

Survivors Not Criminals

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Dedication

This research is dedicated to my family, friends and partner who have supported me throughout this hectic journey. It wasn't easy, but I felt your love and support every step of the way.

I would like to also dedicate my research to my AF3IRM LA sisters. None of this would have been possible without the past three years of lobbying, extensive charting, late night meetings, research and brainstorming sessions. We did it!

“Sisterhood never falters”- Ninotchka Rosca, AF3IRM Founding Member

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Abstract
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Purpose: This purpose of this graduate project is to analyze The Los Angeles County Massage Establishment Ordinance using a feminist framework approach, and critically examine the use of police raids in combatting sex trafficking in illicit massage businesses.

Methods: A literature review of trafficking prevalence in Los Angeles County, current trafficking policies used in California, and grassroots organizing methods by transnational feminist organization. AF3IRM Los Angeles. This project will examine the use of feminist police framework and grassroots organizing techniques.

Results: On February 4th, 2020, the Los Angeles County Board of Supervisors passed a first-of-its-kind ordinance that combined heavily regulating massage business operations, updating business code from the 1960s and required regular inspections by the Department of Public Health. Due to two years of grassroots organizing from the Los Angeles chapter of AF3IRM, a transnational feminist organizing, the ordinance also included survivor-centered approaches and best practices for working with victims.

Keywords: Illicit Massage Business, Sex Trafficking, LA County Board of Supervisors, Unincorporated City, Department of Public Health

Introduction

Human trafficking, defined by the Department of Homeland Security, “involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act” (DHS). Given the underground nature of human trafficking, it is difficult to capture statistics that accurately show the enormity of this global issue, but it is estimated that between twenty and forty million are currently being trafficked (International Labor Organization, 2019). Human trafficking is a 150 billion dollar a year global industry, with commercial sex trafficking accounting for ninety-nine billion of those dollars. Labor trafficking accounts for the remaining sixty-one billion dollars (Human Rights First, 2019).

Sex trafficking frequently occurs in illicit massage businesses (IMBs), colloquially known as “massage parlors”. These IMB’s are used as commercial fronts for sex and labor trafficking. According to Polaris’ 2017 report on sex trafficking in the United States, “trafficking related to illicit massage parlors accounted for 2,949 cases — second in prevalence only to trafficking in escort services” (Polaris, 2017). There are currently 9,000 IMB’s active in the United States and according to Polaris, “our analysis suggests that total annual revenue of illicit massage businesses (IMBs) in the United States hovers around \$2.5 billion annually” (Polaris, 2017). Every state they country has at least one IMB currently in operation, but according to Polaris, “California, the country’s most populous state, is home to over 35 percent of the country’s IMBs and contains two of the three main cities in the country to which victims are recruited (Los Angeles and San Francisco, the third city being New York)” (Polaris, 2017). In Los Angeles County, most of the illicit massage businesses operate within unincorporated cities, which means that they fall under the jurisdiction of the Los Angeles County Board of Supervisors.

The demographics of victims in illicit massage businesses show that” most of the victims are women in their mid-thirties to late fifties from China and South Korea. Additionally, most are mothers struggling to support their children" (Polaris, 2017). The individuals who run these massage businesses are protected in society because they are seen from the outside as business owners and productive members of society. According to Whisnant and Stark, “They posture as legitimate businessmen, conceal their ownership behind corporations and front men, and deny knowing that their property is being used in the sex industry. They charge sex businesses far higher rents and fees than they could get from legitimate tenants, which indicates that they know what the businesses are doing” (Whisnant & Stark, 8). This is problematic because law enforcement is unlikely to suspect an individual that is seen as doing “good” in the community, especially if they are abiding by all written civil laws such as filing permits, paying taxes and completing other responsibilities successful small business owners have.

However, even though sex trafficking in IMB’s is a well-known issue, survivors are oftentimes arrested for eliciting commercial sex acts or other prostitution-related charges. The cultural shame and stigma that stems from being involved in sex trafficking, in addition to the use of fraud, force and coercion by their traffickers, the victims often deny they are victims to police, instead claiming that they are consensually engaging in commercial sexual activity of their own free will. In addition to cultural factors, combating trafficking in IMB’s using law enforcement means that the data collected is based on arrest rates of both survivors and traffickers, rather than counting survivors served in addition to or instead of arrest rates. Because of these factors, current forms of policing sex trafficking in illicit massage businesses are ineffective and ultimately do more harm to the victims than help (Polaris, 2017).

