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### Prevention Yields Protection: How The Implementation of Preventative Legislation Could Reduce Human Trafficking in Michigan

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# PREVENTION YIELDS PROTECTION: HOW THE IMPLEMENTATION OF PREVENTATIVE LEGISLATION COULD REDUCE HUMAN TRAFFICKING IN MICHIGAN

## I. INTRODUCTION

On December 6, 1865, Congress assured the people of the United States, through the Thirteenth Amendment, that slavery had been abolished.<sup>1</sup> While decades of social progress and evolution worked to implement the intent of the Thirteenth Amendment and put the past and stigmas to rest in order to create a new era, slavery continues to plague our nation under a new name: human trafficking.<sup>2</sup> Every day, men, women, and children are sold and forced to work in restaurants, factories, or as prostitutes with little to no pay, making them slaves to their "owners."<sup>3</sup> This is the slavery that has plagued our country and countries around the world 153 years after the implementation of the Thirteenth Amendment.<sup>4</sup> Yet, after 153 years of bypassing a constitutional amendment, various organizations have formed in different states whose mission is to put an end to human trafficking.<sup>5</sup> In Michigan,

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<sup>1</sup> See U.S. CONST. amend. XIII, § 1 (declaring slavery unconstitutional in all jurisdictions). In 1865, Congress abolished slavery through the Thirteenth Amendment by stating, "[n]either slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." *Id.* See *13th Amendment to the U.S. Constitution*, LIBR. OF CONGRESS, <https://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html> [<https://perma.cc/C4QL-VCLM>] (dating the ratification of the Thirteenth Amendment).

<sup>2</sup> See *What is Human Trafficking?*, U.N. OFF. ON DRUGS AND CRIME <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuse> [<https://perma.cc/H4TM-SQMU>] (establishing human trafficking as a violation of human rights and a crime punishable under law).

<sup>3</sup> See Sara Sidner, *Old Mark of Slavery is Being Used on Sex Trafficking Victims*, CNN (Sept. 1, 2015), <http://www.cnn.com/2015/08/31/us/sex-trafficking-branding/> [<https://perma.cc/YL2N-Y4J6>] (presenting the physical sign that victims of human trafficking "belong" to their traffickers). Sidner explains the use of tattoos as a method of branding that traffickers use in order to keep victims close to their traffickers. *Id.* Examples of this include the trafficker's "brand" permanently tattooed on the victim's thigh or wrist. *Id.* Sidner explains that the practice is so barbarous that bar codes have been tattooed on victim's wrist so that they look like property or items to be purchased. *Id.* Chillingly, Sidner notes that tattooing individuals to mark their possession is not new in our society. *Id.* The practice had been done before by slave owners to show their ownership, and sadly, its purpose and practice has not gone away but rather it has just evolved. *Id.*

<sup>4</sup> See *Human Trafficking*, FBI, <https://www.fbi.gov/investigate/civil-rights/human-trafficking> [<https://perma.cc/8P5S-TMAN>] (establishing human trafficking as the third largest criminal activity in the world).

<sup>5</sup> See *About*, POLARIS, <http://polarisproject.org/about> [<https://perma.cc/2TCM-WG39>] (indicating that Polaris is one of the leading organizations in the country that works to end

organizations, such as the Kalamazoo Anti-Human Trafficking Coalition, not only work to remedy the problem, but also remind individuals that we are the ones who are living in a world where enslaving young men, women, and children exists.<sup>6</sup>

Across the Atlantic Ocean, this same form of modern day slavery plagues the United Kingdom; however, their government noticed the need for legislative measures to prevent human trafficking before it began.<sup>7</sup> The United Kingdom demonstrates that legislation has the ability to end modern day slavery.<sup>8</sup> Therefore, with the United Kingdom, a world leader, as an example, the time to take action against human trafficking in the United States is now.<sup>9</sup>

This Note proposes that Michigan Compiled Law Section 750.462f should be amended to incorporate legislation similar to the United Kingdom's Slavery and Trafficking Risk Orders (STROs) as well as Slavery and Trafficking Prevention Orders (STPOs) because the current Michigan statute lacks an important preventative measure that has the power to prevent human trafficking before it begins.<sup>10</sup> Next, Part II addresses the meaning of human trafficking, who it targets, its purposes,

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human trafficking). *See also Our Plan*, HOPE FOR JUST., <http://hopeforjustice.org/our-plan/> [<https://perma.cc/R9KC-NHUF>] (introducing Hope for Justice as a national and international organization that works to end human trafficking by demonstrating the national and international need to end human trafficking in the United States, United Kingdom, Norway and Cambodia).

<sup>6</sup> *See What We Do*, KALAMAZOO ANTI-HUMAN TRAFFICKING COALITION, <http://www.kahtc.org/what-we-do/> [<https://perma.cc/WS9S-5ZYK>] (providing information about the methods the coalition uses in order to fight against human trafficking); *Why Kent County*, KENT COUNTY HUMAN TRAFFICKING TASK FORCE, <http://stopthistraffic.org/why-kent-county/> [<https://perma.cc/3ZZN-J3Q9>] (explaining the presence of human trafficking in one of the largest counties in Michigan and how responding to human trafficking is necessary for the safety of individuals).

<sup>7</sup> *See Modern Slavery Act of 2015*, ch. 30 (UK) (introducing the Modern Slavery Act of 2015). The legislation states that the Modern Slavery Act of 2015 was written as “[a]n Act to make provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims.” *Id.*

<sup>8</sup> *See London's First Slavery & Trafficking Prevention Orders Issued*, CROWN PROSECUTION SERV. LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_s\\_first\\_slavery\\_\\_\\_trafficking\\_prevention\\_orders\\_issued/](http://www.cps.gov.uk/london/press_releases/london_s_first_slavery___trafficking_prevention_orders_issued/) [<https://perma.cc/GBK9-TGPD>] (depicting the United Kingdom's use of slavery and trafficking risk orders).

<sup>9</sup> *See The Time is Now*, END HUMAN TRAFFICKING (Nov. 21, 2013), <http://endhumantrafficking.com/the-time-is-now/> [<https://perma.cc/KKW4-8XBN>] (pleading for the end of human trafficking and, demonstrating the rarity of human trafficking occurring in the United Kingdom, in the year 2013, due to the United Kingdom's progressive legislative initiatives).

<sup>10</sup> *See infra* Part IV (proposing an amendment to Michigan Compiled Law § 750.462f that would enable the state to prevent traffickers from future trafficking and prevent individuals suspicious of trafficking to participate in a hearing that would determine whether they were or were not acting in anticipation of trafficking).

Michigan's current human trafficking statutes, and the United Kingdom's current human trafficking statutes.<sup>11</sup> Part III analyzes the current effectiveness of both Michigan and the United Kingdom's human trafficking legislation and discusses the strengths and weaknesses of both in preventing human trafficking among individuals.<sup>12</sup> Part IV proposes that Michigan amend Section 750.462f to include a provision that reflects the United Kingdom's STROs and STPOs.<sup>13</sup> Finally, Part V concludes by summarizing the pertinent information set forth by this Note and recommends that Michigan amend Michigan Compiled Law Section 750.462f to incorporate similar provisions to that of the United Kingdom's STROs and STPOs.<sup>14</sup>

## II. BACKGROUND

The reality of human trafficking demonstrates the need for legislative action in order to prevent individuals from becoming victims to the industry.<sup>15</sup> First, Part II.A defines human trafficking in general, and

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<sup>11</sup> See *infra* Part II (providing information necessary to understand human trafficking and legislation concerning human trafficking in Michigan and in the United Kingdom).

<sup>12</sup> See *infra* Part III (analyzing the current legislation in place in the state of Michigan that define, prohibit, and punish human trafficking in contrast to the legislation in place in the United Kingdom concerning human trafficking).

<sup>13</sup> See *infra* Part IV (encouraging an amendment to Michigan Compiled Law § 750.462f, which would allow law enforcement entities, human trafficking organizations, and courts to issue orders to prevent human trafficking before it occurs).

<sup>14</sup> See *infra* Part V (concluding that a necessary step in ending human trafficking is amending Michigan Compiled Law § 750.462f to mimic the United Kingdom's STROs and STPOs of the Modern Slavery Act of 2015).

<sup>15</sup> See *What Is Human Trafficking?*, DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/blue-campaign/what-human-trafficking> [<https://perma.cc/HT87-VVV2>] (depicting the severity that encompasses human trafficking). The Department of Homeland Security states the following:

Human trafficking is modern-day slavery and involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Every year, millions of men, women, and children are trafficked in countries around the world, including the United States. It is estimated that human trafficking generates many billions of dollars of profit per year, second only to drug trafficking as the most profitable form of transnational crime. Human trafficking is a hidden crime as victims rarely come forward to seek help because of language barriers, fear of the traffickers, and/or fear of law enforcement. Traffickers use force, fraud, or coercion to lure their victims and force them into labor or commercial sexual exploitation. They look for people who are susceptible for a variety of reasons, including psychological or emotional vulnerability, economic hardship, lack of a social safety net, natural disasters, or political instability. The trauma caused by the traffickers can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.

identifies the various types of human trafficking that exist in Michigan and the United Kingdom.<sup>16</sup> Next, Part II.B discusses the United States' and Michigan's current legislative approaches to human trafficking cases and how legislation works to assist human trafficking victims.<sup>17</sup> Finally, Part II.C presents the United Kingdom's current legislation regarding human trafficking and examines how the United Kingdom's legislation affects victims of human trafficking.<sup>18</sup>

#### A. What Is Human Trafficking?

In its simplest form, trafficking can be defined as “the act of transporting, trading, or dealing, especially in illegal goods or people.”<sup>19</sup> However, as one delves deeper into the issue, it becomes apparent that trafficking takes various forms due to the influence of criminal activities.<sup>20</sup> The National Human Trafficking Resource Center (NHTRC) states that “[h]uman trafficking is a market-driven criminal industry that is based on the principles of supply and demand.”<sup>21</sup> While the stigma exists that

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*Id.*

<sup>16</sup> See *infra* Part II.A (providing background information regarding the history of human trafficking, the reason traffickers traffic, the potential victims of human trafficking, and the various types of human trafficking).

<sup>17</sup> See *infra* Part II.B (presenting an in-depth explanation of current United States and Michigan legislation in regard to human trafficking and addressing the benefits and detriments of Michigan's human trafficking legislation through statistical analysis).

<sup>18</sup> See *infra* Part II.C (analyzing the benefits and detriments the United Kingdom's human trafficking legislation has on its citizens through current human trafficking statistics).

<sup>19</sup> *Trafficking*, BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>20</sup> See *Human Trafficking*, FBI, <https://www.fbi.gov/investigate/civil-rights/human-trafficking> [<https://perma.cc/8P5S-TMAN>] (reaffirming the notion that the Thirteenth Amendment works to prevent slavery and defines trafficking as sex trafficking, labor trafficking). See also *Human Trafficking*, BLACK'S LAW DICTIONARY (10th ed. 2014) (“[t]he illegal recruitment, transportation, transfer, harboring, or receipt of a person, esp. one from another country, with the intent to hold the person captive or exploit the person for labor, services, or body parts. Human-trafficking offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and harvesting organs from unwilling donors.”).

<sup>21</sup> *Human Trafficking*, NAT'L HUMAN TRAFFICKING RES. CTR. <https://traffickingresourcecenter.org/type-trafficking/human-trafficking> [<https://perma.cc/9D47-CPAW>]. See also *What is Human Trafficking?*, U.N. OFF. ON DRUGS AND CRIME, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuseide> [<https://perma.cc/H4TM-SQMU>] (establishing human trafficking as a violation of human rights and a crime punishable under law); *Human Trafficking*, NAT'L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/type-trafficking/human-trafficking> [<https://perma.cc/WS9S-5ZYK>] (generally explaining the reality of human trafficking). The National Human Trafficking Resource Center (NHTRC) states that human trafficking is a crime that utilizes force, fraud, or coercion in order to obtain a profit through the exploitation of another. *Id.* This type of exploitation could encompass the use of activities such as sex or labor. *Id.* The organization acknowledges human trafficking as a human rights issue that is running rampant in our society today. *Id.* The NHTRC warns that

young girls are the primary targets of human trafficking, men and women of all ages and races are targets of human trafficking.<sup>22</sup> Traffickers possess the mentality that they have the ability to act outside of the law due to the lack of strong legislation, cultural shaming, and the immense financial gains that are attainable.<sup>23</sup>

Unfortunately, mediums such as “ backpage.com,” (“Backpage”) a website whose original purpose was for general advertising, provides traffickers with a means to promote their “business” and reach out to individuals who are willing to pay for “services,” such as sex.<sup>24</sup> However, major credit card companies have joined the effort to end human trafficking by disallowing the use of their credit cards on sites such as Backpage and prosecutors in California are currently working to

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in the United States, human trafficking does not pick and choose what type of individual will be a victim, rather individuals of all backgrounds, including age, race, gender, and even socio-economic background, are at risk of becoming victims of human trafficking. *Id.*

<sup>22</sup> See *Who Are the Victims of Human Trafficking?*, OFF. OF THE ASSISTANT SEC’Y FOR PLANNING AND EVALUATION, <https://aspe.hhs.gov/basic-report/human-trafficking-and-within-united-states-review-literature#Who> [<https://perma.cc/X7B5-G5RY>] (exploring the stereotype of human trafficking victims, and discrediting it through research, data, and reason). While society perceives young girls as the sole victims of human trafficking, victims of human trafficking could, in fact, be almost anyone. *Id.* The Office of the Assistant Secretary for Planning and Evaluation states that “[m]en, women, and children of all ages can fall prey to traffickers for purposes of sex and/or labor.” *Id.* See also David M. Smolin, *Intercountry Adoption as Child Trafficking*, 39 VAL. U. L. REV. 281, 283 (2004) (identifying the notion that children may be perceived as victims of human trafficking to certain countries through intercountry adoption, thus increasing the types of human trafficking that are present in the world).

