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The Carceral State, System Avoidance and Bare Life: The Effect of State Policy and Policing on the
Commercial Sexual Exploitation of Children

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Doctor of Philosophy

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By

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B.A., Columbia University, 2002
M.A., University of South Florida, 2011

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An abstract of
A dissertation submitted to the Faculty of the
James T. Laney School of Graduate Studies of Emory University
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Abstract

The Carceral State, System Avoidance and Bare Life: The Effect of State Policy and Policing on the
Commercial Sexual Exploitation of Children
By Natalie Delia Deckard

This dissertation studies the effects of the growth of criminal justice and immigration control systems
on the prevalence of the commercial sexual exploitation of children (CSEC). Understanding CSEC to
be an example of bare life, this research works to delineate the relationship between increased
carcerality and marginalization. It expands the extant literature by in three ways. First, I use rates of
missing children and juvenile HIV to create and test a measure of the prevalence of the Commercial
Sexual Exploitation of Children at the level of the metropolitan area. Second, I analyze the
relationship between CSEC and ubiquity of the criminal justice system – operationalized with arrest
rates, incarceration rates, and felon disenfranchisement among other measures. Third, I explore
interactions between CSEC and the criminalization of immigration control systems. I conduct
structural equation model analyses to estimate the degree to which more arrests, more deportations,
more detention and incarceration are related to more vulnerable children. Results confirm existing
theory that more intense criminalization is associated with greater marginalization and exploitation of
the vulnerable. Controlling for racial, demographic and socio-economic variables also posited to be
relevant to CSEC, both criminal justice and immigration control models exhibit positive correlations
between the variables of interest. I argue that the increase in CSEC associated with increased criminal
justice and immigration control systems can be understood as a manifestation of the increase in bare
life that results from an increasingly carceral state.

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Doctoral Dissertation

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PART I. **The Concurrent Problems of Criminalization and Bare Life**

Speaking about the experience of the poor in the developing world, Haugen and Boutros (2014) make a powerful empirical case that living outside of the rule of law makes people vulnerable to the worst sorts of violence and exploitation. In many ways, this recent work was anticipated by Hannah Arendt (1951), who famously said that, without full inclusion in a nation-state, human beings are reduced to their most basic – becoming, in her words, "scum of the earth." Defining citizenship as "the right to have rights," Somers (2008) follows Arendt (1951) when presenting the stateless as without the security of belonging. Without the ability to make claims on a functioning system of law, stateless people are shuttled across borders, rejected at every turn, with no recourse or access to state apparatuses of security – law enforcement, education, property protection, or social rights (Haugen and Boutros 2014, Somers 2008).

In an increasingly globalized economy (Harvey 2005), the role of states as the primary anchors of human rights – and social dignity (T. Marshall 1950) – has diminished. With fewer and less generous social service programs (Beckett and Western 2001), a growing number of people find themselves without the protection that state membership previously provided (Brodie 1997, Somers 2008). As the state becomes smaller, more people are left outside of it – living not the lives of citizens, but the "bare life" (Agamben 1998) of the stateless.

Concurrent to the trend of welfare state retrenchment is the exponential increase in the size of criminal justice systems – most notably in the United States (Beckett and

Western 2001, Alexander 2012), but throughout the wealthy world (Wacquant 2009, Bruff 2014). Scholars argue that the increasingly rampant criminalization of marginalized communities is not unrelated to the reduction in state support for the ideals of social citizenship. Rather, Beckett and Western (2001) argue that incarceration has supplanted the welfare state in the management of marginality. In this vein, Wacquant (2009) posits that criminal justice systems work to "punish the poor" while effectively excluding them rubric of state protection. Simply, by treating poverty as a criminal rather than a social issue (Wacquant 2009), the biopolitical systems of modern capitalist nations create a population that avoids the systems of the state (Brayne 2014) – a population that becomes effectively stateless and infinitely vulnerable. It is the plight of the most desperate of these marginalized people – those commodified by and within the sex trade – with which this dissertation is concerned.

Existing work in the field of system avoidance has, thus far, been largely theoretical, with few empirical analyses having yet investigated the ramifications of exclusion from the institutions of the state. The current research moves to close this gap by carefully operationalizing and quantitatively examining the phenomena of criminalization, system avoidance, and commercial sexual exploitation – demonstrating ways in which these processes are interrelated. It will meaningfully contribute to the body of scholarly knowledge on exclusion and statelessness.