Since sex trafficking is such a deeply underreported and complicated issue, it's difficult to end this practice, especially since most of it occurs transnationally. The roots of sex trafficking run deep- relying on multiple axes of oppression, power and control. In addition, advocacy organizations that aim to end trafficking often have deeply divided ideological stances on the roots and existence of the sex trade, whether it is “work” and how to end trafficking. While individual policies like the one analyzed below are a step in the right direction, a deep systematic change is needed to end the sex trade.

Methods

The Sex Trade

The commercial sex trade is a ninety-nine billion dollar a year industry. According to sex trade abolitionist and feminist activist Julie Bindel, “the only effective way to tackle any trade that is built on vulnerability, exploitation and desperation is to support those desperate enough to sell sexual access to themselves and ensure that those creating the demand pay the price” (Bindel, 2017, p. 4). Operating from a feminist abolitionist framework, the legal enforcement of anti-trafficking policies should be rooted in supporting survivors by ensuring they are linked to proper resources and aftercare without fear of prosecution or arrest.

The Policing of Trafficking

In the United States, policing is primarily dominated by “broken windows policing”, or the idea that policing minor crimes, such as prostitution, will reduce overall crime in communities (Soohee, 2015). Like other crimes, broken-windows policing policies have been largely ineffective in stopping sex trafficking. According to Soohoo, “in 2012, New York State arrested 2,962 individuals for prostitution or loitering for prostitution. In contrast, only 34 individuals were prosecuted statewide for human trafficking offenses” (Soohee, 2015, p.3). The broken windows policy focus on lower level crime ultimately pulls time, funding, resources and staffing from more the incredibly complicated and wide-reaching, transnational roots of sex trafficking within illicit massage businesses. Regarding sex trafficking, this form of policing has not reduced the act of trafficking, but instead has caused sex trafficking survivors to be prosecuted for the acts they are forced and exploited to engage in (Mogulescu, 2012). Federal and state anti-trafficking policies rely almost solely on police raids, with task forces only being

funded with stipulations that they are to be heavily raids-based, rather than using a survivor-centered approach (Ditmore et al., 2012).

Using police raids as the primary means to combat sex trafficking is ineffective for many reasons. Primarily, these raids fail to address the needs of trafficking survivors due to arrests, criminalization, and in some cases, bullying and coercion by law enforcement. One of the reasons why raids are ineffective is their criminal-justice based approach rather than a survivor-centered approach. Using a criminal-justice lens when working with survivors, their needs are not even considered, nor do raids consider the psychological and emotional effects sex trafficking has on survivors (Ditmore & Thukral, 2016). Another reason why police raids are ineffective to combat sex trafficking is because of the inherent flawed way data is collected. Given that law enforcement's primary goal when conducting a raid is to arrest and charge individuals, police accrue their data by reporting the number of arrests made per raid. This is problematic because it only counts those who are criminalized and fails to acknowledge the legal gray area most survivors in these illicit massage businesses fall into. Because what they are doing is technically illegal, their arrest will count just as much as the individual who was keeping them there using fraud, force and coercion. Therefore, going off police arrest rates to determine whether a raid was "successful" is problematic because it sweeps the survivors and their traffickers under the same criminalized umbrella.

In addition to physical threats, psychological weapons are also used against survivors by their traffickers, including using threats of violence against the victims, their families and property as a means of power and control. (Giammarinaro, 2017). Fear is used as intimidation to prevent these victims from leaving their trafficker and going to law enforcement. This fear is especially heightened when the victim is undocumented, because their traffickers will use their

lack of legal status to threaten them or lie to them about legal manners. Because of this intimidation and distrust of law enforcement at the hands of their traffickers, survivors are unlikely to speak out against their traffickers during raids and will instead get arrested on a prostitution-related charge or be given to immigration officials if they are undocumented (Farrell et. al, 2008). With a criminal record, survivors face additional barriers that prevent them from accessing services like supportive housing, mental health services and economic assistance (Phillips & Coates, 2017).