<sup>23</sup> See *Human Trafficking*, NAT’L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/type-trafficking/human-trafficking> [<https://perma.cc/9D47-CPAW>] (explaining the low risks that traffickers perceive in regards to trafficking and the high profits they attain as a result). The NHTRC states that, in terms of low risk, trafficking occurs because traffickers do not see any deterrence that affect their criminal behavior. *Id.* Although “investigations, prosecutions, and penalties have increased throughout recent years, many traffickers still believe the high profit margin to be worth the risk of detection,” and the NHTRC states that one of factors that influence these low risks that traffickers perceive are ineffective or unused laws. *Id.* Other factors include lack of training, scarce community awareness, and “social blaming of victims.” *Id.* In terms of the high profits that traffickers are gaining, the NHTRC analyzes the “consumer and producer” aspect to human trafficking. *Id.* The NHTRC states that, “[w]hen consumers are willing to buy goods and services from industries that rely on forced labor, they create a profit incentive for labor traffickers to maximize revenue with minimal production costs.” *Id.*

<sup>24</sup> See Tribune News Services, *Backpage Raided, CEO Arrested on Sex-Trafficking Charges*, CHICAGO TRIBUNE (Oct. 7, 2016), <http://www.chicagotribune.com/business/ct-backpage-raided-ceo-carl-ferrer-arrested-20161006-story.html> [<https://perma.cc/NLH6-RM9P>] (narrating the arrest of the website’s CEO who utilized the website in order to distribute both child and adult prostitutes). The CEO was arrested and charged with “pimping of a minor, pimping, and conspiracy to commit pimping.” *Id.* Arrest warrants were also issued for two of the shareholders of the website. *Id.*

permanently remove the “adult services section” on Backpage after it was removed in January of 2017.<sup>25</sup> Nonetheless, traffickers continue to utilize the Internet, through websites such as Facebook or MySpace, to build relationships with their victims, through falsities, in order to entrap them into their devious trafficking schemes.<sup>26</sup>

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<sup>25</sup> See Kim Bellware, *Credit Card Companies Abandon Backpage.com Over Sex Trafficking Complaints*, HUFFINGTON POST (July 1, 2015), [http://www.huffingtonpost.com/2015/07/01/backpagecom-credit-cards\\_n\\_7705708.html](http://www.huffingtonpost.com/2015/07/01/backpagecom-credit-cards_n_7705708.html) [<https://perma.cc/HT2N-TSJT>] (explaining that credit card companies do not want to participate in activities that are illegal or reflect poorly on the companies). Cook County Sherriff Tom Dart states the website gives traffickers easier access to individuals who want to utilize the services traffickers provide “the Johns” by putting liability on the victims. *Id.* Now that credit card companies have taken a stance against this website and the human trafficking it promotes, authorities are hoping to see a loss of human trafficking business, thus decreasing the number of traffickers and victims. *Id.* See also CBS, *Shutting Down Accused Online Brothel Backpage.com May Hurt Law Enforcement*, CBS SF BAY AREA (Feb. 8, 2017), <http://sanfrancisco.cbslocal.com/2017/02/08/shutting-down-accused-online-brothel-backpage-com-may-hurt-law-enforcement/> [<https://perma.cc/B9AG-AFSV>] (addressing that the “adult services section” of backpage.com has been taken down, however there is a case against backpage.com in California to permanently remove the section from its website). The police, however, feel as though the removal of the section will remove a tool that they use in order to rescue victims. *Id.*

<sup>26</sup> See Judge Herbert B. Dixon, Jr., *Human Trafficking and the Internet\* (\*and Other Technologies, Too)*, AM. BAR ASS’N JOURNAL, [http://www.americanbar.org/publications/judges\\_journal/2013/winter/human\\_trafficking\\_and\\_internet\\_and\\_other\\_technologies\\_too.html](http://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_internet_and_other_technologies_too.html) [<https://perma.cc/Z7WM-AN9V>] (analyzing the technological tools that traffickers utilize for their purposes along with the ways that law enforcement has been attempting to use technology against traffickers). Judge Dixon relayed that while the internet may be used for valuable purposes, such as obtaining information into a particular subject, it has also aided human traffickers for their dark purpose. *Id.* Judge Dixon stated the following:

Some trafficking cases start with the offender contacting the potential victims on social networking sites such as Facebook and MySpace. The techniques used by the offenders to gain trust vary widely, including expressing love and admiration of the victim, promising to make the victim a star, and providing a ticket to a new location away from the victim’s home. Another type of trafficking effort starts with an online employment search and results in an unsuspecting victim relocating from her home on the promise of an unbelievably good job. After the victim has joined the offender, various techniques are used to restrict the victim’s access to communication with home, such as imposing physical punishment unless the victim complies with the trafficker’s demands and making threats of harm and even death to the victim and her family.

*Id.* See also *People v. Mitchell*, 2014 WL 505274 (Mich. Ct. App. Feb. 6, 2014) (demonstrating the use of social media as a platform for traffickers to ensnare their victims). In this case, two teenagers ran away from their home and encountered the defendant. *Id.* On his social media account, he was known as “Pimping Rock.” *Id.*

In the United States, human trafficking can generally be broken down into sex trafficking and labor trafficking.<sup>27</sup> Within the sex trafficking market, “sex traffickers use violence, threats, lies, debt bondage, and other forms of coercion to compel adults and children to engage in commercial sex acts against their will.”<sup>28</sup> Here, victims are commonly said to be “with a trick,” a “trick” (referred to also as a “John”), is an individual who pays to take advantage of the victim, and a trafficker is usually referred to as a “pimp.”<sup>29</sup> Another form of human trafficking is labor trafficking, in which “people [are] forced to work in homes as domestic servants, farmworkers coerced through violence as they harvest crops, or factory workers held in inhumane conditions with little to no pay.”<sup>30</sup> Traffickers in this area of human trafficking gain financial profit through the labor they receive from their victims, which include those who come to America seeking a better life.<sup>31</sup> While initiatives are taken by various organizations and companies

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<sup>27</sup> See 22 U.S.C. § 7102(9) (2012) (providing the meaning of sex trafficking to be “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act”). See also *id.* § 7102(3) (examining the meaning of commercial sex act and determining that it consists of “any sex act on account of which anything of value is given by any person”); *id.* § 7102(8)(B) (addressing the presence of labor trafficking and defining it as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”); *Human Trafficking*, NAT’L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/type-trafficking/human-trafficking> [<https://perma.cc/BMR4-9JX5>] (establishing sex trafficking and labor trafficking as the two primary types of human trafficking occurring in the United States).

<sup>28</sup> *Sex Trafficking*, POLARIS, <https://polarisproject.org/sex-trafficking> [<https://perma.cc/8TLT-JVYD>]. See also *Impact*, HUMAN TRAFFICKING SEARCH, <http://www.humantraffickingsearch.net/impact/> [<https://perma.cc/65SV-X8L7>] (stating that victims of human trafficking experience physical harm and an array of emotional harm, such as anxiety, depression, and Post-Traumatic Stress Disorder (PTSD)).

<sup>29</sup> See *Trafficking Terms*, SHARED HOPE INT’L, <http://sharedhope.org/the-problem/trafficking-terms/> [<https://perma.cc/WX4A-29KT>] (defining various terms involved in sex trafficking). The human trafficking industry has created a type of language on its own. *Id.* The term “daddy” ceases to be an endearing word for father, but instead means a trafficker, or a pimp. *Id.* A “gorilla pimp” refers to a trafficker, or pimp, who controls his victims through sheer violence and force. *Id.* The horror of human trafficking can be seen through the use of the word “stable,” which traffickers, or pimps, use to refer to “[a] group of victims who are under the control of a single pimp” and the term “choosing up,” which is the process of one trafficker, or pimp, gaining ownership of another’s victim. *Id.* Victims are told to always keep their eyes on the ground, however, if a victim looks into the eyes of another pimp, the victim is seen as “choosing” to be with the other trafficker, or pimp. *Id.*

<sup>30</sup> *Labor Trafficking*, NAT’L HUMAN TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/type-trafficking/labor-trafficking> [<https://perma.cc/N3K4-BLQ8>].

<sup>31</sup> See *id.* (explaining that both United States citizens as well as foreign nationals are entrapped in labor trafficking in the United States).

in order to end human trafficking, the United States and Michigan should give legislative support to aid in its elimination.<sup>32</sup>

B. *How the United States and Michigan Legislation Approaches Human Trafficking*

In order to prevent these recognized forms of modern day slavery, the United States has implemented federal legislation.<sup>33</sup> A prominent piece of legislation that the United States has enacted is the Trafficking Victims Protection Reauthorization Act of 2005, a reauthorization of the Trafficking Victims Protection Act of 2000.<sup>34</sup> In federal matters, this Act protects individuals from traffickers by broadly defining human trafficking offenses, such as “coercion and enticement” and “repeat offenders.”<sup>35</sup> Parameters such as these allow the states to expand upon their own legislation to provide citizens with the necessary means of legislative protection against human trafficking.<sup>36</sup> The United States also

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<sup>32</sup> See Natalie Jesionka, *The Fight for Freedom: 7 Organizations Combatting Human Trafficking*, MUSE, <https://www.themuse.com/advice/the-fight-for-freedom-7-organizations-combatting-human-trafficking> [<https://perma.cc/4ABH-FVDN>] (reviewing seven organizations working to end human trafficking in the United States and around the world). See also Natalie Jesionka, *What's Being Done to Stop Human Trafficking?*, MUSE, <https://www.themuse.com/advice/whats-being-done-to-stop-human-trafficking> [<https://perma.cc/AEP4-9Z8G>] (analyzing various countries' efforts in preventing human trafficking). This article also addresses that as time passes and culture evolves, legislation must evolve with the changing times. *Id.*

<sup>33</sup> See 22 U.S.C. § 7102(9) (2012) (providing the meaning of sex trafficking to be “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act”). See also *id.* § 7102(3) (defining sex trafficking and commercial sex act and explaining that it means “any sex act on account of which anything of value is given by any person”).

<sup>34</sup> See 18 U.S.C. §§ 2421–2428 (2012) (outlining the provisions of the *Trafficking Victims Protection Reauthorization Act of 2005*).

<sup>35</sup> See *id.* § 2422 (denying individuals the ability to knowingly coerce or entice individuals for sexual activity). See also *id.* § 2426 (protecting individuals from repeat offenders by granting the states the authority to deal with such individuals as necessary).

<sup>36</sup> See *Current Federal Laws*, POLARIS, <https://polarisproject.org/current-federal-laws> [<https://perma.cc/U2TD-QSA6>] (explaining each federal law that focuses on preventing human trafficking). For example, this organization's website explains that:

The Trafficking Victims Protection Act (TVPA) of 2000 is the cornerstone of Federal human trafficking legislation, and established several methods of prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The act establishes human trafficking and related offenses as federal crimes, and attaches severe penalties to them. It also mandates restitution be paid to victims of human trafficking. It further works to prevent trafficking by establishing the Office to Monitor and Combat Trafficking in Persons, which is required to publish a Trafficking In Persons (TIP) report each year. The TIP report describes and ranks the efforts of countries to

passed the Combat Human Trafficking Act, which currently provides that victims of human trafficking receive restitution for any lost wages.<sup>37</sup> The Act ultimately complements the Trafficking Victims Protection Reauthorization Act of 2005 and give the states legislation to utilize and expand upon to aid victims of human trafficking.<sup>38</sup>

Following this legal foundation, Michigan crafted its statutes to encompass the United States Code, as well as expand on its meaning for state purposes.<sup>39</sup> Through its legislation, Michigan recognizes sex

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combat human trafficking. The act also established the Interagency Task Force to Monitor and Combat Trafficking, which assists in the implementation of the TVPA. The TVPA protects victims and survivors of human trafficking by establishing the T visa, which allows victims of human trafficking, and their families to become temporary U.S. residents and eligible to become permanent residents after three years.

*Id.* See also Aaron I. Schoenholtz, *Developing the Substantive Best Interests of Child Migrants: A Call for Action*, 46 VAL. U. L. REV. 991, 994 (2012) (acknowledging that victims of human trafficking, particularly children brought into the United States from other countries, have a difficult time reaching out to authorities for aid).

<sup>37</sup> See 42 U.S.C. § 14044g (2012) (outlining that federal prosecutors be informed about successfully seeking restitution for human trafficking victims). The statute establishes that it is the responsibility of the Attorney General to ensure that after “obtaining a conviction for such an offense, requests a specific amount of restitution for each victim of the offense without regard to whether the victim requests restitution.” *Id.* See 18 U.S.C. § 1593 (2012) (encouraging mandatory restitution that defendants must pay to their victims). The statute states that defendants are required to compensate the “full amount of the victim’s losses’ . . . shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of the victim’s labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act.” *Id.* See also Stephanie Francis Ward, *Despite Mandatory Restitution Law, Courts Rarely Award Trafficking Victims Lost Wages, Study Finds*, AM. BAR ASS’N JOURNAL (Sept. 30, 2014), [http://www.abajournal.com/news/article/courts\\_rarely\\_awarded\\_sex\\_trafficking\\_victims\\_compensation\\_study\\_finds](http://www.abajournal.com/news/article/courts_rarely_awarded_sex_trafficking_victims_compensation_study_finds) [<https://perma.cc/Y493-D5FB>] (acknowledging that there is a federal statute in place meant to assist victims of human trafficking in seeking restitution, but is sorely being neglected). The reasoning behind this awful trend, Ward argues, is that “[a]ccording to Reuters, defense lawyers often argue that victims of sex trafficking don’t deserve restitution, because the work is illegal. Furthermore, some reports show that laborers in trafficking cases were far more likely to have counsel than sex workers.” *Id.*

<sup>38</sup> See *id.* (explaining the necessity for the Trafficking Victims Protection Reauthorization Act of 2005 as well as the Combat Human Trafficking Act). Ward includes testimony from the President of the Human Trafficking Pro Bono Legal Center, Martina Vandenberg, who states that “[t]rafficking victims desperately need these funds to recover from the ordeal of abuse and exploitation.” *Id.*

<sup>39</sup> See MICH. COMP. LAWS § 750.462a (2016) (outlining the definitions necessary for the understanding the legality of human trafficking); *id.* § 750.462a(c)(i)–(iii) (conveying that, in terms of sex trafficking, “commercial sexual activity” means sexual acts in which the state has explicitly prohibited in one or more of its various pieces of legislation); *id.* § 750.462b (establishing that forced labor or services is punishable by law if “a person knowingly [recruits], [entices], [harbors], [transports], [provides], or [obtains] an individual for forced labor or services”); *id.* § 750.462a(g) (2016) (expanding upon forced labor or services by stating that it is the act of obtaining such acts through “force, fraud, or coercion”); *id.*

trafficking and labor trafficking as the two primary types of human trafficking that plague the state, just as the United States Code does.<sup>40</sup> The definition of sex trafficking that Michigan adopted follows closely in the United States' legislative footprints and states that sex trafficking is the act of securing an individual to perform a commercial sexual act through deceitful or forceful tactics for financial gain.<sup>41</sup>

Currently, Michigan's human trafficking legislation consists of sections that define human trafficking in terms of forced labor, debt bondage, the legislation as it relates to minors involved in human trafficking, violations and punishments, victim testimony, and victim resist.<sup>42</sup> In 2014, the National Trafficking Resource Center reported that Michigan received 529 calls in an effort to end human trafficking and 131 cases of human trafficking were reported.<sup>43</sup> The following year, in 2015, Michigan received 717 calls and 152 cases of human trafficking were reported.<sup>44</sup> While these statistics are encouraging, more could be done by

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§ 750.462d (emphasizing that conduct such as forcing an individual into labor and receiving profits from said labor is prohibited as an act of human trafficking); *id.* § 750.462f (conveying the punishment for trafficking humans as well as the punishment for attempting or conspiring to traffic humans).

<sup>40</sup> See *id.* § 750.462a (defining various components necessary in identifying and prosecuting human trafficking, such as "commercial sexual activity," "coercion," and "force"); *id.* § 750.462a(c)(i)-(iii) (establishing sex trafficking as a form of human trafficking); *id.* § 750.462b (recognizing forced labor as human trafficking). See also *id.* § 750.462a(g) (providing information to further establish labor trafficking as a type of human trafficking Michigan).

