>62</sup> Ronning, June 21, 2021.

<sup>63</sup> Ronning. June 21, 2021.

governments worldwide. Help from these sources begins with a universally agreed-upon definition of human trafficking. There also needs to be a sense of awareness that all communities are vulnerable to human trafficking.

There needs to a greater emphasis on victims and victim services worldwide in order to fully understand what human trafficking is and how it occurs. This is because victims are the key to successful convictions of criminals. Victims are the experts on this crisis because they have experienced it and need to be heard.

Unfortunately, there are many reasons why victims often remain silent about the crimes against them. Many victims do not speak up because they feel no one will believe them or they will be ignored. They may have been in circumstances where they spoke up and did not receive justice through the legal system. Victims have gone through devastating trauma and may not discuss what they have gone through or what happened to them. Their trafficker may have so emotionally abused them that they have no self-worth and cannot trust anyone.

In the case of trauma, they may be afraid of losing a trafficker with whom they have established a deep relationship, which can be frightening. There needs to be services available and offered to them that allow them to heal, and they need to know they are being heard. Emotional and legal support, as well as effective services being in place would benefit victims and encourage them to come forward about what they have gone through. Successful convictions of traffickers rely on the victim, and the ability for the world to understand human trafficking relies on the experts who are the victims themselves. There needs to be more advocacy on their behalf.

Legislatures need to change in order for the experts or victims to have the opportunity and confidence to speak up, tell their stories, and thus lead to more convictions of the criminals perpetrating the crime of human trafficking. Victims tend to get into legal trouble due to their victimization. Polaris, an anti-human trafficking organization, states that they still see trafficking victims being arrested and convicted for crimes they were forced to commit while in their trafficking situations.<sup>64</sup> This could include theft, drug crimes, or violence. In some states, they run the risk of being convicted for prostitution instead of trafficking, which can hinder victims from speaking out about the trafficking they have experienced.

Proper identification in the criminal justice system should be a priority. Victims should be protected and their records expunged of crimes they committed at the hands of their traffickers. These convictions are devastating to victims and create long-term hurdles for victims when they are rebuilding their lives after being trafficked. Legislation that protects victims will prevent the victims from continual victimization by their traffickers, even when they are physically free.<sup>65</sup> Having these convictions and arrest records can hinder victims from many of life opportunities such as jobs, housing, loans, and education. Traffickers know this and often force their victims to commit crimes against their will to victimize them further.<sup>66</sup>

If society as a whole can begin to view the victims as the experts that we need to be listening to, it will greatly improve communities at all levels knowing what human

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<sup>64</sup> Polaris Project, “Victims of Human Trafficking Aren’t Criminals,” November 20, 2019, <https://polarisproject.org/blog/2016/09/victims-of-human-trafficking-arent-criminals/>.

<sup>65</sup> Polaris Project, “Victims of Human Trafficking Aren’t Criminals,”

<sup>66</sup> Polaris Project, “Victims of Human Trafficking Aren’t Criminals,”

trafficking is, and how it occurs. With that information, as a society solutions can be implemented to prevent the crime.

### Constructivism Theory

Constructivism theory states that as people experience the world and reflect on their views, they build their own ideas and framework while adding newfound knowledge. Applying this definition, I believe that rather than starting with human trafficking and what we already know, society can obtain more in-depth information by listening to individuals who have gone through trafficking. Mikail Usman, in *Trafficking in Women and Children as Vulnerable Groups*, explains that different national frames can influence the definition of human trafficking and if it is accepted on a broad level. This then influences the kind of policy constructed and how one sees it from an international level.<sup>67</sup> If local governments begin focusing on victims, then society will have a proper analytical tool to understand human trafficking from the two crucial parties: victims and perpetrators.

### Demographic Factors

Findings in the United States show that many demographic factors impact the various levels of human trafficking. These factors include levels of corruption and population. It is commonly thought that regions with higher populations see higher crime levels than communities with lower population density.<sup>68</sup> This could be disputed by

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<sup>67</sup> Usman, "Trafficking in Women and Children," 282.

<sup>68</sup> Martin, and Smith. "Historical Overview," 6.

research that shows communities with smaller populations still see increasing trafficking activity. The State of Montana is a good example.

Although the state is relatively sparsely populated, it has seen the rate of human trafficking rising steadily. Variables such as where a community is located compared to other communities around it, how accessible the vulnerable populations are to traffickers, how easily criminals can move their victims and hide their illegal actions—each of these factor in when considering where human trafficking is thriving.

This thesis does not focus on data because there is an extreme lack of reliable data on the magnitude of human trafficking globally. It is an easily hidden crime, and traffickers find the benefit-to-risk ratio worth pursuing. However, it can be said that currently scholars do not know the extent of human trafficking in the United States. The Office of Victims of Crime estimates that approximately 600,000 to 800,000 victims are trafficked worldwide.<sup>69</sup> Data tracking is struggling to improve because the crime's silent nature is an obstacle to obtaining truly accurate numbers. Further, the uneven use of time to investigate labor and sex trafficking also raises concerns because some agencies spend more time investigating sex trafficking cases.<sup>70</sup> Thus, these factors make human trafficking data in the United States just a “guess-timate.” Also, a large majority of human trafficking cases go unreported. But what has been shown conclusively is that this crime not only is happening, but that it occurs more often and in every community, large or small.

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<sup>69</sup> Office of Victims of Crime (OVC). Human Trafficking. 2005. [https://www.ncjrs.gov/ovc\\_archives/ncvrv/2005/pg51.html](https://www.ncjrs.gov/ovc_archives/ncvrv/2005/pg51.html). Accessed July 11, 2021.

<sup>70</sup> A. J. Panigabutra-Roberts, “Human Trafficking in the United States. Part I. State of the Knowledge,” *Behavioral & Social Sciences Librarian* 31, no. 3-4 (2012): 138-151, <https://doi.org/10.1080/01639269.2012.736330>.

In focusing on the United States, it is clear that human trafficking occurs in all parts of the country. The US is identified both as a major source and transit country for human trafficking, meaning that this country is also a destination for trafficking victims coming from outside into the US. The US is also a major transit country, with victims being moved out of the US to other countries. The three major destination sites for trafficking are California, New York, and Florida,<sup>71</sup> and much of the academic research focuses on these states with a larger population.

However, more rural states, such as Montana, do not lag far behind; Montana ranks seventh on the list after Michigan and Texas. When measuring human trafficking per capita, Montana ranked third among the 50 states in 2020. It is clear that it is a growing problem that should not be brushed aside merely because Montana has a smaller population than other states.<sup>72</sup> The same type of human trafficking that happens in highly populated urban areas is happening in more rural communities. Victimization is the same, and there is considerably less attention given to addressing this crisis.<sup>73</sup>

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<sup>71</sup> Panigabutra-Roberts, “Human Trafficking in the United States,,: 139.