As discussed above, police bias holds a constant presence during raids for multiple reasons. One reason a lack of education and training, which fails to give officers who work on these raids to have a solid foundation regarding the intricacies of sex trafficking and how survivors might not present or act in a way that they are used to, including refusing to self-identify as victims. This might look like a victim insisting she is not a victim, that she is engaged in commercial sex acts of her own free will due to cultural shame and stigma, in addition to the trafficker's use of fraud, force and coercion, which will lead to an arrest rather than help (Farrell et. al, 2008). In addition to a lack of training, police enforcement notoriously has been hostile to people of color, especially women of color, so there is a built-in lack of trust when raids occur, given victims of sex trafficking in IMB's are primarily immigrant women of color (Polaris, 2017). Given the current political climate regarding immigration, undocumented officials are unlikely to go to the police looking for help for fear of deportation and/or criminalization.

To remedy this lack of effectiveness on the part of law enforcement, new policies are being put across the country to properly identify and assist survivors. One method to properly identify and assist survivors are task forces with local police enforcement, government officials and various nonprofits. However, as mentioned previously, most of these task forces are funded

with the promise that their primary way to combat human trafficking is by using police raids. Therefore, heavy police involvement, from personnel to funding, makes current anti-trafficking methods cyclical and ineffective. According to Mogulescu, "Current efforts center on a criminal justice approach, rather than either a victim-centered or human rights approach. This approach is governed by a singular focus on apprehending perpetrators rather than supporting survivors" (Mogulescu, 2012, p 481).

Current Trafficking Policies

California currently is the state with the highest concentrated amount of illicit massage business in the country. The three largest counties in California (Los Angeles, San Diego and Santa Clara Counties), where most trafficking in the state occurs, have wildly differing policies in handling sex trafficking, centering around criminal justice. San Diego County's policy is to have laws that regulate massage businesses as sexually oriented businesses, in comparison to Santa Clara County, where their major cities do not have laws regulating massage business operations. Up until February 4th, 2020, Los Angeles County had no laws or ordinances written to regulate massage businesses at all. This was incredibly impactful due to "where over 65 percent of the municipalities in the county are unincorporated and therefore not empowered to create their own laws" (Polaris, 2017). Unincorporated municipalities in Los Angeles County fall under the jurisdiction of the Los Angeles County Board of Supervisors. Until the Board passed the Massage Parlor Ordinance, there was no enforcement of illicit massage businesses. Out of all business licenses issued in Los Angeles County, massage business licenses were most prevalent. This lack of regulation, paired with thousands of licensed massage businesses, is what caused Los Angeles County to be the county with the highest amount of sex trafficking in illicit massage businesses in the United States.

Results

The Los Angeles County Establishment Ordinance

In November 2017, the Los Angeles County Board of Supervisors passed a motion to develop county-wide legislation to regulate massage business operations. One of the roles of the Los Angeles County Board of Supervisors is to create and set laws for the over 65 percent of unincorporated cities in the county. This ordinance, named the Los Angeles County Massage Establishment Ordinance, caught the attention of the Los Angeles chapter of AF3IRM, a grassroots transnational feminist organization. AF3IRM organizes under three specific issues: im/migrant women's right, militarization and sex trafficking. The organization believes that sex trafficking is the result of imperialist and patriarchal access to women's bodies, with women of color representing most survivors of the sex trade. Members of AF3IRM "anchor our advocacy regarding the sex trade on the right not to be in sex trade and the right to exit" (

AF3IRM Los Angeles publicly announced their #SurvivorsNotCriminals campaign on May 11th, 2018, after eight months of internal campaigning, coalition building and lobbying. The grassroots, all volunteer feminist organization spent two and a half years lobbying for multiple addendums to be written into the ordinance, such as required signage to be posted in massage businesses informing individuals about sex trafficking in multiple languages. In addition, "armed with best-practice existing models and research, AF3IRM LA representatives lobbied the Los Angeles County Board of Supervisors to demand absolutely no criminalization of survivors, including no detention by Immigration and Customs Enforcement (ICE), the Los Angeles Police Department, or Los Angeles County Sheriff's Department; and to call for survivor-centered approaches to handling sex trafficking survivor cases and situations" (AF3IRM LA, 2019).

All three of those policy recommendations were written into the ordinance, with additional language ensuring that previously criminalized survivors will not be barred from obtaining permits to become Certified Massage Technicians. The ordinance also aimed to regulate opening and closing hours, the establishment of permits and education requirements for massage technicians. In addition, the policy revamped Titles 7 – Business Licenses; 8 – Consumer Protection, Business and Wage Regulations, 11 – Health and Safety; and 22 – Planning and Zoning. Title 7, which was last updated in the 1960s. These updates aimed to update massage business licenses, as Los Angeles County currently leads the nation in numbers of illicit massage businesses, as well as massage business licenses being the most prevalent business license issued in Los Angeles County. Through this ordinance, any regulation violations will now be reported directly to the County Health Officer, who will then determine a possible threat to the public health and safety of the community.