<sup>41</sup> See also *id.* § 750.462a(c)(i)-(iii) (mirroring the United States Code's definition of human trafficking); *id.* § 750.462a(c)(i) (demonstrating that both the United States Code and the Michigan Compiled Law define "Commercial Sexual Activity" with similar tiered approaches).

<sup>42</sup> See *id.* § 750.462a (asserting meanings to various phrases and terms involved in the issue of human trafficking); *id.* § 750.462b (outlawing any type of labor and services that are gained through enticement or force); *id.* § 750.462c (prohibiting the use of financial debt and paying off that debt as a method of trafficking individuals); *id.* § 750.462e (focusing on protecting minors from human trafficking by prohibiting sex trafficking and labor trafficking of them); *id.* § 750.462d (supporting the notion that individuals are prohibited from participating in labor trafficking and debt bondage); *id.* § 750.462c (discussing the factors related to holding an individual captive under debt bondage); *id.* § 750.462f (sentencing individuals engaged in human trafficking to various punishments, such as imprisonment time and monetary fines).

<sup>43</sup> See Michigan, NAT'L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/state/michigan> [<https://perma.cc/3PF5-GVUN>] (presenting the 2014 statistics of the calls received by individuals reporting human trafficking in contrast with confirmed human trafficking cases).

<sup>44</sup> See *id.* (addressing the 2015 statistics of reported calls in an effort to end human trafficking as well as the cases of human trafficking that were reported as accurate).

implementing legislation similar to those abroad, without violating federal constitutional rights and state constitutional rights.<sup>45</sup>

Michigan currently provides its citizens with statutes that confront human trafficking while it is happening and statutes that remedy human trafficking after it has occurred, yet legislation aimed at protection at the onset of human trafficking is nonexistent.<sup>46</sup> Michigan law allows victims to decide whether they would like to testify against their traffickers in court and, if they choose to, their story does not need to be corroborated, as a courtesy to their emotional state as well as a means of recognition to the severity of their current circumstances.<sup>47</sup> Legislation in the state also asserts that “the victim's resistance or lack of resistance to the actor is not relevant” when the issue is brought before the court.<sup>48</sup>

The effects of human trafficking not only violate an individual's sense of freedom, but also their physical and mental safety.<sup>49</sup> Traffickers often

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<sup>45</sup> See U.S. CONST. amend. I (guaranteeing the right of the American people to engage in freedom of speech); U.S. CONST. amend. V (discussing the presence of due process of the law that citizens of the United States possess); U.S. CONST. amend. XIV, § 1 (providing protection for individuals' rights and liberties as well as affording them due process under the law). See also MICH. CONST. of 1963, art. I, § 2 (1964) (protecting Michigan citizens' right to equal protection under the law); *id.* § 17 (establishing citizens due process under the law in order to assure fairness under the law in the state of Michigan); *infra* Part III.B (identifying the scrutiny reviews necessary to maintain legislation as constitutional); *infra* Part IV.A (recommending an amendment to an existing Michigan statute that would act to prevent human trafficking without violating constitutional rights).

<sup>46</sup> See MICH. COMP. LAWS § 750.462a (2016) (defining what constitutes human trafficking in the state of Michigan); *id.* § 750.462b (establishing that debt bondage is a type of human trafficking and is illegal in the state of Michigan); *id.* § 750.462d (emphasizing that conduct such as forcing an individual into labor and receiving profits from said labor is prohibited as an act of human trafficking); *id.* § 750.462f (conveying the punishment for trafficking humans as well as the punishment for attempting or conspiring to traffic humans); *id.* § 750.462g (allowing victims of human trafficking the option to testify against their trafficker without needing corroboration to their testimony); *id.* § 400.109m (granting victims of human trafficking medical assistance); *id.* § 780.766 (addressing what “victim” means in the state of Michigan and what types of restitution victims may receive).

<sup>47</sup> See *id.* § 750.462g (explaining that victims of human trafficking can testify against their trafficker without needing corroboration to their testimony in court); § 400.109m (granting victims of human trafficking medical assistance); § 333.16148 (providing rules for training healthcare professionals in recognizing the signs of human trafficking). See also *Corroborate*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/corroborate> [<https://perma.cc/Q6CE-D959>] (defining corroborate as “to support with evidence or authority”).

<sup>48</sup> See MICH. COMP. LAWS § 750.462g (providing victims with a sense of security in testifying against their traffickers without feeling pressured into doing so, or discredited if they do).

<sup>49</sup> See *Understanding Sex Trafficking*, CDC, <http://www.cdc.gov/violenceprevention/sexualviolence/trafficking.html> [<https://perma.cc/9HY2-UYD4>] (describing the reality of sexual, gang, and psychological violence as an occurrence of human trafficking). The CDC points out that traffickers will utilize victims past violence experiences against them as a

use violence as a means of subduing and controlling their victims in order to maintain their authority.<sup>50</sup> As a result, Michigan enacted a piece of legislation that allows victims to “receive medical assistance benefits for medical and psychological treatment resulting from his or her status as a victim of that human trafficking violation.”<sup>51</sup>

In addition to the physical and mental suffering traffickers put their victims through, some victims may have had well-paying jobs, homes, and families that they lost as a result of being trafficked.<sup>52</sup> In furtherance,

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form of control. *Id.* See also Karin Lehnardt, 55 *Little Known Facts About Human Trafficking*, FACT RETRIEVER (Sept. 20, 2016), <http://www.factretriever.com/human-trafficking-facts> [<https://perma.cc/EP2H-675K>] (expanding upon the ways that traffickers negatively impact their victims). In order to maximize their profits through their victims:

Sex traffickers use a variety of ways to “condition” their victims, including subjecting them to starvation, rape, gang rape, physical abuse, beating, confinement, threats of violence toward the victim and victim’s family, forced drug use, and shame . . . . A human trafficker can earn 20 times what he or she paid for a girl. Provided the girl was not physically brutalized to the point of ruining her beauty, the pimp could sell her again for a greater price because he had trained her and broken her spirit, which saves future buyers the hassle. A 2003 study in the Netherlands found that, on average, a single sex slave earned her pimp at least \$250,000 a year . . . . Human traffickers are increasingly trafficking pregnant women for their newborns. Babies are sold on the black market, where the profit is divided between the traffickers, doctors, lawyers, border officials, and others. The mother is usually paid less than what is promised her, citing the cost of travel and creating false documents. A mother might receive as little as a few hundred dollars for her baby.

*Id.*

<sup>50</sup> See *Human Trafficking Fuels Violence Against Women*, U.N. OFF. ON DRUGS AND CRIME (Nov. 29, 2009), <http://www.unodc.org/unodc/en/frontpage/2009/November/human-trafficking-fuels-violence-against-women.html> [<https://perma.cc/4TK6-R97R>] (discussing the use of violence by traffickers and the negative affect it has on the victims caught in the situation). The United Nations Office on Drugs and Crime specifically explains that human trafficking “is . . . one of the worst forms of violence against women and girls.” *Id.* Women who are victimized by human trafficking experience a lack of freedom. *Id.* Their traffickers use violence to control them and victims “extreme physical and mental abuse, including through rape, imprisonment, forced abortions and physical brutality at the hands of their so-called ‘owners.’” *Id.* These female victims ultimately become isolated from their friends families, and world. *Id.*

<sup>51</sup> MICH. COMP. LAWS § 400.109m (2016).

<sup>52</sup> See Magazine, *Shandra Woworuntu: My Life as a Sex-Trafficking Victim*, BRITISH BROADCASTING CORPORATION (Mar. 30, 2016), <http://www.bbc.com/news/magazine-35846207> [<https://perma.cc/68X8-SHDH>] (detailing the story of a woman who lost precious time with her family, particularly her daughter and mother, when she became a victim of human trafficking). Shandra Woworuntu left Indonesia to pursue a job in Chicago, Illinois, in order to support her daughter. *Id.* When she arrived in the United States, she met with who she believed was her employer. *Id.* This man was in fact a trafficker, who took her legal documents and forced her into sex-trafficking through debt bondage. *Id.* However, Shandra later escaped on a snowy January day and arrived at a police station, only to be denied

Michigan has adopted a similar piece of legislation to the Combat Human Trafficking Act, which allows a victim to recover restitution from their wrongdoer.<sup>53</sup> Even though Michigan has this legislation in place, it does not explicitly state that the legislative purpose is to assist human trafficking victims.<sup>54</sup> Rather, it leaves a broad interpretation to the reasoning as to why the individual is identified as a “victim,” which allows human trafficking to be considered if argued.<sup>55</sup>

Finally, Section 750.462f of the Michigan Compiled Law addresses the various punishments given to traffickers when found guilty of trafficking in a court of law.<sup>56</sup> Although these punishments include a range of imprisonment times and fines due to the severity and manner of the trafficking, Section 750.462f(1)(d)(3) explicitly states that “[a] person who attempts, conspires, or solicits another to violate this chapter is subject to the same penalty as a person who commits a violation of this chapter.”<sup>57</sup> Here, Michigan acknowledges the risk of potential traffickers, through the use of “conspiring” and “soliciting,” but does not describe any measures to prevent those actions from occurring.<sup>58</sup>

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assistance by a police officer who did not believe her situation. *Id.* Instead, she became a beggar in New York City, telling people her story with the hopes of someone assisting her. *Id.* Finally, a man bought her food and successfully called the FBI in order to remedy her situation. *Id.* The FBI worked with Shandra and sent detectives to bust the brothel that Shandra was kept in. *Id.* Shandra witnessed the take-down of her trafficker and saw the women she was trafficked alongside freed by the FBI, which she later described as the “greatest moment of [her] life.” *Id.*

<sup>53</sup> See MICH. COMP. LAWS § 780.766 (2016) (evaluating the different opportunities for a victim to recover from their wrongdoer).

<sup>54</sup> See *id.* § 780.766 (addressing the legal avenues given to victims of human trafficking but does not state that traffickers were the source of victims’ harm). This statute makes no mention of traffickers. *Id.* Rather, it mentions that defendants may pay an amounts equal to what the victim lost during the incident, such lost wages or the expense that accompanies caring for a child that was left unattended. *Id.*

<sup>55</sup> See *id.* § 780.766(1) (defining victim to mean an individual who was adversely affected by another due to a crime that was committed). This section is the only section that uses the term victim to mean “an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime.” *Id.*

<sup>56</sup> See *id.* § 750.462f (providing penalties to those who traffic individuals); *id.* § 750.462f(b) (“[i]f the violation results in bodily injury to an individual, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both”).

<sup>57</sup> *Id.* § 750.462f(1)(d)(3). See also *id.* § 750.462f(1) (listing potential sentences given to traffickers convicted of trafficking); *id.* § 750.462f(1)(a) (establishing a life sentence, a specified number of years, a fine, or both, as the consequences for a “kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or attempted criminal sexual conduct in the first degree).

<sup>58</sup> See *id.* § 750.462f(1)(d)(3) (prohibiting the conspiracy of human trafficking and the solicitation of one to traffic for another, yet lacks in measures put in place to prevent individuals such as these while in the process of committing the conspiracy).

Unlike Michigan, Florida's Attorney General, Pam Bondi, has mimicked the United Kingdom's preventative legislation and has taken the offense to end human trafficking in Florida.<sup>59</sup> Legislation, such as the Relocation Assistance for Victims of Human Trafficking, works to assist human trafficking victims and provides victims with financial means to escape their dire situations.<sup>60</sup> Statistically, Florida has increased their the human trafficking cases brought before the court by fifty-four percent, because of Florida's legislative efforts as well as the anti-human trafficking programs.<sup>61</sup> This ultimately shows that human trafficking in Michigan could also decrease if Michigan adopted preventative legislation similar to that of the United Kingdom.<sup>62</sup>

C. *How the United Kingdom's Legislation Approaches Human Trafficking*

Historically, the United Kingdom has disapproved of enslaving individuals for financial gain, and has demonstrated that legislation that merely defines human trafficking and provides remedies for those victimized by traffickers is not enough to end human trafficking.<sup>63</sup> The

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<sup>59</sup> See FLA. STAT. § 960.196 (2016) (giving victims of human trafficking the opportunity to relocate for safety purposes by providing them with necessary funding). See also *Florida is a Zero-Tolerance State for Human Trafficking*, FLA. OFF. OF THE ATT'Y GEN., <http://myfloridalegal.com/pages.nsf/Main/AF860EB7606CF92D85257A7D00458CD7> [<https://perma.cc/JM42-VWAS>] (declaring Florida a combative state against human trafficking). The website of Pam Bondi, the Attorney General of Florida, states that she is taking the initiative to utilize various avenues, such as working with emergency medical personnel to working with parents to keep their children safe, in order to prevent human trafficking in the state of Florida. *Id.*

<sup>60</sup> See FLA. STAT. § 960.196 (2016) (granting victims of human trafficking proper funding in order to relocate for safety purposes).

<sup>61</sup> See Associated Press, *Human Trafficking Cases Increase 50 Percent in Florida*, ORLANDO SENTINEL (Jan. 15, 2017), <http://www.orlandosentinel.com/os-ap-human-trafficking-cases-increase-50-percent-in-florida-20170115-story.html> [<https://perma.cc/U5X9-3KS3>] (praising recent increases in human trafficking cases in Florida and explaining why they have risen). "[I]ncreased training and a new screening tool developed between DCF, the Florida Department of Juvenile Justice and the attorney general" are the reasons the Florida Department of Children and Families believes caused the increase in human trafficking reports. *Id.*

<sup>62</sup> See *infra* Part III.B (demonstrating how human trafficking in Michigan would decrease if Michigan adopted legislation similar to the United Kingdom).

<sup>63</sup> See Denis Judd, *Albert, Prince Consort*, HISTORYTODAY, <http://www.historytoday.com/denis-judd/albert-prince-consort> [<https://perma.cc/4TAH-9MH7>] (emphasizing that the United Kingdom has disapproved of slavery since the reign of Queen Victoria). Prince Albert, Queen Victoria's husband, was informed of slavery occurring in various parts of the world and decided to assist in eliminating the practice. *Id.* See also *Prince Albert and Great Anti-Slavery Meeting in London*, THE LIBERATOR FILES (Oct. 9, 2011), <http://theliberatorfiles.com/prince-albert-and-great-anti-slavery-meeting-in-london/> [<https://perma.cc/K6B6-SAPC>] (reiterating the speech that Prince Albert gave against slavery). In his speech, Prince Albert states: "I sincerely trust that this great county, will not

United Kingdom defines human trafficking more broadly than Michigan.<sup>64</sup> Unlike the United States' Constitution which rejects the enslavement of individuals outright, the United Kingdom's Magna Carta does not address this issue.<sup>65</sup> The Magna Carta, written in 1215, has served, not only as a type of constitution for the United Kingdom, but also as the constitutional foundation for various countries, including the United States.<sup>66</sup> Clause 39 of the Magna Carta justifies the Modern Slavery Act of 2015, which utilizes STROs and STPOs in order to restrict the activities of individuals who are suspected of trafficking individuals because of the United Kingdom's strong desire to protect its citizens.<sup>67</sup> Therefore, the Modern Slavery Act of 2015 emphasizes the exploitation of an individual, by another individual, as the foundation for human trafficking.<sup>68</sup>

The legislation goes on to define exploitation as the victim of a trafficker's behavior and actions.<sup>69</sup> The United Kingdom then defines human trafficking to encompass a series of behaviors, actions, and crimes.<sup>70</sup> In terms of sex trafficking, the United Kingdom relies upon its

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relax in its efforts until it has finally and forever put an end to that state of things so repugnant to the principles of Christianity and to the best feelings of our nature." *Id.* See also *Modern Slavery Act of 2015*, ch.30 s 1-3 (UK) (explaining the how the legislation defines human trafficking through various intersecting legislation, such as the Sexual Offenses Act 2003 and the Tissue Act).