<sup>72</sup> World Population Review. “Human Trafficking Statistics by State 2020.” <https://worldpopulationreview.com/state-rankings/human-trafficking-statistics-by-state>. Accessed October 26, 2020.

<sup>73</sup> Ronning. personal conversation.



## Chapter IV

### Human Trafficking in Billings, Montana

With a proper understanding of human trafficking on the international level, I will now analyze the problem of trafficking on a non-international level. To defend the claim that human trafficking can occur in rural or urban communities, this chapter focuses on a less-expected area where human trafficking thrives. The example I chose, of human trafficking that plagues small-town America, is Billings, Montana. With a population of about 130,000, Billings finds itself dealing with what many consider to be “big-city” problems. Human trafficking is a growing problem, and the state is struggling to effectively address it.

With the growing problems of drugs and sex trafficking, Montana is turning to community efforts such as task forces and organizations to get a grip on the increasing dangers. Andy Yedinek, Human Trafficking Team Supervisor of the Montana Department of Justice, explains that sometimes people in Montana do not take human trafficking seriously due to a perception that it is a less-populated state. However, from 2018 to 2019 there was a 65.2% increase in human trafficking cases, and only 17.6% of victims in those cases were rescued.<sup>74</sup> Current literature addressing human trafficking in the US has yet to illuminate work being done in less-populated states such as Montana. The National Human Trafficking Hotline found that numbers of trafficking victims in

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<sup>74</sup> Phoenix O'Connor, “Montana Department of Justice Warns of Human Trafficking,” KRTV, August 24, 2020), <https://www.krtv.com/news/mt-department-of-justice-warns-of-human-trafficking>.

Montana has increased steadily every year since 2007.<sup>75</sup> As of 2019 there were 38 human trafficking cases reported, and 19 of those cases were sex trafficking cases.<sup>76</sup> However, these numbers are probably far from reality due to a lack of reporting.

Economically, Montana is highly vulnerable to all kinds of crimes, and traffickers take full advantage of this fact. An economic loophole in Montana is the lack of funding for law enforcement. There is no sales tax in Montana, which means all infrastructure is paid for by property taxes, with little room left for funding public safety.

Among all the towns in Montana, Billings is the largest and has the lowest property taxes. Billings also has the least funding for law enforcement. An individual can drive from Missoula to Billings and not see one highway patrol officer. This is a huge area that has to be covered, which makes it very easy for traffickers to conduct their crimes secretly without being stopped by law enforcement. This lack of revenue trickles down to local communities as well. Very little money goes to the local, state, and county levels for public services. Billings is therefore a prime target for criminal enterprise when there is no law enforcement of preventive measures and tactics against human trafficking.<sup>77</sup>

Demographically, Montana is vulnerable to human trafficking because of its large size, dispersed population, and highway systems. Since the geographic area is large and it can take hours to reach another city, it is relatively easy for traffickers to transport their

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<sup>75</sup> Marian Davidson, "Human Trafficking Growth a Concern in Montana," KECI TV, October 2, 2019. <https://nbcmontana.com/news/local/human-trafficking-growth-a-concern-in-montana>.

<sup>76</sup> National Human Trafficking Hotline, Montana. <https://humantraffickinghotline.org/state/montana>. Accessed October 17, 2020,

<sup>77</sup> National Human Trafficking Hotline, Montana.

victims around the state. The connecting interstate system also makes it easier for traffickers to get in and out of Billings quickly and secretly.<sup>78</sup> Two major interstates, I-90 and I-94, run through the state from Spokane to major cities such as Denver and Minneapolis.<sup>79</sup>

Complicating the issue is the Bakken oil fields, where some 100,000 men live in small communities such as Sydney, Montana, and Williston, North Dakota. While the oil fields brought in tens of thousands of jobs and hundreds of millions in revenue to the states and their small communities, it also brought more crime, ranging from gun crimes to drug trafficking, and human trafficking.<sup>80</sup> However, these communities are not equipped with law enforcement to deal with the cartels that bring in the drugs and human trafficking victims; they are simply not equipped, physically or financially, to deal with organized crime in Montana.

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<sup>78</sup> Ronning, June 21, 2021.

<sup>79</sup> Troy Charbonneau, personal conversation, June 22, 2021.

<sup>80</sup> Matthew Brown, "Crime Booms in Montana, Dakota Oil Fields," Missoulian.com, October 3, 2014. [https://missoulian.com/news/state-and-regional/crime-booms-in-montana-dakota-oil-fields/article\\_e15bd0d2-8d40-11e1-915d-0019bb2963f4.html](https://missoulian.com/news/state-and-regional/crime-booms-in-montana-dakota-oil-fields/article_e15bd0d2-8d40-11e1-915d-0019bb2963f4.html).

## Chapter V

### Illicit Massage Businesses in Billings, Montana

One of the more prominent examples of human trafficking in the United States is illicit massage parlors, which are an example of how traffickers use secretive tactics to carry out their crimes. Human trafficking may sound like a big-city problem or one that happens only in faraway places, but in fact it happens in small towns, in any community, neighborhood, or shopping mall, regardless of region, socioeconomic status, or race.

Illicit massage parlors thrive in both urban cities and less-populated towns such as Billings, Montana, masquerading as legitimate businesses. Across the United States there are more than 9,000 suspected illicit massage businesses exploiting thousands of women by utilizing their labor and commercial sex services.<sup>81</sup> These illegitimate businesses thrive by hiding behind the guise of what they are not—legitimate, registered businesses offering licensed therapeutic massage that does not provide any sexual services to its clientele.

One expert on the subject, the Polaris Project, was founded in 2002 with a goal of serving victims and survivors through its human trafficking hotline. Polaris states: “Illicit massage business . . . describes a particular type of exploitative, organized, commercial-front trafficking venue.” In order for it to be considered human trafficking in any venue,

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<sup>81</sup> Elizabeth Ranade Janis, et al., “Illicit Massage Businesses: The Pervasive, Insidious Form of Trafficking Happening Across the United States,” *Trafficking Matters*, January 24, 2020. <https://www.traffickingmatters.com/illicit-massage-businesses-the-pervasive-insidious-form-of-trafficking-happening-across-the-united-states/>.

three key elements are needed: force, fraud, or coercion.<sup>82</sup> The disguise of legitimacy is what allows the illicit massage industry to thrive by hiding their crimes in plain sight while pretending to operate within the law. The American Massage Therapy Association observes: “Perpetrators have used the guise of operating a massage therapy business to carry out their crimes.”<sup>83</sup>

Polaris reports that illicit massage parlors have been a part of American culture for decades, earning close to \$2.5 billion a year. They are legally registered and the laws governing business regulation offer a perfect cover for traffickers.<sup>84</sup>

In 2017, Polaris analyzed more than 32,000 human trafficking cases reported through the National Human Trafficking Hotline, and found that 2,949 cases were related to the illicit massage businesses. Polaris also reported that the key demographic involved women between the ages of 35 and 55, who were mainly being trafficked out of countries such as China and South Korea, most speaking only limited English.<sup>85</sup>

Even though Polaris found almost 3,000 cases involving illicit massage parlors, they know this data does not accurately represent the actual magnitude of the problem. Both labor and sex trafficking can happen in illicit massage businesses. Often due to

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<sup>82</sup> Janis, et al., “Illicit Massage Businesses.