Ultimately, the County and the Department of Public Health aim to prevent human trafficking and related offenses in massage businesses by amending business license, health permit, operating, and operational requirements. This policy, the first of its kind, was a landmark policy in addressing the needs of survivors, was passed unanimously by the Los Angeles County Board of Supervisors on February 4th, 2020 after a first read unanimously passed on January 28th, 2020.

Discussion

Historically, the sex trade abolition movement has operated from a radical feminist framework, rather than a liberal feminist framework. According to Bindel, “While radical feminists understand women as a sex class, or more aptly a caste, battling structural oppression, liberals view women as unconnected individuals with individual choices. Liberals tend also to focus on the choices available to women, rather than the choices denied them.” (Bindel, 2017, p. 160). Due to the individualist perspective of liberal feminism, the sex trade and “sex work” is framed as an individual choice that an empowered individual makes. This perspective lacks an analysis of power and does not acknowledge that without the commercial sex trade, “sex work” cannot exist. The two are forever intertwined.

According to theorist Beverly A. McPhail, any policy that includes gender as a factor must use a critical feminist policy analysis. For a policy to be truly feminist, the policy must address the following categories: Values, State-Market Control, Multiple Identities, Equality, Special Treatment/Protection, Gender Neutrality, Context, Language, Equality/Rights and Care/Responsibility, Material/Symbolic Reforms, Role Change and Role Equity, Power Analysis and Other (McPhail, 2003). This portion will critically examine the Los Angeles County Massage Ordinance using each of McPhail’s categories that fit within the confines of the ordinance.

A. Values

One question McPhail poses under “Values” is “Do feminist values undergird the policy? Which feminism, which values?” (McPhail, 55). Regarding the ordinance, the feminist values are of freedom from patriarchy, bodily autonomy and the right to work in a safe, equitable space free of exploitation and violence. This ordinance, by virtue of it being a law, falls into the realm of

liberal feminism, which seeks to gain equality to legal and political means (Tong, 2019). The second question she asks is “Are value conflicts involved in the problem representation either between different feminist perspectives or between feminist and mainstream values?” (McPhail, 55). This ordinance could potentially pit two different types of feminist values against one another: those who support “sex work” and see it as a means of valid employment such as the Sex Worker’s Outreach Project (SWOP), and those who believe that the sex trade in any form is due to patriarchal access to women’s bodies, like AF3IRM. While these two differing points of view can come together over certain issues, there is still a core difference in how to approach the sex trade, which can result in disagreements over methods and ultimate goals. While ideological differences remain, this ordinance is an example of how organizations and coalition build around issues, despite differences in ideology.

B. State-Market Control

For State-Market Control, McPhail asked four questions. The first question was “Are women’s unpaid labor and work of caring considered and valued or taken for granted?” (McPhail, 55). This policy seeks to ensure that women are not being exploited through labor or sex trafficking and ensures that they have avenues to obtain more education, as well as guaranteed safety in the workplace. The second question asked was “Does the policy contain elements of social control of women?” (McPhail, 55). This policy seeks to eliminate social control of women through attempting to eliminate sex trafficking in illicit massage businesses. The third question asked was “Does the policy replace the patriarchal male with the patriarchal state?” (McPhail, 55). This ordinance does not replace the patriarchal male with the patriarchal state in the form of the Los Angeles Police Department. Originally, the policy left room for the Los Angeles Police Department to have a role in the inspections, which could have made victims

of sex trafficking additionally victimized by the state by ignoring their victimhood and placing them in a patriarchal, violent system. However, through feminist organization AF3IRM, the county made sure that the police were not allowed to be a part of inspections.

The final question asked was “How does the policy mediate gender relationships between the state, market, and family? For instance, does the policy increase women’s dependence upon the state or men?” (McPhail, 55). This ordinance seeks to ensure that the women who work in the massage businesses are given legal and educational means to help them become independent and free from their traffickers, who are exploiting through both labor and sex trafficking.