<sup>64</sup> See ch.30 s 3 (UK) (issuing an overarching definition of human trafficking through the foundational term "exploitation" which the legislation narrowly defines and explains).

<sup>65</sup> See *Britain's Unwritten Constitution*, THE BRITISH LIBRARY, <https://www.bl.uk/magna-carta/articles/britains-unwritten-constitution> [<https://perma.cc/94ND-2TL6>] (conveying the United Kingdom's Magna Carta). Specifically, Clause 39 of the Magna Carta establishes that an individual cannot be seized, imprisoned, or stripped of their rights, except by the judgment passed upon "except by the lawful judgment of his equals or by the law of the land." *Id.*

<sup>66</sup> See *id.* (relaying the historical importance of the Magna Carta in relation to other world documents in including the United States Constitution).

<sup>67</sup> See *id.* (intending that the Magna Carta serves the people and protects them from the wrongdoings of others, including human trafficking).

<sup>68</sup> See *Modern Slavery Act of 2015*, ch.30 s 3(1) (UK) (establishing that exploitation occurs when one is subjected to slavery, servitude, or forced labor). See also ch.30 s 3(2)(a)-(b) (UK) (defining exploitation as occurring when "the person is the victim of behavior which involves the commission of an offence under section 1, or which would involve the commission of an offence under that section if it took place in England and Wales").

<sup>69</sup> See also ch.30 s 3(5) (UK) (depicting the various methods that human traffickers utilize in order to secure their victims). More specifically, the United Kingdom asserts that an individual who is forced, threatened, or lied to in order to render a service for the benefit of another individual triggers the exploitation legislation in the Modern Slavery Act of 2015 and may be found guilty of human trafficking. *Id.*

<sup>70</sup> See also ch.30 s 1-4 (UK) (providing the guidelines necessary to determine human trafficking offenses by analyzing the meaning of "slavery, servitude, and forced labor"

definition of exploitation and then goes on to state that all offenses that combine exploitation with the Sexual Offences Act 2003 constitutes sex trafficking.<sup>71</sup> The United Kingdom's STROs within the Modern Slavery Act of 2015 work to identify and isolate potential traffickers in order to prohibit them from victimizing individuals.<sup>72</sup> The legislation is written in such a way that it can only be triggered and used when individuals pose a risk of committing human trafficking.<sup>73</sup> Law enforcement entities such as the police, the National Crime Agency (NCA), or immigration officers have the ability to thoroughly investigate situations in order to determine whether they should submit an application to the court to officially issue an STRO against an individual.<sup>74</sup>

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alongside human trafficking, the meaning of exploitation, and the intent to commit such offenses).

<sup>71</sup> See *id.* ch.30 s 3(2)-(3) (UK) (defining exploitation in terms of sexual exploitation for the purposes of defining human trafficking, which broadly includes the Protection of Children Act 1978 and the Sexual Offences Act 2003). See also ch.42 s 33 (listing the offenses that constitute sexual exploitation in terms of human trafficking). The list includes "rape," "assault by penetration," "sexual assault," and "causing person to engage in sexual activity without consent." *Id.*

<sup>72</sup> See *id.* ch.30 s 25 (UK) (presenting Slavery and Trafficking Risk Orders as a preventative measure to combat human trafficking). The issuance of a Slavery and Trafficking Risk Order (STRO) occurs when:

The court is satisfied there is a risk that the defendant may commit a slavery or human trafficking offence and that it is necessary to make a STRO for the purpose of protecting persons generally, or particular persons, from physical or psychological harm which would be likely to occur if the defendant committed such an offence. There is no requirement for the person in respect of whom an order is sought to have previously been convicted or cautioned in relation to a criminal offence.

*Id.*

<sup>73</sup> See *id.* ch.30 s 25(1) (UK) (assuring the citizens of the United Kingdom that orders shall be issued to individuals who are suspected of committing human trafficking by various government entities). See also London's First Slavery & Trafficking Prevention Orders Issued, CROWN PROSECUTION SERV. LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_s\\_first\\_slavery\\_\\_trafficking\\_prevention\\_orders\\_issued/](http://www.cps.gov.uk/london/press_releases/london_s_first_slavery__trafficking_prevention_orders_issued/) [<https://perma.cc/FBK9-TGPD>] (exhibiting three cases in which STROs were used to charge and ultimately find the defendants guilty of conspiracy to traffic).

<sup>74</sup> See *Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015*, HOME OFF. (July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/449991/Guidance\\_on\\_Slavery\\_and\\_Trafficking\\_Prevention\\_Orders\\_and\\_Slavery\\_and\\_Trafficking\\_Risk\\_Orders\\_under\\_Part\\_2\\_of\\_the\\_Modern\\_Slavery\\_Act\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449991/Guidance_on_Slavery_and_Trafficking_Prevention_Orders_and_Slavery_and_Trafficking_Risk_Orders_under_Part_2_of_the_Modern_Slavery_Act_2015.pdf) [<https://perma.cc/K3G6-76BK>] [hereinafter STPO Guidance] (emphasizing that law enforcement, the NCA, or immigration officers have the ability to apply for an STRO against individuals to a Magistrate's Court). The guidelines go on to state that STRO's are intended as an additional tool available to law enforcement agencies to control the behavior of individuals who may cause harm through committing slavery and human trafficking offences. *Id.* See also *Modern*

When the court receives the application, it assesses whether the evidence before them reaches “a sufficient standard to prove that the particular behaviour or actions took place” and must direct the court to a finding of “risk of future criminality.”<sup>75</sup> This in turn provides security to citizens because law enforcement agents in various areas, ensure that the areas they are assigned to are free of potential traffickers looking for their next victim.<sup>76</sup> By having STROs in place, the United Kingdom has provided a sense of security to its citizens by conveying through its legislation that human trafficking will not be tolerated.<sup>77</sup> When an individual is identified as a trafficker or a potential trafficker and an STRO is filed against him or her, the STRO only prevents an individual from engaging the activities addressed in the order.<sup>78</sup> Additionally, if an

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*Slavery Act of 2015* ch.30 s 23 (UK) (describing who may apply for the court to issue an STRO). The Modern Slavery Act of 2015 initially states that “[a] magistrates’ court may make a slavery and trafficking risk order against a person . . . on an application by . . . a chief officer of police, an immigration officer, or the Director General of the National Crime Agency . . . .” *Id.*

<sup>75</sup> STPO Guidance, *supra* note 74.

<sup>76</sup> *See Modern Slavery Act of 2015* ch.30 s 23(3) (UK) (providing that chief officer’s may apply for an STRO to be filed against an individual in their area who demonstrates suspicious behavior). More specifically, the Modern Slavery Act of 2015 states that “[a] chief officer of police may make an application under this section only in respect of a person . . . who lives in the chief officer’s police area, or who the chief officer believes is in that area or is intending to come to it.” *Id.*

<sup>77</sup> *See London’s First Slavery & Trafficking Prevention Orders Issued*, CROWN PROSECUTION SERVICE LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_s\\_first\\_slavery\\_\\_trafficking\\_prevention\\_orders\\_issued/](http://www.cps.gov.uk/london/press_releases/london_s_first_slavery__trafficking_prevention_orders_issued/) [<https://perma.cc/FBK9-TGPD>] (demonstrating that entities are willing to pursue applying for an STRO with the hopes that the court will grant them accordingly). It is important to note that “[a] STRO can be made by a Court in respect of an individual who has not been convicted of a slavery or trafficking offence.” *Id.* The court must find that the individual who is issued the order must pose a threat to commit human trafficking and that the issuance of such an order is necessary is “necessary to protect against the risk of harm from the defendant committing the offence.” *Id.* STROs are aimed to protect the public and prevent harm, both physical and emotional, that may occur if an order is not issued. *Id.*

<sup>78</sup> *See Modern Slavery Act of 2015* ch.30 s 24(1) (UK) (stating that the individual who engages in suspicious behavior that results in the issue of an STRO may not participate in the behavior that triggered the issuance of the STRO). *See also id.* ch.30 s 24(2) (UK) (establishing what behavior may be prohibited by the STRO). Chapter 30, section 24 of the Modern Slavery Act of 2015 states that “[t]he only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons.” *Id.* The reasoning behind this is so that individuals are safe from any type of “physical or psychological harm” that may occur should the defendant commit a human trafficking act. *Id.* *See also, e.g., id.* ch.30 s 24 (5) (UK) (furthering the prohibited behavior and activities that an individual who receives an STRO may not engage in when the STRO is issued). The legislation explains that “[a] slavery and trafficking risk order . . . may specify that some of its prohibitions have effect until further order and some for a fixed period; may specify different periods for different prohibitions.” *Id.* *See generally London’s First Slavery & Trafficking Prevention Orders Issued*, CROWN PROSECUTION

individual was previously issued an STRO and another order is issued, the second order takes the place of the first so that individuals will not be harmed by an expiring order, rather they are protected by the second.<sup>79</sup> Finally, when an individual stands before the Magistrate, which is equivalent to a state judge in the United States, a full hearing occurs in order to provide justice, not only for potential victims, but also for the individuals who may be wrongly identified as traffickers.<sup>80</sup> In the United Kingdom, the Magistrate and law enforcement entities demonstrate that

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SERVICE LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_s\\_first\\_slavery\\_\\_trafficking\\_prevention\\_orders\\_issued/](http://www.cps.gov.uk/london/press_releases/london_s_first_slavery__trafficking_prevention_orders_issued/) [<https://perma.cc/FBK9-TGPD>] (providing a list of potential activities that individuals who receive an STRO may not participate in). In order to properly interpret the legislation, the United Kingdom states that:

It is for the Court to decide what prohibitions are necessary in the light of the evidence it hears. However, the application should suggest the prohibitions the applicant believes are necessary to manage the risk. The following are examples of prohibitions that may be imposed; it is not an exhaustive list: [a]dvertising for/ recruiting/ employing staff; [b]eing a gangmaster; [w]orking with children; [w]orking with vulnerable people; [r]esiding with (specified) children/vulnerable people; [o]rganising transport/accommodation for other people; [t]ravelling to specified countries; [c]ontacting/ recruiting specific individuals, directly or indirectly, either personally or by any electronic means; [h]olding a licence to act as a sponsor for visa applications; or [g]oing to a specific place (e.g. where a victim resides).

*Id.*

<sup>79</sup> See *Modern Slavery Act of 2015* ch.30 s 24(6) (UK) (including a provision in the legislation that excuses a prior STRO if a second STRO is issued). In terms of STROs, the Modern Slavery Act of 2015, states “[w]here a court makes a slavery and trafficking risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.” *Id.*

<sup>80</sup> See *id.* ch.30 s 29 (UK) (granting those who receive STROs the ability to file an appeal against its issuance). See also ch.30 s 27 (UK) (allowing the individual to whom the STRO was issued or the entity that asked the court to issue the STRO against the individual to either renew or discharge the order). More specifically, a complaint to renew or discharge the STRO may be made by the individual issued the STRO or the entity that asked the court to issue the STRO after the hearing has taken place. *Id.* See also STPO Guidance, *supra* note 74 (conveying the fairness granted to individuals affected by STPOs). The United Kingdom anticipated a potential issue regarding the fairness of STPOs when they are issued. *Id.*

The applicant should consider carefully whether restrictions which would have a very substantial impact on the life of the defendant, for example removing his or her livelihood or his ability to visit his family, are necessary, given that the Court is likely to consider this closely. Any interference with the offender’s right to a private and family life (protected by Article 8 of the European Convention on Human Rights) must be necessary to pursue the legitimate aims set out in Article 8 and be proportionate. Those aims are national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

*Id.*

STROs effectively identify individuals in the process of trafficking in a fair and just manner.<sup>81</sup>

The United Kingdom has also adopted STPOs within the Modern Slavery Act of 2015 to further combat human trafficking in the country.<sup>82</sup> Similar to a STRO, governmental entities such as police, immigration officers, and the Director of the NCA, can apply for the issuance of a STPO.<sup>83</sup> The primary distinction between an STRO and an STPO is that an STRO can be ordered against individuals who have already committed and faced charges of human trafficking.<sup>84</sup> In other words, “STPOs are aimed at those convicted, cautioned, who received a reprimand or a final warning, found not guilty by reason of insanity, or found to be under a

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<sup>81</sup> See *Redbridge London Borough Council v. A* [2015] EWHC (Fam) 2140 (Eng.) (illustrating when an STRO is applied for and made, the methods in which the court determines and analyzes its validity). See also *London’s First Slavery & Trafficking Prevention Orders Issued*, CROWN PROSECUTION SERVICE LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_s\\_first\\_slavery\\_\\_\\_trafficking\\_prevention\\_orders\\_issued/](http://www.cps.gov.uk/london/press_releases/london_s_first_slavery___trafficking_prevention_orders_issued/) [<https://perma.cc/FBK9-TGPD>] (addressing the necessary standard of proof required to justify the application and ultimate issuance of an STRO). In order to assure that the STROs are applied for and issued fairly the court determines through careful review that the behavior actually occurred. *Id.* The United Kingdom states that “[t]his is an enhanced civil standard of proof, which is akin to the criminal standard of proof of being sure beyond reasonable doubt.” *Id.* The actions that take place do not have to be criminal in nature, but with other evidence collected, such as previous convictions, demonstrates the risk of future human trafficking. *Id.* See also, e.g., STPO Guidance, *supra* note 74 (interpreting the STROs in such a way that demonstrate the objectivity of their allocation). The United Kingdom interprets the appeal of orders by looking to the “incidental or consequential orders.” *Id.* In other words, should an individual wish to appeal their STRO, the United Kingdom’s court of appeals will look at the STRO as if it issued the order to the individual in order to make a proper determination on the validity of the STRO. *Id.* But also, any order that was not initially issued can be issued on the appeal should the prosecutor bring it to the attention of the court and it will be followed as if it were originally issued. *Id.*

<sup>82</sup> See *Modern Slavery Act of 2015* ch.30 s 14 (UK) (presenting STPOs as a preventative measure to combat human trafficking). According to the Act, a prevention order may be issued if the defendant has a conviction for committing human trafficking. *Id.* But should the individual have a reason of insanity or disability as a defense to committing human trafficking, then the individual shall be found not guilty. *Id.*

<sup>83</sup> See *id.* ch.30 s 15(1) (UK) (acknowledging that “a chief officer of police, an immigration officer, or the Director General of the National Crime Agency” may apply to the magistrate’s court for an STPO against individuals who exhibit certain behaviors in relation to human trafficking).