<sup>83</sup> Janis, et al., “Illicit Massage Businesses.

<sup>84</sup> Polaris Project, “Hidden in Plain Sight: How Corporate Secrecy Facilitates Human Trafficking in Illicit Massage Parlors,” October 30, 2019. <https://polarisproject.org/resources/hidden-in-plain-sight-how-corporate-secrecy-facilitates-human-trafficking-in-illicit-massage-parlors/>.

<sup>85</sup> Polaris Project, “New Report Details Human Trafficking in Massage Parlors,” December 10, 2019. <https://polarisproject.org/press-releases/new-report-details-human-trafficking-in-massage-parlors/>.

cultural shame, the victims share information regarding labor exploitation instead of sex exploitation.<sup>86</sup>

The victims are lied to and have debts to pay. Once they are at a massage parlor, they are controlled through non-violent tactics such as financial manipulation and blackmail. The traffickers control their finances, documents and passports are taken away and held, and they are isolated in an unfamiliar country. The victims are constantly brainwashed to fear law enforcement, their families are threatened, they are afraid of being deported, and they are in debt.<sup>87</sup>

### Debt Bondage

The most common vulnerabilities shared by the victims of illicit massage parlors are financial needs, an unknown environment, and cultural shame. The victims often need to borrow money from brokers to cover their immigration and visa fees. Traffickers post and offer fake jobs to the victims.<sup>88</sup>

Frequently the public asks why the victims do not just leave. In most cases, the traffickers control and kidnap their victims through their vulnerabilities. They use their debt, unstable immigration status, lack of English, low education, and cultural shame. Most times, the traffickers also hold their documents so the victims do not have access to

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<sup>86</sup> Polaris Project, “Human Trafficking in Massage Parlors: A Deeply Manipulated Sense of ‘Choice,’” December 3, 2019. <https://polarisproject.org/blog/2018/06/human-trafficking-in-massage-parlors-a-deeply-manipulated-sense-of-choice/>.

<sup>87</sup> Polaris Project, “Human Trafficking in Massage Parlors.”

<sup>88</sup> Ronning, June 21, 2021.

them.<sup>89</sup> The women often arrive with a large amount of debt caused by family hardships or the immigration process. Then they are hit with even more debt as they start working. They must pay the traffickers to live, eat, and have access to condoms and soap. The women are not even guaranteed a wage, instead relying primarily on tips. This is a violation of US labor laws in all 50 states.<sup>90</sup>

### Illicit Massage Businesses in Billings

This sizable national problem is occurring right in the small town of Billings, Montana. There are many news articles and court documents regarding sex trafficking across Montana. In 2012, Detective Baker of Missoula, Montana, handled 60 sex trafficking cases in Missoula. These cases did not even take into account cases that went unreported or unseen.<sup>91</sup>

Prior to October 1, 2019, the Yellowstone County Trafficking Task Force and the Billings City Council worked with the Montana State Legislature to criminalize sexual activity in these parlors. Up to that date, an individual could receive sexual services without penetration and they were not breaking any Montana laws.<sup>92</sup> This means businesses can operate as massage parlors or spas where workers provide sexual services that do not involve penetration.

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<sup>89</sup> “Human Trafficking in Illicit Massage Businesses,” April 30, 2018. <https://www.mass.gov/files/documents/2018/04/30/Polaris%20HT%20IMB%20Report.pdf>: 25.

<sup>90</sup> “Human Trafficking in Illicit Massage Businesses,” 27.

<sup>91</sup> Susan E. Shepard, “Sex Trafficking in Montana: Bills Crack Down on Illicit Massage Parlors,” *Missoula Current*, April 18, 2019. <https://missoulacurrent.com/government/2019/04/montana-sex-trafficking-2/2/>.

<sup>92</sup> Ronning, June 21, 2021.

There are more than 27 massage businesses across the town of Billings. Each one is open 24 hours, most are in private homes with blacked-out windows. It is not illegal in Montana to have sexual activity in a massage parlor in exchange for money if it is consensual. An individual can go online and see a list of potential massage parlors in their area.

According to the FBI, 13 of the 27 massage parlors exploited their workers. They were forced to give up half of their earnings. They exploit women who lack options for alternative employment. This crime is not new to Montana. In 1984 police raided Tokyo Sauna, a massage parlor in Billings. The windows of the parlor were blacked out. They were open 24 hours and often had an ATM sign in the window. Such illicit parlors are easy to spot. FBI agent Brandon Walters told the public that these women are trafficked from another country. They are brought in, socially isolated, and are desperate to make a living. Psychologically they are kidnapped, which furthers the argument that emotional entrapment should be added to the definition of human trafficking.<sup>93</sup> The FBI reported that one female in a massage parlor in Billings, Montana, can make \$3,800 to \$18,000 in one day from sexual services. That is a large amount, especially when one considers that there are 27 parlors in Billings with multiple women working in each one.<sup>94</sup>

Interestingly, despite the perception that this crime only involves very young women, in Billings most of the women trafficked in the illicit massage business are older, for the simple reason that the illicit massage business model is about money. On both the

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<sup>93</sup> Phoebe Tollefson, et al., "In Billings' Battle Against Sex Trafficking, Advocates Look to Massage Parlor Landlords for Help," *Billings Gazette*, July 17, 2019. [https://billingsgazette.com/news/state-and-regional/crime-and-courts/in-billings-battle-against-sex-trafficking-advocates-look-to-massage-parlor-landlords-for-help/article\\_316ce838-ebc0-54e9-855f-72514c4339a0.html](https://billingsgazette.com/news/state-and-regional/crime-and-courts/in-billings-battle-against-sex-trafficking-advocates-look-to-massage-parlor-landlords-for-help/article_316ce838-ebc0-54e9-855f-72514c4339a0.html).