A. Biopolitics: Bare Life and Statelessness

I use the broad theoretical framework of biopolitical theory, as outlined by Michel Foucault (2010), to frame inquiries into the relationship between the exploitation of bodies and state policy. In the Foucauldian formulation (2010), biopolitics represent the

systems of state control over the bodies within it. State biopolitics – enacted through often seemingly benign legislation – dictate those people who will live as full human beings and members of the polity, those that will be allowed to exist outside of the rubric of the state, the so-called *homo sacer* that will inevitably succumb to the inherent vulnerability of the human condition in the absence of state protection, and who will be thoughtfully executed (Agamben 1998, Foucault 2010). By drawing the boundaries of humanity, the biopolitics of the state determine the condition of the lives within it.

Different types of regimes employ a variety of biopolitical strategies (Wacquant 2010), which in turn affect the regime's ability to maintain power. Torpey (1998), for example, argues that the creation of the passport gave states the ability to have power over the movement of all citizens as a function of their identity – facilitating the creation of the state as the entity that holds power over citizens rather than territories. Ngai (2014) notes the importance of passports and physical visas in the creation of essential legal statuses, leading to the very real terms "documented" and "undocumented" immigrants. Greenhalgh and Winckler (2005) offer another example – China's strict control of women's childbearing gives the state the ability to plan labor output by region through the registration of the right to exist in the nation. By regulating the lives within its territory, and drawing the boundaries of belonging, the nation-state reinforces its own legitimacy while creating the specific context of the lives of those within the state.

This dissertation focuses largely on the ramifications of the biopolitics characteristic of states in late capitalism. Drawing on Fording's (2001) formulation of quiescence through criminalization – as opposed to through the maintenance of the generous welfare state – I question the extent to which this biopolitical regime creates

criminalized communities whose members are functionally outside of the rubric of the state. I explore the ramifications of the control of bodies through the widespread use of policing and the criminal justice and immigrant control systems for the vulnerability of children to exploitation.

B. Criminalization and System Avoidance in the Neoliberal State

Within the Foucauldian (2010) tradition, the biopolitics of neoliberalism has received significant scholarly attention in the extant literature. The phenomenon referred to by Bruff (2014) as "authoritarian neoliberalism" – in which increasingly unregulated markets for goods, services and labor bring increased poverty, but growth in police and military forces repress dissent – works to explain the record-levels of incarceration and state supervision in modern democracies. The ideas behind this move towards the criminalization of poor people have been theorized by various scholars (Gustafson 2009, Wacquant 2010, 2009, Western and Beckett 1999, Fording 2001). Cacho (2012) and Alexander (2012) elaborate on the idea of criminalization – actions taken by the poor, especially poor young men of color, are legislated as criminal and the now-criminal behavior of these *criminals* is then disproportionately prosecuted.

This criminalization has affected levels of social cohesion in poor communities (Western and Wildeman 2009, Clear 2007), as well as distancing community members from the institutions of the state. In their theorization of this system avoidance, Somers (2008), Brayne (2014), and Goffman (2009) make independent arguments that the objects of state criminalization avoid bureaucracies, as they identify them as loci of oppression. Importantly, not only do criminals avoid interactions with the state (Goffman 2009, Brayne 2014), but their families, friends and neighbors are also reluctant to involve the

state in aspects of their lives voluntarily (Brayne 2014, Aranda and Vaquera 2015). In enacting this system avoidance, members of marginalized communities effectively remove themselves from the rubric of citizenship – rendering themselves not only more marginalized, but effectively stateless.

In the United States, systems of criminal justice and immigration control have worked to create two sizeable communities that are systemically excluded from the rights of citizenship – Latinos (Stumpf 2006, Provine and Doty 2011, Frey and Zhao 2011) and African Americans (Sudbury 2014, Alexander 2012, Loyd, Mitchelson and Burridge 2013, Rios 2006, 2011). These communities are not only disproportionately represented in carceral systems, but members are likely to believe themselves to be excluded from healthcare access (Berk and Schur 2001), be both victimized by crime and fail to report that victimization (Davis, Erez and Avitabile 2001), and leave school before completing secondary education certification requirements (Henry, Knight and Thornberry 2012). They are, in other words, disproportionately likely to live sicker, more dangerous, less educated lives apart from the national community.

Tellingly, unrelated studies have demonstrated that there is a disproportionately high likelihood of young women and girls from immigrant and poor, African American communities becoming victims of exploitation in the commercial sex market (Banks and Kyckelhahn 2011) – here argued to be among the most marginalized members of the state. Building on theories of biopolitics and the neoliberal state, I explore the ramifications of this correlation. I posit one result of a community's criminalization to be the exploitation of its most vulnerable members, specifically in the commercial sex markets.