<sup>84</sup> See *id.* ch.30 s 14(1) (UK) (elaborating on the reasoning for a magistrate’s court to issue an STPO). See also STPO Guidance, *supra* note 74 (assessing the reasoning for the placements of STPOs). The *Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015* states that “the purpose of the prevention orders is to prevent slavery and human trafficking offences being committed by someone who has already committed such offenses.” *Id.* The United Kingdom goes so far as to prohibit individuals from engaging in activities that the Court finds may lead to the human trafficking of individuals. *Id.*

disability and have done the act charged . . . in respect of a slavery of human trafficking offense . . . or an equivalent abroad.”<sup>85</sup> Also similar to STROs, the design and purpose of the STPO is to protect individuals that traffickers use exploit in their trafficking offenses.<sup>86</sup> Another key similarity between STROs and STPOs is the prohibition of activities if one is issued an STPO.<sup>87</sup> Traffickers may not be prohibited from activities, movement, and travel without the court’s satisfaction that such restrictions relate justly and appropriately to the stated offense in the STPO, just as it is for an STRO.<sup>88</sup>

While Michigan provides legislation that assists victims in their testimony, ability to recover medical expenses, and the ability to recover expenses lost during the time they were trafficked, the United Kingdom provides victims with legislation that encourages victims to speak against their traffickers without fearing for their own legal safety.<sup>89</sup> The

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<sup>85</sup> See STPO Guidance, *supra* note 74 (stating that an order such as this will only be made when the Court deems the individual’s behavior and actions aligned with that described and prohibited in the legislation).

<sup>86</sup> See STPO Guidance, *supra* note 74 (explaining the reasons for STPOs in relation to the *Modern Slavery Act of 2015*). Both STROs and STPOs “aim . . . to protect victims from the physical or psychological harm which would result if the defendant committed a slavery or trafficking offence.” *Id.* The United Kingdom intended these orders to be preventative tools to deter traffickers from harming innocent individuals. *Id.* Should an individual be issued either a STRO or STPO, then the individual will likely be tried “either summarily or on indictment with a maximum penalty on indictment of five years’ imprisonment.” *Id.*

<sup>87</sup> See *Modern Slavery Act of 2015* ch.30 s 17 (UK) (describing the various and differing types of restrictions on movement, location, and behavior when issued an STPO).

<sup>88</sup> See *id.* (providing the court’s justifications for the restrictions within the STPO). The statute explicitly states that, “only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would likely occur if the defendant committed a slavery or human trafficking offense.” *Id.*

<sup>89</sup> See MICH. COMP. LAWS § 750.462g (2016) (encouraging the testimony of victims of human trafficking against their trafficker by emphasizing that corroboration is not needed); *id.* § 400.109m (2016) (extending victims of human trafficking the opportunity to seek medical and psychological assistance benefits); *id.* § 780.766 (2016) (defining “victim” in broad terms which provides the victims of human trafficking the possibility of recovery from any loss pay or expenses that may have accrued during their captivity). See also *Modern Slavery Act of 2015 Explanatory Note, Protection of Victims* (UK) (explaining the desire of the government for victims to testify against their traffickers without fearing adverse effects from the government). The United Kingdom understands that victims fear that their testimony will only harm them by solidifying their involvement in illegal activities. *Id.* However, the reason for the Defence for Slavery or Trafficking Victims Who Commit an Offence is to “[p]rovide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation.” *Id.* This Defence does not work in instances of serious cases, however, and in such instances the Crown Prosecution Service has to decide whether or not to prosecute the individuals for their actions or not through the application of a guide. *Id.* This standard is different for victims who are over and under the age of eighteen. *Id.*

“[d]efence for slavery or trafficking victims who commit an offence” lays out defenses that victims may rely on so that they are not convicted of any offenses that are directly linked to their human trafficking activities.<sup>90</sup> The United Kingdom also provides victims with the opportunity to apply for legal services in order for them to have representation for court matters.<sup>91</sup> The United Kingdom has also legislatively enacted regulations within the Modern Slavery Act of 2015 so that public authorities understand and have the capability to identify human trafficking victims.<sup>92</sup> The Secretary of State oversees these regulations and holds responsibility for helping those that are believed to be victims of human trafficking.<sup>93</sup>

The United Kingdom places a high value on the safety and security on its citizens, which is reflected in its legislation to help end an industry that preys on the lives of others.<sup>94</sup> While the United Kingdom respects its Constitution, STROs and STPOs restrict traffickers’ constitutional rights by prohibiting their freedom to engage in certain activities, in order to protect the public.<sup>95</sup> The reasoning behind this is for the protection of the

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<sup>90</sup> See *Modern Slavery Act of 2015* ch.30 s 45 (UK) (providing a defense to victims who were compelled to commit offenses while being trafficked). The *Modern Slavery Act of 2015* provides victims with a sense of security that they may in fact testify against their traffickers without having the offenses they committed while they were trafficked brought against them in court. *Id.* See also *id.* s 45(1)(d) (implores victims to testify against their traffickers by stating, “[a] person is not guilty of an offence . . . if a reasonable person in the same situation as the person and having the person’s relevant characteristics would have no realistic alternative to doing that act”).

<sup>91</sup> See *id.* ch.30 s 47 (UK) (presenting victims with the option of attaining legal representation in court). See also *id.* ch.30 s 32A(1) (furthering the availability of legal representation to victims). The statute specifically states that in order for victims to attain legal representation, they must file an application. *Id.* This application may be granted if:

- (a) there has been a conclusive determination that the individual is a victim of slavery, servitude or forced or compulsory labour, or
- (b) there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim.

*Id.*

<sup>92</sup> See *id.* ch.30 s 49 (bestowing upon the Secretary of State the responsibility to guide necessary human trafficking entities to properly identify human trafficking victims).

<sup>93</sup> See also *id.* ch.30 s 50 (giving the Secretary of State the ability to impose regulation designated to assist human trafficking entities the tools necessary as well as regulations that assist victims of human trafficking).

<sup>94</sup> See Scotland, *UK Human Trafficking Strategy Agreed*, BBC (Oct. 17, 2014), <http://www.bbc.com/news/uk-scotland-29651780> [<https://perma.cc/5A4Z-HUAB>] (showing the United Kingdom’s concern for its citizens as prosecutor, around the country work together to end human trafficking).

<sup>95</sup> See STPO Guidance, *supra* note 74 (analyzing the constitutional argument that arises from restricting a trafficker’s constitutional right to privacy and family life in the United Kingdom). The government goes on to state that, in terms of an interim order, STROs and STPOs are designated for the protection of individuals. *Id.* However, if the government is going to interfere with the rights of an individual, there must be a legitimate reason for such

innocent individuals who may find themselves caught in a trafficking situation.<sup>96</sup> In 2014, the National Crime Agency reported that, through the National Referral Mechanism, the United Kingdom received 2,340 potential victim referrals and 834 cases of human trafficking were confirmed.<sup>97</sup> The following year in 2015, the United Kingdom received 3,266 potential victim referrals and 674 cases of human trafficking were confirmed.<sup>98</sup> These statistics ultimately indicate that the United Kingdom's STROs and STPOs, at the time this Note is written, are working

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an interference. *Id.* Reasons such as "national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" justify the interference of an individual's rights. *Id.* See also *Modern Slavery Act of 2015 Explanatory Note: Background (UK)* (exploring the reasoning behind the *Modern Slavery Act* and what it seeks to accomplish). The Home Office, writes that:

Modern slavery is a brutal form of organized crime in which people are treated as commodities and exploited for criminal gain. The true extend of modern slavery in the United Kingdom, and indeed globally, is unknown. Modern Slavery, in particular human trafficking, is an international problems and victims may have entered the United Kingdom legally, on forged documentation or clandestinely, or they may be British citizens living in the United Kingdom. Modern slavery takes a number of forms, including sexual exploitation, forced labour and domestic servitude, and victims come from all walks of life. *Victims are often unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their abusers.* In particular, there may be particular social and cultural barriers to men identifying themselves as victims. Victims may also not always be recognized as victims of modern slavery by those who come into contact with them.

*Id.* (emphasis added).

<sup>96</sup> See *Modern Slavery Act of 2015 Explanatory Note: Part 2 Prevention Orders (UK)* (providing the reasoning for the government's decision in implementing STROs and STPOs). The Home Office emphasizes the desired protection of citizens of the United Kingdom, as well as those who are in the United Kingdom illegal but caught up in an illegal, involuntary activity. *Id.* The Home Office goes on to state that Prevention Orders are meant to be used by the courts to prohibit individuals convicted of "a slavery or trafficking offence." *Id.* The reasoning for this is "to enable law enforcement bodies and the courts to take tougher action against those involved in trafficking, and to protect individuals from the harm caused by slavery or trafficking by preventing future offending." *Id.*

<sup>97</sup> See *National Referral Mechanism Statistics – End of Year Summary 2015*, NAT'L CRIME AGENCY, <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file> [<https://perma.cc/Z585-QUPB>] (demonstrating an increase of human trafficking reports with a low amount of confirmed cases).

<sup>98</sup> See *id.* (boasting a significantly increased amount of human trafficking reports with a low amount of confirmed cases).

to end human trafficking, which encourages the notion that Michigan amend Section 750.462f.<sup>99</sup>

### III. ANALYSIS

The State of Michigan, as well as its citizens, would benefit by amending Section 750.462f of the Michigan Compiled Laws to encompass the United Kingdom's STROs and STPOs embedded in the Modern Slavery Act of 2015.<sup>100</sup> The current Michigan statute in place does not delve deep enough into preventative or protective measures to combat human trafficking at its core and ensure safety for the citizens.<sup>101</sup> This deficiency grants too much liberty to those who traffic by allowing them to continue the activities that perpetuate their trafficking schemes and profit-making abilities.<sup>102</sup>

First, Part III.A discusses the reason why preventative legislation is necessary to combat human trafficking.<sup>103</sup> Next, Part III.B examines the injustice Michigan does to its citizens by not currently having preventative and protective measures within its human trafficking legislation.<sup>104</sup> Finally, Part III.C analyzes the positive and effective outcomes that the United Kingdom's preventative measures yield in comparison to Michigan's current legislation.<sup>105</sup>

#### A. *The General Need for Preventative Human Trafficking Legislation*

Through its legislation, the United Kingdom demonstrates that human trafficking legislation must be amended to include preventative

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<sup>99</sup> See *infra* Part III.B (explaining the effectiveness behind the current system of legislation that the United Kingdom has in place in order to combat human trafficking).

<sup>100</sup> See *infra* Part IV.A (encouraging a proposed amendment to Michigan Compiled Law § 750.462f of the Michigan Compiled Law in relation to human trafficking violations and penalties).

<sup>101</sup> See *supra* Part II.B (describing Michigan's current human trafficking legislation in terms of the elements of human trafficking, the definitions of the various types of human trafficking, and the punishment for those who engage in human trafficking will likely face).

<sup>102</sup> See *supra* Part II.A (establishing trafficking occurs because traffickers want to obtain a financial gain and are not hindered in doing so because of a lack of preventative legislation and because victims are fearful to speak against their traffickers).

<sup>103</sup> See *infra* Part III.A (exploring the need to amend human trafficking legislation to incorporate preventative measures and arguing the public policy that accompanies such an amendment).

<sup>104</sup> See *infra* Part III.B (discussing how Michigan's current human trafficking legislation does not currently have strong enough preventative measures in place to ensure the safety of its citizens).

<sup>105</sup> See *infra* Part III.C (analyzing the United Kingdom's preventative legislation and the benefits of such measures in place for Michigan citizens).

measures in order to end human trafficking.<sup>106</sup> The United Kingdom's government has expressed that the exploitation of human beings for profit will not be tolerated due to its illegality and negative impact on society as a whole.<sup>107</sup> Innocent individuals victimized by human trafficking face physical and psychological harm and, in terms of labor trafficking, economic markets are harmed by the forced work of victims.<sup>108</sup> In order to prevent this, Michigan must implement, not only legislation that outlaws a practice that exploits individuals for economic gain, but also legislation that prevents such illegalities from occurring.<sup>109</sup>

Preventative legislation gains momentum through public policy, which stems from social principles that influence legislation.<sup>110</sup> Some may argue that such legislation, while it would find justification through public policy, infringes too much on constitutional rights.<sup>111</sup> However, Michigan human trafficking cases as well as testimony from various anti-human trafficking organizations would argue the opposite.<sup>112</sup> For example, in the

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<sup>106</sup> See *supra* Part II.C (illuminating on the United Kingdom's success in decreased human trafficking reports due to preventative legislation that deters human trafficking from occurring).

<sup>107</sup> See *supra* Part II.C (advocating for the protection of the public by implementing STROs and STPOs in order to prevent individuals from harm caused by human trafficking and deterring traffickers from committing human trafficking offenses due to the government's stance).

<sup>108</sup> See *Impact, HUMAN TRAFFICKING SEARCH*, <http://www.humantraffickingsearch.net/impact/> [<https://perma.cc/65SV-X8L7>] (describing the various effects human trafficking has on victims and society). In terms of physical effects, victims experience physical abuse by their traffickers and health risks, such as HIV/AIDS. *Id.* Victims also suffer psychologically as they tend to develop PTSD, "[a]nxiety, insecurity, fear, and trauma." *Id.* According to this study, victims can also experience "cognitive impairment, memory loss, depression, and even suicide." *Id.* Also, due to the forced and illegal nature of trafficking, the labor market is harmed. *Id.* More specifically, "[t]rafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor" harm the free market and effects the growth of the economy. *Id.*

<sup>109</sup> See *supra* Part II.C (praising the United Kingdom's implementation of preventative measures in order to decrease human trafficking in the country). See also *supra* Part IV.A (exemplifying the benefits that Michigan may gain from implementing similar preventative legislation as the United Kingdom's STROs and STPOs).

<sup>110</sup> See *supra* Part II.A (defining human trafficking and explaining the horrors that victims face, and the social injustice that is being done to victims by traffickers that is going unchecked by legislation in Michigan).

<sup>111</sup> See *supra* Part II.C (establishing that the United Kingdom is governed by the Magna Carta, an unwritten constitution, which does not convey in writing the same constitutional rights that the United States guarantees).