<sup>94</sup> Ronning, June 21, 2021.



east and west coasts of the US, there is strong competition for young women, while in the rural states the competition is much less. Therefore, younger females tend to be moved to larger urban cities.<sup>95</sup> Penny Ronning, co-founder of the Yellowstone County Human Trafficking Task Force, states:

What we know is that inside these illicit massage businesses are victims of trafficking. They are forced there though typically through circumstances, so it may not be forced through a gun to their head, but their circumstances are such that they have no other choice.<sup>96</sup>

Montana is fourth in the nation per capita in human trafficking because the state does not currently have a law that allows law enforcement to enter these businesses to ascertain whether they are legitimate and not running a human trafficking ring.<sup>97</sup>

In Billings, King Spa is an illicit massage business that has workers living on-site to provide both massages and commercial sex since 2014. Scot Petrie pleaded guilty in 2019 in the US District Court to transporting a person with the intent to engage in criminal sexual activity,<sup>98</sup> buying a bus ticket for a woman to come from Las Vegas to Billings.<sup>99</sup> She was expected to pay him back for the ticket and was provided condoms when she arrived in Billings so she could provide commercial sexual services, including

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<sup>95</sup> Ronning, June 21, 2021.

<sup>96</sup> Spencer Martin, "Fighting Human Trafficking and Illicit Massage Businesses in Billings," KULR TV, April 21, 2019. [https://www.kulr8.com/news/fighting-human-trafficking-and-illicit-massage-businesses-in-billings/article\\_e2624cec-649b-11e9-b699-3b3ba4cb70da.html](https://www.kulr8.com/news/fighting-human-trafficking-and-illicit-massage-businesses-in-billings/article_e2624cec-649b-11e9-b699-3b3ba4cb70da.html).

<sup>97</sup> Martin, "Fighting Human Trafficking."

<sup>98</sup> Phoebe Tollefson and Casey Page, "Billings Massage Parlor Owner Admits Federal Offense, Forfeits Building," *Billings Gazette*, July 19, 2019. [https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-massage-parlor-owner-admits-federal-offense-forfeits-building/article\\_f18a5b5e-2e77-54da-b123-95bbe6224171.html](https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-massage-parlor-owner-admits-federal-offense-forfeits-building/article_f18a5b5e-2e77-54da-b123-95bbe6224171.html).

<sup>99</sup> Tollefson and Page, "Billings Massage Parlor Owner Admits Federal Offense."

intercourse, while working at the spa, and then had to pay Petrie part of her earnings.<sup>100</sup>

US Attorney Alme said:

Mr. Petrie induced a woman to travel from Nevada to Billings so he could profit from her illegal commercial sexual activity. Such conduct exploits women and is a serious offense. This office will prosecute human traffickers to the full extent of the law.<sup>101</sup>

Petrie operated both King Spa and A-Spa, both locations that provided legitimate massage services and illegitimate commercial sexual services.<sup>102</sup>

### New Massage Ordinance

There needs to be specific steps in place to combat the illicit massage businesses within and outside of the state. Over the past five years, there have been between 15 and 27 illicit massage businesses operating in Billings. According to FBI data, Billings had nearly 20,000 sex ads online. Currently, there are 12 illicit massage businesses that the Montana Department of Justice is focusing on in Billings. Two massage parlors were closed due to indictment, and two closed voluntarily.

In 2021, Billings passed an ordinance entitled, *Billings, MT Human Trafficking Prevention Ordinance through Spa and Massage Business Licensing*. The goal of the ordinance is to reduce human trafficking by making it more difficult for illicit massage businesses to operate. This ordinance will help identify criminal businesses pretending to

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<sup>100</sup> US Department of Justice, “Former Billings Massage Parlor Operator Sentenced to Prison for Transporting Woman for Commercial Sex,” October 31, 2019. <https://www.justice.gov/usao-mt/pr/former-billings-massage-parlor-operator-sentenced-prison-transporting-woman-commercial>.

<sup>101</sup> USDOJ, “Former Billings Massage Parlor Operator Sentenced to Prison.”

<sup>102</sup> USDOJ, “Former Billings Massage Parlor Operator Sentenced to Prison.”

be legitimate massage businesses in return for extra, low-cost licensing of massage businesses.

Before October 1, 2019, sexual activities without penetration that occurred in these illicit massage businesses were legal in Montana. Montana legislature passed SB 147 that added “hand jobs” to the state definition of prostitution. However, there is still much to be done to get rid of these businesses.<sup>103</sup> This ordinance will allow a City Administrator to inspect massage parlors for compliance with the ordinance, other laws, and regulations. This process will streamline the work of law enforcement by generating tips from the public and ways to address human trafficking suspicion.

Massage businesses will be required to obtain a city license to replace their existing city business license.<sup>104</sup> They will also be asked to provide confidential information. This additional information includes a background check, compliance, and ownership. Massage parlor workers are also expected to remain fully clothed, sleeping is prohibited, workers cannot engage in sexual acts, and the business cannot lock doors or darken windows. These practices are already in place in other industries such as hotels and trucking. Code enforcement can conduct reasonable inspections to make sure that the massage businesses are complying. By prohibiting these actions, Billings will accurately and efficiently identify illicit businesses and prevent further trafficking. These types of actions are commonly found during investigations into IMBs.<sup>105</sup>

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<sup>103</sup> City of Billings, Montana, “The High Price of Human Trafficking,” Human Trafficking Task Force, January 14, 2021. <https://yellowstonevalleywoman.com/the-high-price/>. accessed July 11, 2021.

<sup>104</sup> City of Billings, Montana, “The High Price of Human Trafficking.”

<sup>105</sup> City of Billings, Montana, “The High Price of Human Trafficking.”

The goal is to make it as difficult as possible for illicit massage businesses to operate. It is important to note that legitimate massage businesses already follow these practices. This ordinance is only in place to help drive out illicit massage businesses that are exploiting and trafficking human beings. “We’re looking to protect those legitimate massage businesses,” said Billings attorney Stephanie Baucus, who helped draft the new business license requirements.<sup>106</sup>

After a long and challenging four years of fighting, the massage ordinance passed effective June 27, 2021. The 60 days that led up to that date allowed the city to train staff and give businesses time to get of their materials together. With this ordinance in place, the city now has the tools to pressure illicit massage businesses. The passed ordinance allows inspectors to go into massage businesses during business hours to ensure compliance. It prohibits practices used by illicit massage businesses that present signs of human trafficking. Prohibited practices include: allow fully nude massages, requiring nudity without the consent of the client, advertising that suggests offering sexual services, and operating the massage business during the hours of 10 pm to 6 am.<sup>107</sup> Since the ordinance has passed, four massage parlors, have pulled their licenses, and two, under investigation, are close to closing down completely.<sup>108</sup>

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<sup>106</sup> Rob Rogers, “No Happy Ending for Billings’ Illicit Massage Parlors,” *Billings Gazette*, January 20, 2021. [https://billingsgazette.com/news/local/no-happy-ending-for-billings-illicit-massage-parlors/article\\_180aa0b8-0c39-5841-9e12-86c477c15eba.html](https://billingsgazette.com/news/local/no-happy-ending-for-billings-illicit-massage-parlors/article_180aa0b8-0c39-5841-9e12-86c477c15eba.html).