C. Multiple Identities

Under Multiple Identities, McPhail asks three questions. The first question was “How does gender in this policy interact with race/ethnicity, sexual identity, class, religion, national origin, disability or any other identity categories?” (McPhail, 55). This question, while not overtly stating intersecting identities of the women who would be affected by this policy, aims to provide protection for trafficking women in illicit massage businesses, where “most of the victims are women in their mid-thirties to late fifties from China and South Korea. Additionally, most are mothers struggling to support their children ” (Polaris, 2017). One way this policy addresses racial and ethnic differences is by ensuring anti-trafficking infographics are posted in multiple languages within licensed massage businesses. The second question asked was “Are white, middle-class heterosexual women the assumed standard for all women?” (McPhail, 55). This policy does not center white, middle-class heterosexual women. The third question asked was “Does this policy address the multiple identities of women? The multiple oppressions a single woman may face?” (McPhail, 55). The ordinance does address the multiple identities of women, with the infographics in different languages, as well as a currently ongoing effort to

create a working group of different nonprofits and grassroots organizations that represent the populations affected by this ordinance.

D. Equality

Under Equality, McPhail asks two questions. The first question posed was “Does the policy achieve gender equality? Are there equality of results or disparate impacts?” (McPhail, 56). This policy addresses the problem of sex trafficking in illicit massage businesses, which disproportionately affects women over men or gender-expansive individuals. Since the ordinance was passed in early 2020, it will take approximately two years to be implemented and for any data to be collected. The second question posed was “Does the policy treat people differently in order to treat them well? Does the policy consider gender differences in order to create more equality? If the positions of women and men were reversed, would this policy be acceptable to men?” (McPhail, 56). The ordinance in of itself uses gender-neutral language, but acknowledges the impact gender has on this ordinance, given how women are disproportionately victims of sex trafficking, especially in illicit massage businesses.

E. Special Treatment/Protection

Under Special Treatment/Protection, McPhail poses three questions. The first question asked was “Does any special treatment of women cause unintended or restrictive consequences?” (McPhail, 56). This policy does not overtly provide special treatment of women, since it is specifically aimed at massage businesses, massage technicians and massage businesses owners. The second question asked was “Is there an implicit or explicit double standard?” (McPhail, 56). While the language in the ordinance is gender neutral, there is an implicit assumption that the massage technicians are women and the massage business owners are men. The final question in this section asked, “Does being labeled different and special cause a backlash that can be used to

constrain rather than liberate women?” (McPhail, 56). The ordinance does not outright label differences between men and women. The backlash against this ordinance might come from individuals and businesses that have a vested financial interest in illicit massage businesses and sex trafficking but is not defined by gender.

F. Gender Neutrality

McPhail only asked one question in this section, “Does presumed gender neutrality hide the reality of the gendered nature of the problem or solution?” (McPhail, 56). Due to the ordinance’s gender-neutral language, it does not outright say that women are victims at the hands of men. While this language is helpful because it will ensure as many individuals will be served at possible, it fails to critique the root causes of sex trafficking: patriarchal access to women’s bodies, histories of imperialism, and current immigration and economic policies that disproportionately affect transnational and immigrant women of color.

G. Context

Context, alongside Equality/Rights and Care/Responsibility, Material/Symbolic Reforms and Other, was one of the longest sections. The first question she asked was “Are women clearly visible in the policy? Does the policy consider the historical, legal, social, cultural, and political contexts of women’s lives and lived experiences both now and in the past?” (McPhail, 56). Even with the use of gender neutral language, women are clearly visible in this policy, and by changing business codes from the 1960’s, as well as the inclusion of feminist and service organizations in the planning process, the ordinance takes into the political aspect of women’s lived experiences. Sex trafficking is a deeply complex issue that is rooted in racism, imperialism, capitalism, misogyny and patriarchy. One policy is not enough to dismantle an entire system, especially a transnational one like sex trafficking is.

The second question she was “Is the policy defined as a traditional ‘women’s issue’ i.e., ‘pink policy?’. How is a policy that is not traditionally defined as a ‘women’s issue’ still a ‘women’s issue?’” (McPhail, 56). This policy is defined as a feminist issue, not a “women’s issue”, like equal pay for equal work and abortion access. While sex trafficking disproportionately affects women, it is not coded as a “women’s issue”. The third question she asked was “Is the male experience still used as standard? Are the results extrapolated from the male experience and then applied to women?” (McPhail, 56). This ordinance centers survivors, most of which are women.