<sup>112</sup> See *supra* Part II.B (advancing Michigan anti-human trafficking organization's opinions on human trafficking). See also *What Can You Do?*, KALAMAZOO ANTI-HUMAN TRAFFICKING COALITION, <http://www.kahtc.org/what-can-you-do/> [<https://perma.cc/CV6A-TB8Z>] (arguing for increased anti-human trafficking legislation in the state of Michigan in order to fight the illegal industry). The Kalamazoo Anti-Human Trafficking Coalition encourages

Michigan case of *People v. Mitchell*, two teenagers ran away, where they encountered the defendant, and were forced into prostitution and exposed to abuse.<sup>113</sup> According to the young teenagers, the trafficker was known and identified as “Pimping Rock” on his personal social media page.<sup>114</sup> In this case, the teenagers were discovered by a task force specifically designed for exploiting children, after they were notified that one of the minors was missing.<sup>115</sup>

Here, if Michigan had preventative legislation in place like the United Kingdom, the trafficker would have been prevented from trafficking the teenagers due to his explicit human trafficking activities through social media.<sup>116</sup> In the United Kingdom, such activity would likely have been reported to one of the governmental entities that work alongside the Crown to ensure the safety of the British citizens from human trafficking.<sup>117</sup> Bringing the trafficker in front of a Magistrate, would have forced the trafficker to explain why his social networking website called him a “Pimping Rock,” and he would have been prohibited from engaging in social media activities that may have lured other innocent individuals into his trafficking.<sup>118</sup> The order bringing the trafficker before the court and restricting his activities would mimic the United Kingdom’s standard of issuing orders and would have been founded on probable cause, which protects the trafficker’s Fourth Amendment rights from unreasonable searches and seizures.<sup>119</sup> Therefore, if Michigan had amended Section 750.462f to reflect the United Kingdom’s anti-human trafficking

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individuals to get involved with legislators in order to provide citizens of Michigan with effective anti-human trafficking laws in Michigan. *Id.*

<sup>113</sup> See 2014 WL 505274 at \*1 (Mich. Ct. App. Feb. 6, 2014) (acknowledging the reality of human trafficking in unsuspecting minors).

<sup>114</sup> See *id.* at \*2 (demonstrating the use of social media by traffickers to potentially lure innocent individuals into their human trafficking schemes and gain the attention of individuals who may be interested in doing business with them).

<sup>115</sup> See *id.* (explaining that the two minors were rescued by designated task force officers from their horrifying ordeal).

<sup>116</sup> See *supra* Part II.C (illustrating that the rationale behind issuing STROs is to prevent harm, both physical and psychological, from occurring to innocent individuals).

<sup>117</sup> See *supra* Part II.C (describing that the initial step for judicial proceedings regarding those suspected of trafficking in the United Kingdom is for a governmental entity to report the suspicious activity to another government entity in order to begin a case to issue an order against the individual suspected).

<sup>118</sup> See *People v. Mitchell*, 2014 WL 505274 at \*3 (Mich. Ct. App. Feb. 6, 2014) (explaining that prior to the arrest of the trafficker, the defendant advertised his human trafficking activities on his personal social networking website). See also *supra* Part II.C (depicting the necessary court proceedings towards an individual issued an STRO).

<sup>119</sup> See *supra* Part II.C (explaining that the STROs and STPOs comply with the United Kingdom’s Magna Carta and do not infringe on the rights of individuals). See also *infra* Part IV.B (showing that STROs and STPOs adopted into Michigan’s human trafficking legislation would not violate the constitutional rights of traffickers).

legislation, then “Pimping Rock” would have been discovered by a governmental entity and taken in front of a judge to determine whether the suspicion surrounding him was warranted, before adversely exploiting two young teenagers for selfish profit.<sup>120</sup>

Human Trafficking organizations such as Polaris, one of the leading human trafficking organizations, advocate for legislation to assist in ending human trafficking.<sup>121</sup> Polaris’ website states that their “public policy focus drives legal and regulatory changes that enable the United States and international governments to better protect victim populations, reduce worker vulnerability, increase support to survivors and increase human trafficking investigations.”<sup>122</sup> Human Trafficking organizations, including Polaris, demonstrate a strong determination to invoke the support of public policy to pass legislation that will ultimately assist in preventing human trafficking.<sup>123</sup> Through Polaris alone, it can be deduced that incorporating legislation, which has been statistically successful in the United Kingdom, complies with public policy in the United States and would be accepted in order to reduce a dangerous and illegal market that has plagued the world.<sup>124</sup>

Also in terms of public policy, the social concern may arise that STROs and STPOs infringe upon an individual’s Constitutional rights when court order restrict an individual’s activities.<sup>125</sup> Arguments of First, Fifth, and Fourteenth Amendment violations become a prevalent issue, as United States citizens identify themselves through the freedom that the United

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<sup>120</sup> See *Mitchell*, 2014 WL 505274 at \*3 (establishing how the defendant became known as “Pimping Rock”). See also *supra* Part II.C (stating that an officer in the United Kingdom can only pursue an STRO or an STPO against an individual who is in the officer’s area, meaning an officer cannot issue these orders in unfamiliar territory); *infra* Part IV.A (proposing the amended Michigan statute to reflect the prominent aspects of the United Kingdom’s Modern Slavery Act of 2015).

<sup>121</sup> See *supra* note 6 (identifying Kalamazoo Anti-Human Trafficking Coalition as a human trafficking organizations in Michigan and how it works to bring an end to human trafficking through education and legislative efforts).

<sup>122</sup> *Policy and Legislation*, POLARIS, <https://polarisproject.org/policy-legislation> [<http://perma.cc/Q49P-VCY9>].

<sup>123</sup> See *Policy Priorities*, POLARIS, <https://polarisproject.org/policy-priorities> [<https://perma.cc/ATJ2-EG6V>] (listing various acts that the organization would like to see Congress pass and using public policy as a platform to do so).

<sup>124</sup> See *id.* (emphasizing the need for legislation to assist in ending human trafficking and protecting innocent individuals from its harm). See also *infra* Part IV.A (illustrating the amended Michigan statute).

<sup>125</sup> See Melissa Beattie-Moss, *Probing Question: Are There Limits to Freedom of Speech?*, PENN STATE NEWS (Jan. 27, 2015), <http://news.psu.edu/story/341896/2015/01/27/research/probing-question-are-there-limits-freedom-speech> [<http://perma.cc/NDB3-G4EP>] (listing exceptions to the First Amendment, such as “defamation and incitement of true violence”).

States Constitution guarantees them.<sup>126</sup> While certain constitutional restrictions, such as the use of defamation and “fighting words”, are deemed appropriate in certain circumstances, restricting one’s due process or equal protection may not be understandable.<sup>127</sup> However it can be reasoned that, just as certain types of speeches are not protected by the First Amendment of the Constitution, certain types of activities, when they pose a threat of physical or psychological harm toward another, also are not protected by the Constitution, but are tried fairly in court.<sup>128</sup>

The United Kingdom’s Magna Carta, however, does not mirror the United States’ Constitution and therefore does not share in these problems.<sup>129</sup> Although Clause 39 of the Magna Carta is similar, both linguistically and in practice, to the Fifth Amendment of the United States Constitution, individuals in the United States may further argue that adopting legislation from the United Kingdom would not comply with the American spirit of the United States Constitution.<sup>130</sup> However, Clause 39 and the Fifth Amendment both guarantee due process of the law to individuals who find themselves in front of a courtroom of their peers.<sup>131</sup> This ultimately demonstrates that the United States has historically adopted the United Kingdom’s legislation in various ways, but has always done so to reflect compliance with the United States Constitution.<sup>132</sup>

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<sup>126</sup> See *supra* note 45 (emphasizing the importance of both the Michigan Constitution and the United States Constitution by highlighting the similarities in language and structure between them).

<sup>127</sup> See *American Public Policy Alliance*, AM. PUB. POL’Y ALLIANCE, <http://publicpolicyalliance.org> [<https://perma.cc/2ZVJ-9KVQ>] (explaining that the American Public Policy Alliance is a non-partisan group that defends the United States Constitution with vigor and does not tolerate outside foreign influence in American law). See also Kathleen Ann Ruane, *Freedom of Speech and Press: Exceptions to the First Amendment*, CONGRESSIONAL RES. SERV. (Sept. 8, 2014), <https://fas.org/sgp/crs/misc/95-815.pdf> [<https://perma.cc/8X74-YCW9>] (outlining the exceptions to the First Amendment of the United States Constitution).

<sup>128</sup> See *id.* (justifying exceptions to the First Amendment). See also *supra* Part II.C (describing the restrictions that the United Kingdom determines are necessary to restrict in compliance with the Magna Carta).

<sup>129</sup> See *Britain’s Unwritten Constitution*, BRITISH LIBR. <https://www.bl.uk/magna-carta/articles/britains-unwritten-constitution> [<https://perma.cc/94ND-2TL6>] (establishing that the United Kingdom does not have a codified constitution like the United States).

<sup>130</sup> See U.S. CONST. amend. V (protecting life, liberty, property and the due process of American citizens). See also *Britain’s Unwritten Constitution*, *supra* note 129 (comparing Clause 39 of the Magna Carta to the Fifth Amendment of the United States Constitution).

<sup>131</sup> See *Britain’s Unwritten Constitution*, *supra* note 129 (establishing the foundational role of the Magna Carta in the United States Constitution). While the language of the Magna Carta and the United States Constitution may not be identical, the Magna Carta acted as a template for the United States Constitution, as well as other government documents around the world. *Id.*

<sup>132</sup> See *supra* Part II.C (explaining the United Kingdom’s Magna Carta and how it has served as the foundation for governmental documents around the world). See also *CRS Annotated*

Therefore, the adoption of STROs and STPOs follows a historically paved pathway of American law being created by looking to existing legislation in the United Kingdom for structural guidance and redefining such legislation in order to match the standards set by the United States Constitution.<sup>133</sup>

Of the three types of scrutiny (strict, intermediate, and rational basis), laws that affect traffickers would not likely be subject to strict or intermediate scrutiny as those are reserved for more serious classifications of individuals.<sup>134</sup> Therefore, a court would look at a Michigan law that incorporates STROs and STPOs under a rational basis review.<sup>135</sup> Such a review would only need to determine whether Michigan possessed a legitimate government interest and whether the law rationally related to that interest.<sup>136</sup> Michigan may prove that incorporating STROs and STPOs into their legislation would assist in reducing human trafficking within the state, and from a public policy perspective may argue that the public policy benefits allow for such an amendment.<sup>137</sup>

*B. The Need for Michigan to Incorporate Preventative Measures into its Legislation*

In order to understand why legislation in Michigan lacks in protecting its citizens, there are three prominent issues that human trafficking poses on legislation.<sup>138</sup> The first issue that the presence of human trafficking poses on current Michigan legislation is the existence of human trafficking itself.<sup>139</sup> The complexities of human trafficking in Michigan are

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*Constitution*, LEGAL INFO. INSTITUTE, [https://www.law.cornell.edu/anncon/html/amdt5bfrag1\\_user.html](https://www.law.cornell.edu/anncon/html/amdt5bfrag1_user.html) [<https://perma.cc/5MBS-NTHY>] (illustrating key similarities between the Magna Carta and the United States Constitution).

<sup>133</sup> See *id.* (reiterating the historical similarities between the United Kingdom's legislation and the United States' legislation, initially through the Magna Carta and the United States Constitution).

<sup>134</sup> See *id.* (addressing the reasoning for utilizing one scrutiny over the other).

<sup>135</sup> See *Rational Basis*, LEGAL INFO. INSTITUTE, [https://www.law.cornell.edu/wex/rational\\_basis](https://www.law.cornell.edu/wex/rational_basis) [<https://perma.cc/6ZAN-Q398>] (explaining the rational basis standard of review in comparison to strict scrutiny and intermediate scrutiny).

<sup>136</sup> See *id.* (describing the process of determining whether a rational basis test would be used in determining the constitutionality of a law).

<sup>137</sup> See *supra* Part II.B (discussing Michigan's legislation and how it complies with both the United States Constitution as well as Michigan's Constitution).

<sup>138</sup> See *supra* Part II.A (expanding on the basic definition of human trafficking and introducing its different types: sex trafficking and labor trafficking).

<sup>139</sup> See *supra* Part II.A (explaining human trafficking as it exists in its simplest form: modern day slavery, and defining human trafficking in the terms of procedure and profit). See also *What Does Human Trafficking Look Like?*, DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/blue-campaign/what-does-ht-look-like> [<https://perma.cc/JJP3-975L>] (defining human trafficking in terms of actions and financial gain). The Department

problematic because they cause legislation to lose the necessary power to prevent and end human trafficking.<sup>140</sup> The various forms of human trafficking coupled with the resourcefulness traffickers employ when they traffic individuals prevent legislators from drafting legislation that stops human trafficking at its core.<sup>141</sup> For example, issues surrounding the double-standards placed on victims of sex trafficking, such as women being charged as prostitutes due to their involvement, regardless of whether it was voluntary, plays a significant role in human trafficking legislation.<sup>142</sup> Also, due to constitutional concerns, such as violating the First, Fifth, and Fourteenth Amendments, legislators are forced to ignore the methods traffickers use to ensnare victims and gain profit, and instead, issue legislation that may deter traffickers from trafficking by creating legislation that encourages victims to speak out against their traffickers.<sup>143</sup>

The second issue that the presence of human trafficking poses on current Michigan legislation is the inability for the legislation to effectively prevent human trafficking from occurring in the state.<sup>144</sup> Michigan Compiled Law Section 750.462f currently addresses “violations; penalties; attempting, conspiring, or soliciting” individuals for human trafficking.<sup>145</sup> It continues to state that, “a person who attempts, conspires, or solicits another to violate this chapter is subject to the same penalty as a person who commits a violation of this chapter.”<sup>146</sup> While a trafficker may be aware that conspiring to traffic an individual for monetary gain is illegal,

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of Homeland Security has states the victims of human trafficking do not fall under one particular category. *Id.* Rather, victims can “be any age, gender, race, or immigration status; they live in cities, suburbs, and rural areas.” *Id.* Traffickers will go to any length necessary to exploit individuals for their personal economic advantage. *Id.* However, traffickers will prey on individuals who are “in circumstances of extreme adversity or violence, experience discrimination, economic vulnerability, or dependence” because they find that they can manipulate them due to their circumstances easier. *Id.*

<sup>140</sup> See *supra* Part II.A (exploring the various type of human trafficking).

<sup>141</sup> See *supra* Part II.A (assessing human trafficking at its core as well as the methodology employed by traffickers to traffic).

<sup>142</sup> See *supra* Part II.B (defining sex trafficking as the exploitation of men or women for profit obtained through the performance of sexual acts).

<sup>143</sup> See Chris Fyffe, *We Don't Need No Corroboration—But is it Just Another Brick in the Wall?* (Nov. 20, 2011), <http://www.chrisfyffesolicitoradvocate.co.uk/2011/11/20/we-dont-need-no-corroboration-but-is-it-just-another-brick-in-the-wall/> [<https://perma.cc/FSY7-C5RY>] (analyzing a review of getting rid of a need to corroborate evidence). Fyffe goes on to state that the need for corroboration in criminal cases is necessary for the “quantity rather than quality of evidence.” *Id.* However, it has been found that a lot of cases go unreported because the need for corroboration frightens individuals. *Id.* The Crown then feels that there was not a credible or reliable case in order to further pursue the matter. *Id.*

<sup>144</sup> See *infra* Part III.C (discussing the shortcomings of Michigan human trafficking legislation).

<sup>145</sup> MICH. COMP. LAW § 750.462f (2016).