<sup>107</sup> Mitch Lagge, “Billings City Council Passes Massage Ordinance Designed to Fight Human Trafficking,” KTVQ, April 27, 2021. <https://www.ktvq.com/news/local-news/billings-city-council-passes-massage-ordinance-designed-to-fight-human-trafficking>.

<sup>108</sup> Ronning, June 21, 2021.

### Other Successful Case Studies

Massage parlor ordinances did not start with Billings, Montana. Other states in the United States have cracked down on the illicit massage industry. The success of Montana's ordinance has been researched, and its success noted by other states that have taken the initiative to get rid of illicit massage businesses in their states. Examples include the following:

- Aurora, Colorado, an ordinance that led to the shutdown of 20 illicit massage businesses<sup>7</sup>
- Kent, Washington, an ordinance that led to the shut-down of 18 illicit massage businesses.<sup>109</sup>
- Stafford County, Virginia, in 2018 passed an ordinance making it illegal for massage parlors to offer masturbation services in exchange for profit.<sup>110</sup> Stafford Attorney Eric Olsen said that the ordinance was put forward because the law does not prohibit “happy-ending” massages. Virginia law does not mention masturbation at all. “It will give the Sheriff’s Office the tools they need to combat the growing prostitution problem,” Olsen told supervisors in a brief presentation.<sup>111</sup>
- Charles County, Maryland, in 2003 after the law took effect, two massage parlors closed voluntarily, and two were closed for “renovations”, said Captain Joseph C.

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<sup>109</sup> City of Billings, Montana, “The High Price of Human Trafficking.”

<sup>110</sup> Jeff Branscome, “Stafford approves ordinance targeting illicit massage parlors,” *Tribune Business News*, Oct. 17, 2018.

<sup>111</sup> Branscome, “Stafford approves ordinance.”

Montminy of the Charles County sheriff's office.<sup>112</sup> In the nine days after the ordinance took effect, officials shut down seven massage parlors.

It is important to note that establishing massage ordinances is far from an end-all solution. Ordinances are a tool society can use to gain access and investigate illicit businesses where before they were not legally able to do that. Massage ordinances work to drive out illicit massage parlors because they can no longer operate within their original business framework. They are no longer hidden, and victims can access support services, no longer remaining in the shadows and invisible to society. As more cities take this type of initiative, there will be fewer places where traffickers operate.

Not only do ordinances create a pathway to conviction, but they also make the city aware that the problem exists. It is an effective tool for creating overall awareness of the problem—even in small rural towns such as Billings, Montana.

When the ordinance was in the process of being passed in Billings, the community became very involved in the issue. Billings had to fight against a great deal of backlash from legitimate massage parlor owners who felt they were being lumped in with criminals. Those owners did not understand that this ordinance was meant to differentiate them from the criminals so that code enforcement could investigate the illegitimate businesses. Ultimately, the businesses and local citizens gained an overall awareness of this growing problem in their community.

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<sup>112</sup> Ernesto Londono, "Licensing Law Targets Illicit Massage Parlors," *Washington Post*, 2003: DCC3.

## Chapter VI

### Community Efforts in Billings, Montana

To eradicate human trafficking and the illicit massage parlors in Billings, many organizations took on the responsibility of fighting for the victims of this horrible crime. With a lack of resources leading to no proper public safety funding, the community stepped up and took a stand to identify solutions to this growing problem. This chapter highlights the different tiers of society, and what each is doing to address the problem, identify what still needs to be done, and connect each tier to creating practical solutions to ending human trafficking in Billings.

The Montana Yellowstone County Human Trafficking Task Force is the only human trafficking task force in eastern Montana.<sup>113</sup> Established in May 2016, its mission is to eliminate human trafficking in Yellowstone County and the surrounding areas. The goal of the taskforce is to increase awareness and educate the community. It aims to educate law enforcement, as well as schools, parents, children, and other groups in the community to help combat human trafficking.

The task force was created to help coordinate the efforts of law enforcement, service providers, and community groups in Yellowstone County and the surrounding areas. Their work involves investigating and prosecuting traffickers, and assisting victims of sex trafficking and labor trafficking to increase community awareness and prevent future trafficking. The task force now includes over 800 representatives from over 80

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<sup>113</sup> Ronning, June 21, 2021.

organizations, including the US Attorney’s Office, the FBI, state and local law enforcement, prosecutors, government, schools, hospitals, non-profits, churches, businesses, and the community.<sup>114</sup> Community programs such as the task force aim to bring together agencies, non-profits, and all organizations to combat the human trafficking problem in Montana. “We cannot rely on the state to do the work. We cannot arrest our way out of the human trafficking,” says task force co-founder, Penny Ronning.<sup>115</sup>

### Three Committees

The task force is divided into three primary committees: prosecution and law enforcement, protection and victim services, and prevention and community awareness. The three committees share the common goal of protecting victims, convicting traffickers, and educating the community about the crime of human trafficking.<sup>116</sup>

- *Prosecution and Law Enforcement*: This committee is made up of prosecutors and law enforcement personnel. They take part in sting operations, train other law enforcement people, and inform and report trafficking in the area. The task force hosts free training for law enforcement on human trafficking because there is a lack of such training that focuses solely on human trafficking and funding.<sup>117</sup>

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<sup>114</sup> Ronning, June 21, 2021.

<sup>115</sup> Ronning, June 21, 2021.

<sup>116</sup> Ronning, June 21, 2021.

<sup>117</sup> Ronning, June 21, 2021.



- *Protection and Victim Services*: This committee is made up of medical personnel and non-profits organizations such as Tumbleweed and the Salvation Army. The committee works on large projects like establishing reporting protocols to effectively identify victims of trafficking. Large agencies in the area did not have any reporting protocol, so they created a template to use.

Another aspect of their anti-human trafficking efforts is a focus on establishing victim services. Due to a lack of victim services in the area, the committee work helps address this important gap that the state government is either unable or uninterested in filling. A great example of this is Project Hope, a campaign that gathers donated items such as clothing, snacks, and phones confiscated by law enforcement and gives them to victims in need.<sup>118</sup>

- *Prevention and Community Awareness*: This committee aims to educate the community about human trafficking and awareness of the signs of trafficking within the community. They implemented the Red Sand Project, which brings awareness of the crisis at hand and allows the community to start a conversation on human trafficking. This campaign started in Billings and quickly spread to other surrounding areas as the partnerships have begun to grow. The Red Sand Project aims to spread awareness about the vulnerable populations that fall through the cracks of human trafficking. This visual awareness campaign enables them to educate local citizens.<sup>119</sup>

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<sup>118</sup> Ronning, June 21, 2021.

<sup>119</sup> Ronning, June 21, 2021.