The fourth question McPhail asked was “Have the programs, policies, methodologies, assumptions and theories been examined for male bias?” (McPhail, 56). The ordinance has been critiqued over the proposed inclusion of Los Angeles Police Department during the inspections, due to the negative impact policing sex trafficking has had on the past. Due to lobbying from feminist organization AF3IRM Los Angeles, the ordinance now guarantees connection to survivor-centered services, not contact with the Los Angeles Police Department. The final question McPhail asked was “Is women’s biology treated as normal rather than as an exception to a male-defined norm?” (McPhail, 56). Biology is not referenced in this ordinance, so this question is not a factor.

H. Language

Regarding language, McPhail asked two questions. The first question was “Does the language infer male dominance or female invisibility?” (McPhail, 56). This ordinance uses gender neutral languages, and ensures that survivors, who are disproportionately women, are given a voice and services, rather than criminalization at the hands of the Los Angeles Police Department and freedom from their traffickers. The survivors are given legal means to obtain

education and a career pathway, a marked difference from the trafficking that normally occurs in illicit massage businesses. The second question she asked was “Are gendered expectations and language encoded in policy?” (McPhail, 56). The ordinance does not include any gendered expectations or language encoded within the policy.

I. Equality/Rights and Care/Responsibility

One of the longest sections, Equality/Rights and Care/Responsibility asks five questions. The first question was “Is there a balance of rights and responsibilities for women and men in this policy?” (McPhail, 57). This ordinance ensures that massage business owners are responsible for regular upkeep of the business both within the actual building through Health Code requirements, as well as requiring the appropriate documentation, licenses and fees paid.

The second question asks, “Does this policy sustain the pattern of men being viewed as public actors and women as private actors, or does the policy challenge this dichotomization?” (McPhail, 57). This policy challenges the pattern of men, who are usually illicit massage businesses owners, as public actors, because it now requires them to run legitimate businesses and requires them to run safe business locations with the proper fees and documentation. This ordinance by giving massage technicians, historically women, access to education and a legitimized means to provide massages through licensure, eliminates the cultural shame and stigma of sex trafficking, and provides them a safe place to work free from exploitation.

The third question asks “Does the policy bring men, corporations, and the government into caring and responsible roles? Is the responsibility pushed uphill and redistributed?” (McPhail, 57). The Massage Parlor Ordinance requires the men who own the business to be responsible and use legitimate business practices. Additionally, the government is also

responsible for ensuring these businesses are safe and healthy places to work free from exploitation and violence.

The fourth question asks, “Does the policy pit the needs of women against the needs of their fetus or children?” (McPhail, 57). This policy does not fit the needs of women against the needs of their fetus or children. By allowing women to pursue education, they are given avenues to provide happy, healthy lives for their children, if the survivors even have children.

The final question asks, “Are women penalized for either their role as wives, mothers or caregivers or their refusal to adopt these roles?” (McPhail, 57). The women affected by this policy are not penalized for either their role as wives, mothers or caregivers or their refusal to adopt these roles. This policy addresses their exploitation within illicit massage businesses, not the private sphere.

J. Material/Symbolic Reforms

One of the longest sections, Material/Symbolic Reforms asks five questions. The first question asks “Is the policy merely symbolic or does it come with teeth? Are there provisions for funding, enforcement and evaluation?” (McPhail, 57). The policy is a robust ordinance, with provisions for funding, enforcement and evaluation, involving different departments and offices within Los Angeles County.

The second question asks, “Are interest groups involved in overseeing the policy implementation?” (McPhail, 57). As with any ordinance, there were interest groups involved in overseeing the policy implementation. The interest group with one of the biggest roles overseeing the policy implementation was AF3IRM Los Angeles, an all-volunteer grassroots feminist organization. AF3IRM Los Angeles approached the campaign with the goal of creating the best model for safeguarding the rights of sex trafficking survivors in the country.

The third question asks, “Is litigation possible to refine and expand the law’s interpretation?” (McPhail, 57). County Counsel is heavily involved with the ordinance, ensuring the ordinance uses proper language and has legal precedent without overreaching. The fourth question asks, “What is the strength of authority of the agency administering the policy?” (McPhail, 57). The agency administering the policy is incredibly powerful, because the Board of Supervisors effectively operates as each unincorporated municipality's city council.

The final question asks “Is there room to transform a symbolic reform into a material reform? How?” (McPhail, 57). This ordinance will have a material reform, because of business license requirements and reforms for massage businesses.