<sup>146</sup> *Id.* § 750.462f(d)(3).

the lack of consequence besides imprisonment and monetary fines for the moments leading up to the attempt, conspiracy, and solicitation, allow traffickers to sneak past legislation quietly and commit the trafficking offense.<sup>147</sup> This shows that, although the types of legislative tools that Michigan currently has in place are necessary in the fight against human trafficking, the legislation does little to deter traffickers and prevent human trafficking offenses from occurring at their inception.<sup>148</sup>

The existence of such a loophole in this legislation must be rectified as such legislation perpetuates trafficking by allowing traffickers to utilize the language of legislation for their benefit.<sup>149</sup> Legislation such as this is effective in the sense that it criminalizes human trafficking; however, in comparison to the United Kingdom, Michigan legislation lacks in key features, such as restricting activities indicative of human trafficking.<sup>150</sup> Also, in instances of multiple orders issued against a trafficker in the United Kingdom, the most recent activities of potential trafficking prohibits the trafficker from engaging in those activities, that deter

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<sup>147</sup> See *id.* § 750.462f(1) (addressing the imprisonment time, monetary fines, and required actions to constitute certain punishments, such as bodily injury, force, kidnapping, etc.).

<sup>148</sup> See *State v. Williams*, 329 P.3d 400, 400 (Kan. 2014) (paralleling the notion of vagueness in statutory language in human trafficking legislation and defendant's ability to bypass conviction due to this vagueness). See also *People v. Graham*, No. A126481, 2011 Cal. App. Unpub. LEXIS 8973 (Cal. Ct. App. 2011) (demonstrating the complexities and short comings of human trafficking legislation that is not specifically written with the purpose of preventing human trafficking); *People v. Mitchell*, 2014 WL 505274 at \*1 (Mich. Ct. App. Feb. 6, 2014) (depicting a human trafficking case in which two runaways were kidnapped by a trafficker and trafficked). One of the minors contracted a sexually transmitted disease, and the other was physically and sexually abused when she only made forty dollars after a day of work. *Id.* See also *Mayor of Cadillac v. Blackburn*, 857 N.W.2d 529, 532 (Mich. Ct. App. 20014) (explaining the constitutionality of statutes put in place). This case emphasizes that statutes are presumed to be constitutional unless their unconstitutionality is transparent. *Id.* The case continues to state that the intent of the Legislature must be considered in determining its constitutionality. *Id.*

<sup>149</sup> See *supra* Part II.C (conveying various Michigan case law in which the vagueness of legislation assists traffickers in using the legislation in their defense, which ultimately harms the victims more).

<sup>150</sup> See MICH. COMP. LAWS § 750.462a (2016) (lacking in more definitive definitions in order to encompass more activities aligned with human trafficking); *id.* § 750.462b (demonstrating the need for more complexities in issues of labor trafficking); *id.* § 750.462e (protecting minors from human trafficking yet lacks in detailed prohibited activities in relation to minors involved in human trafficking); *id.* § 750.462c (addressing debt bondage and the intent to traffic someone through the practice, yet does not definitively address the purposes or the activities associated with debt bondage); *id.* § 750.462f (furnishing crimes with punishments through imprisonments, fines, or both, but does not provide preventative measures to ensure the safety of the citizens of Michigan).

traffickers from engaging in trafficking behaviors and activities.<sup>151</sup> Therefore, as human trafficking continues to thrive and traffickers become more crafty with the ways they maintain their profits, stricter legislation becomes a necessity.<sup>152</sup>

The third issue that human trafficking poses on current Michigan legislation is the inability for the legislation to effectively deter traffickers from trafficking in the state.<sup>153</sup> Section 750.462f currently addresses “violations; penalties; attempting, conspiring, or soliciting” individuals for human trafficking, however, it states nothing regarding protection to individuals who may become targets of trafficker’s illegal activities nor those individuals who have previously been trafficked.<sup>154</sup> While Michigan has implemented various victim protection legislation, the statute amended to include an aspect of protective measures for individuals would serve as a great deterrence measure, just as the United Kingdom’s STROs and STPOs.<sup>155</sup> By neglecting to include protective measures for the innocent individuals exposed to the danger inflicted by traffickers, Michigan’s legislation only fails to deter traffickers and prevent human trafficking.<sup>156</sup> By implementing legislation that merely defines human trafficking and its penalties, Michigan fails to ensure the safety of potential victims, and also demonstrates a sense of disregard for those caught in the

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<sup>151</sup> See *Modern Slavery Act of 2015* ch.30 s 24(6) (UK) (providing that in instances when an individual suspected of trafficking is issued multiple STROs, the most recent STRO issued takes precedent).

<sup>152</sup> See Karin Lehnardt, *55 Little Known Facts About Human Trafficking*, FACT RETRIEVER (Sept. 20, 2016), <http://www.factretriever.com/human-trafficking-facts> [<https://perma.cc/EP2H-675K>] (discussing in-depth the complexities of human trafficking and the effects of traffickers on victims). Lehnardt smartly reveals the fact that “[s]ex traffickers often recruit children because not only are children more unsuspecting and vulnerable than adults, but there is also a high market demand for young victims. Traffickers target victims on the telephone, on the Internet, through friends, at the mall, and in after-school programs.” *Id.* See also Judge Herbert B. Dixon, Jr., *Human Trafficking and the Internet\* (\*and Other Technologies, Too)*, AM. BAR ASS’N JOURNAL, [http://www.americanbar.org/publications/judges\\_journal/2013/winter/human\\_trafficking\\_and\\_internet\\_and\\_other\\_technologies\\_to\\_o.html](http://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_internet_and_other_technologies_to_o.html) [<https://perma.cc/Z7WM-AN9V>] (analyzing the technological tools that traffickers utilize for their purposes along with the ways that law enforcement has been attempting to use technology against traffickers). Judge Dixon relayed that while the internet may be used for valuable purposes, such as obtaining information into a particular subject, it has also aided human traffickers for their dark purpose. *Id.*

<sup>153</sup> See *infra* Part III.C (explaining Michigan human trafficking legislation in order to establish a foundation for an amendment).

<sup>154</sup> MICH. COMP. LAW § 750.462f (2016).

<sup>155</sup> See *supra* Part II.C (describing the protocol of the United Kingdom’s STROs and expressing the reasoning and procedure for issuing an STPO in the United Kingdom).

<sup>156</sup> See *supra* Part II.B (explaining that Michigan’s human trafficking legislation lacks in preventing human trafficking measures because it does not encompass the same preventative measures that the United Kingdom has in place).

horrible reality of human trafficking, which almost perpetuates the lack of cases victims bring forth to the courts against their traffickers.<sup>157</sup>

In contrast with Florida, the legislation that Attorney General Pam Bondi has implemented, similar to the United Kingdom, has shown that human trafficking statistics can be reduced in a state through stricter human trafficking legislation.<sup>158</sup> She has reconstructed and implemented anti-human trafficking legislation that, while it does not work to deter human trafficking like the United Kingdom's STROs and STPOs in the Modern Slavery Act of 2015, demonstrates a sense of necessity in protecting individuals from human trafficking that legislation in the state of Michigan does not.<sup>159</sup> Through victim assistance legislation such as the Relocation Assistance for Victims of Human Trafficking, victims are not only provided financial means to escape when they were trafficked, but also traffickers are deterred from trafficking due to the possibility that they will be revealed when victims receive their funding.<sup>160</sup>

In comparison to the United Kingdom's legislation, Florida's legislation emphasizes that the state will do everything within its constitutional limits to protect victims.<sup>161</sup> Therefore, looking towards the United Kingdom for guidance, Michigan would benefit greatly by adopting similar legislation.<sup>162</sup> Not only would the adoption of the United Kingdom's legislation protect Michigan citizens from human trafficking, but it would also deter traffickers from committing acts of human trafficking by knowing that the state is truly invested in protecting its citizens from the adverse actions of others.<sup>163</sup>

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<sup>157</sup> See MICH. COMP. LAW § 750.462f (2016) (failing to include protective measures in order to prevent harm from coming to innocent citizens in the state of Michigan).

<sup>158</sup> See *supra* Part II.B (providing Florida's legislative initiatives that have worked to end human trafficking).

<sup>159</sup> See *supra* Part II.B (showing the intent of Florida's human trafficking legislation and the decrease in human trafficking that the state has produced through stricter anti-human trafficking programs and legislation).

<sup>160</sup> See FLA. STAT. § 960.196(1) (2016) (setting the foundation for the amount of funding victims of human trafficking receive from the state). See also *id.* § 960.196(2) (placing a safety feature within the statute so that individuals do not exploit the statute that is meant in order to help individuals who are facing true human trafficking issues).

<sup>161</sup> See *id.* § 787.06(1)(a) (introducing Florida's human trafficking legislation). See also *id.* § 960.196(2) (2016) (establishing the elements necessary to receive funding through the state of Florida).

<sup>162</sup> See *supra* Part II.C (detailing the preventative measures adopted by the United Kingdom into their human trafficking legislation and how it has provided safety and security to innocent individuals).

<sup>163</sup> See *What is the Law?*, JUD. LEARNING CTR., <http://judiciallearningcenter.org/law-and-the-rule-of-law/> [<https://perma.cc/9B4E-G74K>] (emphasizing that the primary function of law is to protect its citizens).

However, a solidifying factor between Michigan's current legislation and the United Kingdom's STROs and STPOs is the optional corroboration that both Michigan and the United Kingdom grant victims of human trafficking to testify about criminal acts committed while they were trafficked without suffering the consequences of admitting the acts.<sup>164</sup> Although these aspects of their legislation are differing, the similarity in legislation between Michigan and the United Kingdom demonstrate that they work to end human trafficking in their respective areas.<sup>165</sup> Both aspects allow victims to speak freely about their horrific experiences in order to acquire justice without feeling any adverse effects from the legal system.<sup>166</sup> This ultimately encourages victims to speak out against their traffickers and increases the amount of cases brought to the courts in order to prosecute traffickers justly.<sup>167</sup> The similarity indicates that, if similarities such as these between these legislations works in favor of victims, placing other legislative measures from the United Kingdom's legislation may work equally as well in the United States.<sup>168</sup>

### C. *The Legislative Solutions that the United Kingdom Offers to Prevent Human Trafficking*

Without disqualifying Michigan's efforts to combat human trafficking, the United Kingdom has exceeded Michigan's efforts in combatting human trafficking through the implementation of STROs and STPOs.<sup>169</sup> Statistically seen through the National Crime Mechanisms reports on human trafficking and the Crown Prosecution's report on the introduction and results of the slavery and trafficking prevention orders, human trafficking in the country has significantly decreased.<sup>170</sup> This

<sup>164</sup> See MICH. COMP. LAWS § 750.462g (2016) (emphasizing that corroboration is not needed in a human trafficking case in order to protect the fragile state of the victim). See also *supra* note 88 (providing that in the United Kingdom, victims may testify against themselves for crimes they committed when trafficked without being punished for them).

<sup>165</sup> See *supra* note 164 (showing the differences in legislation, but the similar effects it has on victims of human trafficking in Michigan and the United Kingdom).

<sup>166</sup> See *supra* note 46 (explaining the legal security the courts provide victims in relation to testifying against their traffickers).

<sup>167</sup> See *supra* note 163 (encouraging victims to testify against their traffickers without legal pressure or coercion).

<sup>168</sup> See *supra* Part II.C (addressing the Magna Carta as a foundation for the United States Constitution).

<sup>169</sup> See *supra* Part II.C (discussing the United Kingdom's *Modern Slavery Act of 2015* a leader in human trafficking legislation as it advances various preventative measures). See also *Modern Slavery Act of 2015*, ch.30 s24 (UK) (establishing STROs in legislation as a preventative measure against human trafficking and detailing how STROs are to be issued against suspected traffickers).

<sup>170</sup> See *London's First Slavery & Trafficking Prevention Orders Issued*, CROWN PROSECUTION SERVICE LONDON (Jan. 15, 2016), [http://www.cps.gov.uk/london/press\\_releases/london\\_](http://www.cps.gov.uk/london/press_releases/london_)

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ultimately begs the question: why exactly do these statutes affect the statistics of human trafficking the way they do?<sup>171</sup> The answer may not be found within the statistical records, or within the various cases that the Crown has tried, but in the emotional and psychological innards of the traffickers.<sup>172</sup>

The United Kingdom has reasonably restricted the constitutional rights of traffickers within the country, such as restrictions upon their mobility and ability to engage in certain activities.<sup>173</sup> Through STROs and STPOs within the Modern Slavery Act of 2015, the United Kingdom deters traffickers and protects individuals from becoming potential victims of human trafficking.<sup>174</sup> Due to the watchful eyes of various governmental entities as well as concerned citizens, traffickers facing the risk of being issued an order that highly restricts activity, and knowing that the government has crafted legislation that would strip them of constitutional freedoms, has seemingly decreased the number of human trafficking cases in the United Kingdom.<sup>175</sup>

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s\_first\_slavery\_\_trafficking\_prevention\_orders\_issued/ [https://perma.cc/FBK9-TGPD] (conveying the United Kingdom's first experiences with the slavery and trafficking risk orders in place). See also *Human Trafficking Statistics (National Referral Mechanism)*, NAT'L CRIME AGENCY, <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics> [https://perma.cc/86QP-DSQ8] (providing access to the data showing the change in human trafficking statistics before and after the implementation of the *Modern Slavery Act of 2015*); *National Referral Mechanism Statistics – End of Year Summary 2015*, NAT'L CRIME AGENCY (Nov. 2, 2016), <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015-file> [https://perma.cc/Z585-QUPB] (outlining the statistics of calls made to report human trafficking in the United Kingdom in 2014 and 2015, showing a large decrease after the Modern Slavery Act of 2015 was adopted into law).

<sup>171</sup> See *supra* Part II.A (discussing the reasoning behind why statutes affect human trafficking statistics).

<sup>172</sup> See *Redbridge London Borough Council v. A* [2015] EWHC (Fam) 2140 (Eng.) (illustrating when a STRO is applied for and made, the methods in which the court determines and analyzes its validity). This case invoked the beginning of the *Modern Slavery Act of 2015* as it triggered the various Acts that were associated with it. *Id.*

<sup>173</sup> See *Modern Slavery Act of 2015*, ch.30 s 24(1) (UK) (restricting the ability of individuals issued STPOs from participating in activities that lead law enforcement officers to believe they were engaged in human trafficking offenses). See also *STPO Guidance*, *supra* note 74 (assessing the reasoning for the placements of STPOs). The United Kingdom goes so far as to restrict the activities of the individual issued an STRO or STPO that the court feels would further protect the public from harm. *Id.*

<sup>174</sup> See *London's First Slavery & Trafficking Prevention Orders Issued*, *supra* note 170 (conveying the United Kingdom's first experiences with the STROs in place). See also *Human Trafficking Statistics (National Referral Mechanism)*, *supra* note 170 (providing access to the data showing the change in human trafficking statistics before and after the implementation of the *Modern Slavery Act of 2015*).