## Help for Vulnerable Youth

The Yellowstone County Human Trafficking Task Force is another excellent example of the community taking steps to prevent future human trafficking activity and ensure that the problem is no longer hidden behind the guise of being a legitimate business. An organization called Tumbleweed is an essential player in protecting and offering support for a vulnerable population to human trafficking. Homeless youth, or youth that endure hardships at home, are often an easy target for traffickers, but organizations like Tumbleweed provide safety and assistance to the community's vulnerable and homeless youth by offering shelter, food, counseling, and life planning to those that walk through their door. Youth who run away from home, are in foster care, or treatment centers are at great risk for trafficking.<sup>120</sup> Once on the street, they are at risk due to a lack of funds, few job skills, and no solid support system. These vulnerabilities make them more visible and vulnerable to traffickers on the street.

Vulnerable youth can live in any part of the world. They can be an easy target and can fall prey to the lies and exploitation of traffickers. Georgia Cady, Tumbleweed's case manager, has a poster on the wall that says: "Human trafficking isn't a big city problem, it's our city problem."<sup>121</sup> This is a strong statement. Human trafficking does not have to occur in a specific location to be damaging.

Related to the previously discussed trauma theory, these individuals are vulnerable to the "love of your life" scheme and then find themselves in the dangerous situation of being trafficked. There are family members who give their children over to a

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<sup>120</sup> *Tumbleweed*, "Overview," June 8, 2018. <https://www.tumbleweedprogram.org/about-tumbleweed/overview/>.

<sup>121</sup> City of Billings, Montana. "The High Price of Human Trafficking."

landlord so the rent can be paid. These are familiar stories heard at the Tumbleweed.<sup>122</sup>

How many young people in Billings fall victim to trafficking with stories such as these?

In 2018, Tumbleweed recorded 85 young people who were victims of sexual exploitation, but the organization suspects there are many more that are not reported. Cady says, “We are not unique. It is happening right here in the small town of Billings, Montana.”<sup>123</sup>

When people think of human trafficking, they think of larger cities, but it is happening to the kids in Montana. The at-risk population in Billings are runaways, homeless children, kids in the foster care system, and trauma victims.

Overall, with the growing problem of drugs and human trafficking, Montana is turning toward community efforts, such as task forces and organizations, to address the increasing dangers. Since the community cannot rely on the state to do the hard work to eradicate, educate, and serve victims, they have had to create their own task forces to fight this growing crime. But organizations often have to push for change and focus on victim services. States including Montana have to create change themselves in order to push their governments to create solid initiatives to fight this issue. The massage ordinance is a great example; of this. If it were not for partnering organizations, community support, and the task force leaders, this illicit massage business industry would continue to operate freely. Laws need to change with the proper government support and funding to support them.

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<sup>122</sup> City of Billings, Montana. “The High Price of Human Trafficking.”

<sup>123</sup> City of Billings, Montana. “The High Price of Human Trafficking.”

## Chapter VII

### Law Enforcement in Billings, Montana

Alongside community efforts, law enforcement plays a significant part in addressing the human trafficking issue in Billings. Law enforcement serves its citizens by protecting them and investigating potential threats in society. A major way to do this is by researching, reporting, and pursuing human trafficking activity. However, when I asked the Billings police station for human trafficking records before 2018, there were none. No one is assigned to tracking these records; in the 2017 annual police report for Billings, there is not even a category for trafficking.<sup>124</sup> In 2018, this changed. No local data was tracked in the years prior.

Today there is an official box that can be used to report on human trafficking.<sup>125</sup> Beginning in 2019 to the present, there are now reports of human trafficking at the local level. Troy Charbonneau, the Deputy Sheriff of Yellowstone County, states that he sees potential human trafficking cases a couple times a month. However, as a board member for Tumbleweed, he sees many more incidents.<sup>126</sup> But owing to a lack of victims willing to report the crime, and the silent nature of it, there is no way to obtain or present accurate data on this problem.

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<sup>124</sup> Ronning, June 21, 2021.

<sup>125</sup> Ronning, June 21, 2021.

<sup>126</sup> Troy Charbonneau, Personal conversation, June 22, 2021.

### Awareness versus Investigating

Law enforcement must have a proper understanding of what human trafficking is, how it happens, and how to investigate it. There is a vast difference between being aware of the problem and investigating it properly. Law enforcement is unaware of the depth of the human trafficking problem in Billings.<sup>127</sup> It is clear that more investigations are needed to uncover the crimes being committed and put those responsible behind bars. However, it is equally vital to educate law enforcement in order for them to focus on the issue. They need to know all the factors to look for and what resources they have on hand to address the problem.<sup>128</sup> Many in Montana law enforcement see the need to address the human trafficking problem, but with no actual reported data and a misperception of what it looks like in all its forms, they are operating in the dark.

### Lack of Funding for Public Safety

As addressed earlier, there is little in the Billings budget for pay for funding law enforcement officers. The state and city seem to lack funding when trying to improve their police force. The city of Billings is comprised of nine sectors,<sup>129</sup> but there is only enough funding to put one police officer in charge of each sector. At each shift change, there is a brief period of time when no one is on duty. Everyone knows to call 9-1-1 when they see something wrong, but there is no one to contact directly at the police station to

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<sup>127</sup> Ronning, June 21, 2021.

<sup>128</sup> Ronning, June 21, 2021.

<sup>129</sup> Ronning, June 21, 2021.

handle human trafficking calls or reports.<sup>130</sup> Also, due to lack of funding, the officers have to choose which calls to take and which to put on hold.

Since there are no Montana state taxes, public safety is not a priority. The fourth-largest state with the lowest population is paying for infrastructure from property taxes.<sup>131</sup> If the community cannot provide more funding for law enforcement and public safety, it is the responsibility of those who manage the budgets to choose where the funding goes. They have to decide what is more important, whether that be human trafficking or armed robbery. They have to juggle the amount of funding based on how much the public is willing to pay.

At the state level, there is no funding for victim services so law enforcement cannot provide any services to those they identify as victims. This is a state-wide vulnerability because victims play a crucial role in convictions.<sup>132</sup> At the federal level today, there is not a single federal agent dedicated solely to human trafficking which causes more significant penalties. Law enforcement relies solely on non-profit organizations such as Tumbleweed and the Yellowstone Human Trafficking Task Force, which are limited in states like Montana.<sup>133</sup>

When we look at Montana and look at the lack of dedicated funding, it means that there are only two dedicated human trafficking law enforcement agents at the state level. Brandon Walter is an FBI special agent assigned to investigate the human trafficking

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<sup>130</sup> Ronning, June 21, 2021.

<sup>131</sup> Ronning, June 21, 2021.

<sup>132</sup> Ronning, June 21, 2021.

<sup>133</sup> Ronning, June 21, 2021.

crisis in Billings. He has worked full-time on trafficking since 2016 when the task force was formed. He was the only federal agent in Montana to be assigned full time to human trafficking cases.<sup>134</sup> However, in 2019 Walter's work schedule was changed to working only part-time on human trafficking cases. Not having an agent working full-time makes the state more vulnerable to trafficking and more dangerous for the community. Until federal laws change, local governments retain most of the power to disrupt human trafficking in their communities.