K. Role Change and Role Equity

McPhail poses two questions regarding role change and equity. The first question is “Is the goal of the policy equity or role change?” (McPhail, 57). This policy seeks to create equity among massage technicians in massage businesses and changes the role of the Department of Health to provide and ensure safety and protection of the people who work in the massage business locations.

The second question asks, “Does the type of change proposed affect the chance of a successful package?” (McPhail, 57). This change does not affect the chance of a successful package.

L. Power Analysis

Regarding power analysis, McPhail asks four questions. The first question poses “Are women involved in the making, shaping and implementation of the policy? In which ways were they involved? How were they included or excluded? Were the representatives of women selected by women?” (McPhail, 57). The three supervisors who authored and pushed the

ordinance through were women: Hilda Solis, Janice Hahn and Sheila Kuehl. Furthermore, most of the staff from their offices were women, including Deputies. Feminist grassroots organizations like AF3IRM were represented in the policy's shaping and implementation.

The second question asks, "Does the policy work to empower women?" (McPhail, 57). Thus, policy seeks to empower individuals who work in massage businesses, who are disproportionately women. The third question asks "Who has the power to define the problem? What are competing representations?" (McPhail, 57). The Los Angeles County Board of Supervisors, by nature of its role in unincorporated municipalities, are the ones who have the power to define the problem of sex trafficking in illicit massage businesses. Within the grassroots organization who were involved, there were alternating views on the nature of the sex trade.

The final question asks "Does this policy affect the balance of power? Are there winners and losers? Is a win-win solution a possibility?" (McPhail, 57). This policy puts power back in the hands of regulators and ensures that massage businesses are safe and equitable places to work. However, the ordinance is just one small step in ending sex trafficking.

M. Other

In this longest section of the article, McPhail asks seven questions. The first question she asks is "Is the social construction of the problem recognized? What are alternate representations of the problem?" (McPhail, 58). The social construction of the problem is somewhat recognized but does not address the overarching problem of the global sex trade. However, given the Board's jurisdiction, it is perfectly understandable. AF3IRM's role in organizing around this ordinance was to raise awareness around the interconnectedness of the sex trade, and how survivors are often criminalized when seeking help, due to the complexity of sex trafficking in

on itself. The second question asks, “Does this policy constitute backlash for previous women’s policy gains?” (McPhail, 58). No, this policy does not constitute backlash for previous women’s policy gains.

The third question asks, “How does feminist scholarship inform this issue?” (McPhail, 58). While the ordinance in of itself did not use feminist scholarship, AF3IRM Los Angeles used best-practice existing models and research to promote the use of trauma-informed, survivor-centered approaches instead of carceral involvement for survivors. The fourth question asks “What women’s organizations were involved in policy formulation and implementation? Was there consensus or disagreement?” (McPhail, 58). As previously stated, the Los Angeles chapter of AF3IRM, a transnational feminist organization had an active role in the policy formulation and implementation from the ordinance’s start in 2017. The chapter has been continuously working on lobbying towards best practices since then, despite leadership changes and organizational restructuring.

The fifth question asks “What are the policy silence? What are the problems for women that are denied the status of the problem by others? What policy is not being proposed, discussed and implemented?” (McPhail, 58). The only policy silence is that it does not eliminate the problem of sex trafficking within Los Angeles County, but for a niche issue, this policy is written to be very effective. The only way to eliminate the sex trade is to enact policies that decriminalize survivors, including expungement of criminal records, but still hold their traffickers, pimps and Johns accountable for the harm they do. In addition, to truly end the sex trade, there need to be community programs that fully center sex trafficking survivors with a full understanding of the unique dynamics that surround gender-based violence.

The sixth question asks “How does this policy compare to similar policies transnationally? Are there alternative models that we can both learn and borrow from?” (McPhail, 58). The ordinance is somewhat based on a model San Francisco utilized, with the Department of Health overseeing inspecting massage businesses. Transnationally, there are very few laws that regulate massage businesses. The final question asks, “Does the policy blame, stigmatize, regulate or punish women?” (McPhail, 58). This policy does the opposite, it aims to empower and destigmatize women and survivors.

Ultimately, the Los Angeles Massage Parlor Ordinance is a good first step in ensuring survivors of the commercial sex trade within illicit massage businesses are decriminalized, given the right to exit and given proper access to aftercare. However, this ordinance is just one piece of a large, complicated and harmful puzzle that transcends borders and laws. Stopping the commercial sex trade in its entirety requires a deeply feminist response rooted in justice for those whose voices are heard the least.

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