<sup>175</sup> See *supra* Part II.C (discussing the restrictive nature of the United Kingdom's STROs and STPOs in the *Modern Slavery Act of 2015* and how it works in the hands of government

This level of deterrence suggests that stricter preventative legislation that places police powers in the hands of competent and vigilant organizations yield protection on a level that independent organizations and fundraising cannot.<sup>176</sup> Therefore, Michigan should amend its statute to incorporate legislation that acts as a deterrence to those who traffic, but in a constitutionally enforceable manner.<sup>177</sup> Hopefully then, the statistics of Michigan's human trafficking cases will look similar to those of the United Kingdom and human trafficking will begin to decline in the state.<sup>178</sup>

#### IV. CONTRIBUTION

While Michigan has implemented key legislation in response to the human trafficking that occurs in the state, the United Kingdom reminds us that there is still more that Michigan can do to help eliminate human trafficking within its state.<sup>179</sup> With legislation such as this in place, Michigan will continue to be able to define human trafficking, provide victims with the ability to seek restitution and medical expenses from their traffickers, and encourage their testimony against traffickers in court through existing legislation.<sup>180</sup> However, Michigan will also gain the ability to be able to prevent human trafficking before it begins.<sup>181</sup>

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entities and individuals). *See also* STPO Guidance, *supra* note 74 (arguing for the justification and importance of STROs and STPOs in British society).

<sup>176</sup> *See Our Approach*, NAT'L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/node/3> [<https://perma.cc/76R5-6XN5>] (explaining how a non-governmental agency approaches human trafficking). The National Human Trafficking Resource Center demonstrates their dedication to do as much as they can to assist those who are caught in human trafficking situations. *Id.* *See also How We Are Run*, NATIONAL CRIME AGENCY, <http://www.nationalcrimeagency.gov.uk/about-us/how-we-are-run> [<https://perma.cc/3E6L-SM8G>] (establishing how the United Kingdom has a separate entity that is designed to prevent crime, including human trafficking). On its website, the National Crime Agency demonstrates its designated role as a protector of the United Kingdom. *Id.*

<sup>177</sup> *See supra* Part II.C (addressing the shortcoming of Michigan legislation). *See also supra* Part II.E (depicting the aspects of the Modern Slavery Act of 2015 that assist in the declination of human trafficking cases in the United Kingdom).

<sup>178</sup> *See supra* Part II.E (presenting the United Kingdom's human trafficking statistics and illustrating the change that occurred in numbers when the Modern Slavery Act of 2015 was passed and put into place).

<sup>179</sup> *See supra* Part II.C (revisiting the United Kingdom's human trafficking legislation and how its current preventative measures are an asset to its nation).

<sup>180</sup> *See supra* Part II.B (recounting Michigan's current human trafficking legislation and what it currently does to combat human trafficking).

<sup>181</sup> *See infra* Part IV.A (exemplifying the amended Michigan statute to reflect aspects of the United Kingdom's human trafficking legislation). *See also supra* Part II.B (explaining Michigan's human trafficking legislation and expanding upon it); *supra* Part II.C (introducing the United Kingdom's human trafficking legislation).

Part IV.A discusses that Michigan amend its current violations and penalties statute to incorporate the United Kingdom's STROs as well as STPOs.<sup>182</sup> Then, Part IV.B commentates the reasoning as to why such an amendment would be a valuable addition to the Michigan statute as well as address any arguments that may arise from the implementation of such an amendment to the current statute and rebut them.<sup>183</sup>

A. *Proposal*

The proposed amendment to Michigan Compiled Law Section 750.462f would integrate the United Kingdom's STROs and STPOs into its current legislation.<sup>184</sup> The amendment to Section 750.462f would reflect the following:

**Mich. Comp. Law § 750.462f** Violations; Penalties; Attempting, Conspiring, or Soliciting; Restitution and Reimbursement for Expenses

- (1) Except as otherwise provided in this section, a person who violates section 462b, 462c, or 462d is guilty of a crime as follows:
  - (a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.
  - (b) If the violation results in the bodily injury to an individual, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both.
  - (c) If the violation results in serious bodily injury to an individual, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.
  - (d) If the violation involves kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or attempted criminal sexual conduct in the first degree, or an attempt to kill or the death of an individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$50,000.00, or both.

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<sup>182</sup> See *infra* Part IV.A (proposing the amendment to Michigan Compiled Law § 750.462f that would include preventative measures to stop human trafficking).

<sup>183</sup> See *infra* Part IV.B (demonstrating the need for the proposed amendment and addressing counterarguments that opponents may pose).

<sup>184</sup> See *infra* Part IV.B (encouraging the implementation of the United Kingdom's human trafficking preventative legislation in Michigan Compiled Law § 750.462f).

- (3) A person who attempts, conspires, or solicits another to violate this chapter is subject to the same penalty as a person who commits a violation of this chapter.
- (a) *Slavery and Trafficking Risk Orders: Pursuant to the Michigan Constitution and the Constitution of the United States, an individual who poses a risk of the trafficking of individuals, and who is reported by one of the following entities, shall be ordered to cease the activity prompting the activity that was rendered suspicious of trafficking, and shall appear before the court of the jurisdiction that the order was issued in order to determine the validity of the order as well as the risk of the activity.*
- (b) *Slavery and Trafficking Prevention Orders: Pursuant to the Michigan Constitution and the Constitution of the United States, any individual who was previously convicted for attempt, conspiracy, or solicitation of an individual for human trafficking shall be ordered to cease participating in any activity that initiated their involvement in human trafficking in order to encourage the safety and protection of the citizens of the state of Michigan.*<sup>185</sup>

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<sup>185</sup> See MICH. COMP. LAW § 750.462f (2016) (cautioning individuals potentially attempting, conspiring or soliciting others for the purposes of human trafficking). The italicized portions of subparts (a) and (b) are the work of the author. See also *Modern Slavery Act of 2015*, ch.30 s 23 (UK) (describing the necessary factors needed to issue an STRO and/or an STPO against an individual suspected of committing human trafficking offenses). In translation, under Michigan's current legislation, if an individual sees that the same man visits a local motel every day between the hours of 8p.m. and 12a.m., he may call and report the activity as suspicious to the NHTRC, an independent entity that does not work alongside law enforcement. *Id.* The NHTRC then decides whether the information given by the witness is urgent enough to report to proper law enforcement or not. *Id.* Under this system, while individuals may call into the NHTRC to report an incident, there is no guarantee that action will be taken to investigate and prevent the trafficking from occurring. *Id.* However, with legislation like the slavery and trafficking risk orders and slavery and trafficking prevention orders in place, the NHTRC would immediately be able to take the information from the witness and file a complaint to the court or law enforcement. *Id.* Dependent on where the complaint begins, either a court investigator or a law enforcement agent would investigate the complaint and determine whether there is any merit to it. *Id.* See also ch.30 s 26 (UK) (explaining the role of law enforcement in issuing STROs). Again, in translation, at least one of these agencies must check to validate the complaint in order to preserve Due Process. *Id.* Then, after one of the agencies determines the validity of the complaint and the risk order is filed and completed, the man who was behaving suspiciously would, through the order, be prohibited from going near the motel until a court hearing was set to delve further into the matter to solidify whether he was participating in human trafficking. *Id.*

B. Commentary

The amended statute works in furtherance of the existing statute to dissuade individuals from participating in human trafficking.<sup>186</sup> The amendment would maintain the original language and context of the legislation, however, it would include the United Kingdom's STROs and STPOs as preventative measures that would strengthen the existing deterrence imbedded within Section 750.462f.<sup>187</sup> The amendment would also maintain aspects of the United Kingdom's legislation, by maintaining its integrity and intent from the monarchical system of government, but would reflect and be written primarily to satisfy the democratic system of government.<sup>188</sup>

While STROs and STPOs in the United Kingdom are currently in place to prevent individuals from becoming victims of human trafficking, one may argue that the implementation of such legislation is not warranted in Michigan at this point in time.<sup>189</sup> However, this may be rebutted by the statistical data presented by the National Human Trafficking Resource Center as well as the strong language of the Thirteenth Amendment of the United States Constitution.<sup>190</sup> If Michigan does not work to remedy the situation through legislation, the state risks placing its citizens in danger of becoming victims of human trafficking.<sup>191</sup>

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<sup>186</sup> See *supra* Part IV.A (expanding upon the existing Michigan statute and proposing a beneficial amendment).

<sup>187</sup> See *supra* Part II.C (describing the strengths of the United Kingdom's preventative legislation in the Modern Slavery Act of 2015).

<sup>188</sup> See *supra* Part II.C (emphasizing the Modern Slavery Act of 2015's human trafficking legislation and highlighting its intent in relation to its implementation within the United Kingdom).

<sup>189</sup> See Brad Devereaux, *Human Trafficking Bills Introduced by Michigan Republicans*, MLIVE, (Apr. 14, 2016), [http://www.mlive.com/news/index.ssf/2016/04/new\\_michigan\\_human\\_trafficking.html](http://www.mlive.com/news/index.ssf/2016/04/new_michigan_human_trafficking.html) [https://perma.cc/BHB8-TGVP] (establishing that Michigan is working on ending human trafficking by strengthening its current legislation). See also John S. Hausman, *Man Charged with Human Trafficking for Allegedly Forcing Woman Into Prostitution*, MLIVE (June 22, 2016), [http://www.mlive.com/news/muskegon/index.ssf/2016/06/man\\_charged\\_with\\_human\\_traffic.html](http://www.mlive.com/news/muskegon/index.ssf/2016/06/man_charged_with_human_traffic.html) [https://perma.cc/HH46-CR3S] (emphasizing that the *Lockett* case is the first human trafficking case in Muskegon county, Michigan).

<sup>190</sup> See *supra* Part II.B (providing the statistics for calls made to report human trafficking and cases reported in Michigan during the years 2014 and 2015). See also Michigan, NAT'L HUMAN TRAFFICKING RES. CTR., <https://traffickingresourcecenter.org/state/michigan> [https://perma.cc/3PF5-GVUN] (providing the statistics of calls received of individuals reporting human trafficking in Michigan). In 2014, 529 calls were made to the National Human Trafficking Resource Center and 131 cases of human trafficking were reported. *Id.* In 2015, 717 calls were made to the National Human Trafficking Resource Center and 152 cases of human trafficking were reported. *Id.*

<sup>191</sup> See Jesionka, *supra* note 32 (analyzing various countries' efforts to preventing human trafficking). This article also addresses that as time passes and our culture evolves, legislation must evolve along with it. *Id.* See also *Current Federal Laws*, POLARIS

Also, one may argue that while STROs and STPOs pose no constitutionality issues in the United Kingdom, although they suppress constitutional rights when necessary to protect the public from harm, legislation such as this in Michigan may violate Article I, Sections 2 and 17 of the Constitution of the State of Michigan, as well as grant authorities and agencies excessive power in their attempts to prevent human trafficking.<sup>192</sup> Alternatively, if arguments regarding Michigan's state constitution and the delegation of power do not arise, one may state that the implantation of such legislation violates the Fifth and Fourteenth Amendments of the United States Constitution.<sup>193</sup> However, due to the differences between the United Kingdom's constitution and Michigan and the United States' Constitution, as well as the deep passion to uphold the constitution in the states, the legislation would have to be tailored in such a way that would comply with these foundational documents and protect the right and liberties of citizens.<sup>194</sup>

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<https://polarisproject.org/current-federal-laws> [https://perma.cc/U2TD-QSA6] (explaining each federal law that focuses on preventing human trafficking, yet showing that each measure written into law can be distinguished from the United Kingdom's STROs).

<sup>192</sup> See *supra* Part II.B (discussing relevant aspects of Michigan's Constitution and the United States Constitution that must be recognized when creating legislation). See also *Oshtemo Charter Tp. v. Kalamazoo Cty. Rd. Comm'n*, 841 N.W.2d 135, 140-41 (Mich. Ct. App. 2013) (analyzing how much power agencies have in the process of enforcing and making decisions). The court states that "[a]n agency's decision is not authorized by law if it violates a statute or constitution, exceeds the statutory authority or jurisdiction of the agency, is made after unlawful procedures that result in material prejudice, or is arbitrary and capricious." *Id.*

<sup>193</sup> See ERWIN CHEMERINSKY, *CONSTITUTIONAL LAW* 712-13 (Vicki Been et al. eds., 4th ed. 2013) (providing an understanding of Constitutional law in terms of the Fifth and Fourteenth Amendment and how they are interpreted by individuals and courts).

<sup>194</sup> See *Mayor of Cadillac v. Blackburn*, 857 N.W.2d 529, 532 (Mich. Ct. App. 2014) (explaining the constitutionality of statutes put in place). This case emphasizes that statutes are presumed to be constitutional unless their unconstitutionality is transparent. *Id.* The case continues to state that the intent of the Legislature of implanting the statute must be considered in determining its constitutionality. *Id.* See also *Westervelt v. Nat. Res. Comm'n*, 263 N.W.2d 564, 575 (Mich. 1978) (addressing the "standards test" as a measurement of power delegated to an administrative agency). The case states when an agency must pass the "standards test." *Id.* The "standards test is rooted in two constitutional principles, the constitutional doctrine of separation of powers and the due process clause of our Constitution." *Id.* (internal quotes omitted). The case goes on to say that "[w]ith respect to due process, the Legislature does not delegate power to an administrative agency in such a manner that the legislation 'becomes an open door' to favoritism, discrimination, and arbitrary, uncontrolled discretion on the part of administrative agencies." *Id.* (internal quotes omitted).

V. CONCLUSION

Slavery was seemingly put to rest 153 years ago by the Thirteenth Amendment in 1865. Although the Thirteenth Amendment ensures that individuals will no longer be enslaved or forced to participate in involuntary servitude, in this day in age, slavery has evolved to bypass the constitutional illegality. Human trafficking affects the lives of individuals of all ages and sexes by harming them physically and psychologically as it restricts their liberty and freedom. Every day, men, women, and children become victims of human trafficking when traffickers exploit them either by force, lies, or false promises. Human trafficking continues to thrive as an industry because individuals are willing to pay for either sex or labor provided by the trafficked victims.

In order to combat the terrible situations victims are placed in and end human trafficking, Michigan adopted human trafficking legislation that defines human trafficking, provides victims with a means to receive monetary compensation for their ordeals, and provides the necessary punishment for convicted traffickers. Similarly, the United Kingdom, faced with the same struggle against human trafficking, also implemented legislation in order to combat human trafficking. Its legislation includes definitions of human trafficking, victim services, and the various punishments for convicted traffickers, similar to Michigan. However, the United Kingdom goes one step further and has included preventative legislation in order to stop human trafficking before it begins. Therefore, Michigan should integrate the Slavery and Trafficking Risk Orders and Slavery and Trafficking Protection Orders in the United Kingdom's human trafficking legislation, seen in Part IV of this Note, in order to further prevent human trafficking.

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\* J.D. Candidate, Valparaiso University Law School (2018); B.A., English, Political Science, University of Michigan (2014). Words cannot express how thankful I am for the unconditional love and support of my mother, Margaret; my sister, Sarah; and my brother-in-law, Andrew. I would like to thank Sara Morley LaCroix for opening my eyes to the reality of human trafficking and inspiring me to take a stand in any manner possible. I would like to thank my faculty advisor, Professor Michael Bushbaum, for reviewing this Note and for his continued mentorship in law school and in the Note-writing process. I would also like to thank Danielle Dobry and Matthew Thor for their patience and guidance throughout the 2016–17 school year. Most importantly, this Note is dedicated to all of those working to end human trafficking who remind us every day of the responsibility we owe to one another to keep each other safe from those seeking to use power, fear, and control against us.