The Department of Justice hired Andrew Yedinak, who has worked on human trafficking investigations before, to work on human trafficking in Montana. Trafficking is better tackled at the federal level, Penny Ronning believes, because there are more resources for victims early on in the criminal investigation than in state or local investigations.<sup>135</sup> Penalties also tend to be stiffer in federal court than state court, she said. Some crimes simply fall to federal jurisdiction because they cross state lines.<sup>136</sup>

It is critical that Montana has the support it needs, on both the federal and state level, to combat the growing human trafficking crisis. There needs to be jobs filled that focus only on this issue in order to develop practical solutions. This starts with law enforcement being funded at a local level to have the resources to care for victims, rescue them, investigate potential human trafficking cases, and fill the major loopholes on which traffickers thrive. On both the state and federal levels, this is a significant issue in rural

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<sup>134</sup> Phoebe Tollefson, "FBI Pulls Back on Human Trafficking Work in Montana," *Billings Gazette*, September 23, 2019. [https://billingsgazette.com/news/state-and-regional/crime-and-courts/fbi-pulls-back-on-human-trafficking-work-in-montana/article\\_1bb95b06-3e91-570a-8fcd-633d87882123.html](https://billingsgazette.com/news/state-and-regional/crime-and-courts/fbi-pulls-back-on-human-trafficking-work-in-montana/article_1bb95b06-3e91-570a-8fcd-633d87882123.html).

<sup>135</sup> Ronning, June 21, 2021.

<sup>136</sup> Tollefson, "FBI Pulls Back on Human Trafficking."

towns such as Billings. The global issue of human trafficking exists in every small town in America, and will only grow further if law enforcement does not receive the proper support and funding they need to go after traffickers.

Victim services should also be a priority for state and federal governments. Billings should not have to rely solely on community organizations to take care of victims. There should be effective processes to nurture them because they are the key to successfully convicting traffickers. Law enforcement should have the resources available to the victims they identify. The only way for this change to take place is for the community to recognize the issue as top priority, but until then private organizations will carry the load.



## Chapter VIII

### Law and Justice System

The last key to creating effective solutions to the human trafficking problem in Billings, Montana, is the law and justice system. Judges are a major factor in convicting traffickers and protecting victims. Unfortunately, many judges are just now becoming aware of the problem. The lack of awareness can be a major issue because without the successful conviction of traffickers, it leaves room for the crime to happen again. Penny Ronning, the co-founder of the Yellowstone County Human Trafficking Task Force, states: “Judges have yet to really and fully educate themselves on human trafficking. They need to understand the crime completely.”<sup>137</sup> The legal system needs to become properly educated on this topic because they need to be able to identify and convict traffickers when given the opportunity. Without a proper understanding of human trafficking, and clear laws to address human trafficking, they can only do so much to stop the crisis.

Sometimes they can see cases of sexual abuse that have undercurrents of sexual slavery.<sup>138</sup> Judges need to identify both in order to gain a full picture of what is happening in their courtroom. Judge Jessica Fehr of Yellowstone County says, “I am paying more attention to what a defendant looks like and who shows up to court. If I have a case where there are girls that look underage, found in a motel . . . I am going to be

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<sup>137</sup> Ronning, June 21, 2021.

<sup>138</sup> Judge Jessica Fehr, personal conversation with thesis author, July 13, 2021.

asking a lot of questions. . . . Three years ago I would not have asked these questions.”<sup>139</sup>

These are questions that judges should be asking themselves. They need to know the warning signs, the vulnerabilities, and how potential situations occur.

Judges in Billings currently cannot take much action because they are still being educated on human trafficking and how to spot it in their courtrooms.<sup>140</sup> They are still educating themselves on the issue that has been around the world for decades. This is a huge problem that needs to be addressed. In 2017, the National Council of Juvenile and Family Court Judges (NCJFCJ) filled more than seven requests for assistance, and trained more than 290 judges, judicial officers, attorneys, and other professionals working to protect the children, families, and communities of Montana.<sup>141</sup> The NCJFCJ has made efforts to educate judges on domestic child trafficking. They believe that children involved in the child welfare and juvenile justice system are vulnerable to sex trafficking.<sup>142</sup> They see the critical need for establishing processes, training, and systems that help identify sex trafficking in their courtrooms. The NCJFCJ believes that juvenile and family court judges can play a critical role in identifying sex trafficking victims.<sup>143</sup>

The National Judicial Institute on Domestic Child Sex Trafficking provides judges with proper education on trafficking risk factors, how to identify victims, and how

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<sup>139</sup> Fehr, July 13, 2021.

<sup>140</sup> Fehr, July 13, 2021.

<sup>141</sup> Fehr, July 13, 2021.

<sup>142</sup> National Council of Juvenile and Family Court Judges (NCJFCJ), “Domestic Child Sex Trafficking,” December 24, 2019. <https://www.ncjfcj.org/publications/domestic-child-sex-trafficking-series/>.

<sup>143</sup> NCJFCJ, “Domestic Child Sex Trafficking.”

to intervene effectively.<sup>144</sup> These tools train and inform judges about how to better serve child victims of sex trafficking. By making this education available to judges, there is increased capacity for handling these types of cases. The judges became better at identifying the red flags associated with sex trafficking and then making informed decisions.<sup>145</sup> However, due to the COVID pandemic, training has been minimal, and the focus is not primarily on human trafficking.<sup>146</sup>

One sign of progress is that for cases where the judge believes there is a suspicion of human trafficking, the case can be sent to the US Attorney's Office.<sup>147</sup> These cases might include transportation across state lines or internet criminal involvement. With a growing awareness of the issues, processes are being put in place to create effective solutions in the court system.

### Use of Language

Language is critical when working on human trafficking cases. Properly identifying human trafficking should be a goal in the courtroom. Sex trafficking can be mislabeled as prostitution or vice versa. However, forced prostitution is sex trafficking. An example of proper identification, not relating to human trafficking, is a recent case where a man raped a 14-year-old girl. In the court briefs, it stated that "an adult

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<sup>144</sup> NCJFCJ, "Domestic Child Sex Trafficking."

<sup>145</sup> NCJFCJ, "Domestic Child Sex Trafficking."

<sup>146</sup> Fehr, July 13, 2021.

<sup>147</sup> Fehr, July 13, 2021.

male had sex with a 14-year-old girl.”<sup>148</sup> A 14-year-old girl cannot give consent; this is not consensual sex, it is statutory rape.<sup>149</sup> By mislabeling a crime, it can minimize the crime, and it is seen far too often in courtrooms. Ronning says: “Judges can make a difference in the way they write their opinions.” Judges can, in fact, lead change.<sup>150</sup> With the proper identification and labeling, they can ensure that the verdict they make brings justice to the victims and shows criminals the consequences of their crimes.

During the Scot Petrie case involving an illicit massage business in Billings, Judge Pensky refused to provide the victims of human trafficking with any state money because they were sex workers.<sup>151</sup> During an interview seeking more information on this case, Penny Ronning said:

While the women in the court documents are not listed as human trafficking victims, I believe they are. It’s really an ill-informed thought to even think that the women inside these illicit massage businesses are there by choice, of that they are empowered females who have a professional employer looking out for their best interest. They have employers that are vicious, and violent, and are selling human beings as slaves. That’s what they are.<sup>152</sup>

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<sup>148</sup> Phoebe Tollefson, “Billings Man Admits Child Porn Charge, Prosecutors to Drop Sex Trafficking Charges,” *Billings Gazette*, February 10, 2021. [https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-man-admits-child-porn-charge-prosecutors-to-drop-sex-trafficking-charges/article\\_9b802970-cd5e-5b6f-b372-9016abfe2a31.html?fbclid=IwAR0oU0UHGB8hLvtC21KJi3PVAaEMz2ZFuK-Jg3J249hzgxzr2Bi9o6KsnW0](https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-man-admits-child-porn-charge-prosecutors-to-drop-sex-trafficking-charges/article_9b802970-cd5e-5b6f-b372-9016abfe2a31.html?fbclid=IwAR0oU0UHGB8hLvtC21KJi3PVAaEMz2ZFuK-Jg3J249hzgxzr2Bi9o6KsnW0).

<sup>149</sup> Ronning, June 21, 2021.

<sup>150</sup> Ronning, June 21, 2021.

<sup>151</sup> Ronning, June 21, 2021.

<sup>152</sup> Spencer Martin, “Billings Man Charged with Coercing Women to Provide Commercial Sex at 2 Massage Parlors,” KULR TV, April 16, 2019. [https://www.kulr8.com/news/billings-man-charged-with-coercing-women-to-provide-commercial-sex-at-2-massage-parlors/article\\_7515899c-609f-11e9-97a1-db498335bd2b.html](https://www.kulr8.com/news/billings-man-charged-with-coercing-women-to-provide-commercial-sex-at-2-massage-parlors/article_7515899c-609f-11e9-97a1-db498335bd2b.html).

This case contains all the signs that these individuals were trafficking victims. However, the judge mislabeled the victims as sex workers, completely ignoring the fact that they did not consent to perform their criminal acts. This not only did not provide proper justice to the victims but partially blamed them. Traffickers will use this to their advantage and hold this over the heads of their victims. The victims of other sex trafficking situations may not speak up or ask for help for fear that they could be convicted of illegal prostitution.

Another injustice is that prosecutors are often forced to offer a plea deal in cases in order to avoid revictimizing the victims.<sup>153</sup> There is simply no justice for those who are harmed and exploited. The victims are not taken care of properly. There need to be changes regarding how society views and protect victims. Some solutions to this may include filming their testimony one time rather than make them repeatedly retell their story in an institutional setting.<sup>154</sup> This will help them to feel more comfortable to tell their story once without being victimized multiple times.

Although there is progress from five years ago, there is still room for improvement. The fact that the words *human trafficking* are being used is a giant leap forward from five years ago, but there still is a long way to go from here.<sup>155</sup>

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<sup>153</sup> Ronning, June 21, 2021.

<sup>154</sup> Ronning, June 21, 2021.

<sup>155</sup> Fehr, July 13, 2021.

## Power of Policy Funding

Without policy changes, there is no legal power to enforce meaningful consequences on traffickers and provide support to their victims. However, it does not stop there. Now that the some recognition of human trafficking has occurred, there needs to be training. To implement these changes, there needs to be proper funding so they can be appropriately enforced. In order to pass policy, there needs to be funding for every part of the policy. Marissa McCormick, a human trafficking researcher, says, “Without proper funding, services can get expensive and can be less effective.”<sup>156</sup> This is an enormous problem that needs to be addressed in states like Montana.

Most human trafficking legislation goes unfunded or unsupported.<sup>157</sup> In 2017, a bill that addressed human trafficking passed the Montana Senate. When it arrived at the appropriations committee to receive funding, legislators crossed out everything in the bill related to human trafficking. When asked why, the legislators stated that Montana does not have a human trafficking problem, therefore such legislation did not need funding.<sup>158</sup> The bill became law without any funding to enforce it. This is why education on human trafficking is so vital because some parts of the community do not believe it is a problem in the state. Solutions begin with acknowledging that human trafficking is happening in Montana towns like Billings. Without this knowledge, it will be very challenging to find effective solutions to the problem.

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<sup>156</sup> McCormick, July 3, 2021.

<sup>157</sup> Ronning, June 21, 2021.

<sup>158</sup> Ronning, June 21, 2021.

Overall, members of the law and justice system need to be much better informed and educated on the issue of human trafficking. They need to acknowledge that it is occurring in their courtrooms. Proper procedures need to be put in place to address, bring to trial, and convict these criminals. Educating judges about the problem is crucial. They also need to be able to properly identify human trafficking and the warning signs that come with it. Judges need to be able to differentiate between crimes such as sex trafficking and prostitution. Having a full and accepted definition for human trafficking will help enforce this. Judges can make a big impact by the language they use in their cases and how they convict traffickers. Finally, policy changes need to be backed by solid funding in order to be enforced and implemented. Although the awareness of human trafficking is improving, there are still changes that need to be implemented to aid in the fight against this rising crime.

## Chapter IX

### Conclusion

It has to be acknowledged and accepted that human trafficking is a problem in all American states. Since human trafficking can happen in any community, small towns also face this international problem. Globally, society lacks a complete and accurate understanding of the nature of human trafficking. Rural towns, such as Billings, Montana, are just now comprehending the size of this problem in their area. With the help of community organizations, citizens are becoming aware that it is happening in their state, even as secluded as they are in the United States. With a fuller understanding of this crisis, small rural towns and large nations can effectively create the best solutions for combatting human trafficking. By understanding how widespread the issue is locally and internationally, we can properly identify victims and perpetrators using tools such as conflict theory, constructivism, and trauma theory. Through the proper comprehension of how demographic, economic, and political variables impact human trafficking, society can see that human trafficking can and does happen in every community throughout all parts of the world.

The world needs to know that this is happening to people of every age, from every background, in every environment, in cities and the country, and that all parts of society are affected. Those who commit human trafficking are criminals, and their conviction should be the focus of every law enforcement agency, law and justice system, and community.



The world community also needs to open its eyes and see the other major piece of this crime—the victims. Victims need to be viewed as the brave survivors they are and the true experts on this problem. They are in need of community help, support, and love, and always to be made to feel both valued and heard.<sup>159</sup> Victims should have the services they deserve, to know they will never be invisible again. All of us need to work together to end human trafficking in the world.

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<sup>159</sup> Porter, June 2, 2021.

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