C. The Commodification of the Exploited Body

A significant extant literature explores the ways in which sex work relies on the commodification of the worker's body (Adelson 2008, Bloomberg 2011, Cahn 2000). Here, I borrow from Constable (2009, 50) in defining commodification as the ways in which the body can be treated, understood, or thought of as if it has entered the market: existing to be bought or sold; packaged and advertised; fetishized, commercialized, or objectified; consumed or assigned values and prices; and linked in many cases to transnational mobility and migration, echoing a global capitalist flow of goods. This definition of commodification is descriptive rather than normative – there is nothing inherently wrong with a commodity – and not synonymous with existing ideas regarding statelessness or exclusion.

Key to this formulation of commodification as a non-normative status, however, is that the worker should be actively consenting to this process. To the extent that sex workers commodify their bodies for their own enrichment, this can, and often is, seen only as a very specific type of labor (Weitzer 2005, Bernstein 2010). The default classification of sex workers as victims of commodification, rather than active economic agents, is both controversial and unclear, while also being highly normative (Weitzer 2005, Bernstein 2010). The boundaries of the debate are influenced by the dictates of hegemonic masculinity (Connell and Messerschmidt, Hegemonic Masculinity Rethinking the Concept 2005, Donaldson 1993). The idea that adult women making occupational choices in a free market should be cast as wholly lacking in decision-making capacity, with their choices subsequently reduced to nothing more than the result of villanous external coercion, is problematic and difficult to defend.

To the extent that "workers" are forcibly commodified for the profit of others, they may be considered to be exploited and effectively enslaved – irrespective of gender or occupation. The robust literature on human trafficking explores the large grey areas between coercion, indenture, and undocumented work, and the ways in which being trafficked, being recruited and simply working are sometimes distinct and sometimes eerily similar (Bales 2000, Haynes 2004). In order to retain operational clarity in its proxy of the state of bare life in sex workers, this dissertation treats a very specific subset of sex workers – those who cannot be "workers" in the traditional sense of people who sell labor for wages. Rather than speaking of sex work broadly, I discuss underage participation in the commercial sex market.

Children are legislatively rendered economically inviable as independent entities in post-industrial economies and they cannot effectively sell their labor on the free market (Scheper-Hughes 1987, Nieuwenhuys 1996). Children are dependent on adults – emotionally and physically – for their survival (Agnew 1985). Their existence on the sex market is not as sellers of sexual services, which they provide, but rather almost exclusively as objects being sold by third-party adults – referred to variously as "pimps," "traffickers," or, occasionally, "procurers" – for their sexuality (Adelson 2008, Wells, Mitchell and Ji 2012). By engaging in sex work, however, children may be legally quit of their status as children – with the exchange of money, the inability to consent to sex is lifted and the child's purchaser shifts from a statutory rapist to a "john" (Cedeno 2012). Yet children's structural dependency results in the compromise of their agency, with girls' choices more severely constrained than those of boys (Reid 2012).

Yet, the literature shows that child prostitutes fear state authorities, fleeing from them as they fear arrest and presumably considering themselves to be relatively safer when under the control of their exploiters (Estes and Weiner 2001, Kara 2009). Because of this unique intersection of vulnerabilities, I consider underage commercial sexual exploitation to be a measurable indicator of the extent of the commodification of bodies, and the exclusion from full citizenship and life, in a given space. The scale of the population of children engaged in the sex trade approximates the scale to which populations exist outside of the law – effectively without rights or humanity. The CSEC population, I argue, represents an important indication of the extent of bare life in a given space. As such, I propose to analyze the phenomenon as responsive, both intentionally and latently, to larger social and political trends.

D. Research Objectives

This project investigates the mechanisms through which exclusion from the rule of law may lead to exploitation, empirically measured by commodification in the commercial sex market, of the most vulnerable members of criminalized communities – female children. Broadly, to what extent does the criminalization of black and brown bodies fulfill not just the implementation of coercive law and order, but the commodification of bodies where labor has little value?

In keeping with the important mandate of this research, the dissertation will:

1. Estimate the presence of the commercial sexual exploitation of children (CSEC), using a tool that I developed to statistically extrapolate the likely extent of trafficking in a given area.

2. Investigate the extent to which legislation criminalizing poor, minority and immigrant bodies – and the active enforcement of this legislation – affects the prevalence of underage sex trafficking in various jurisdictions.

3. Empirically extend biopolitical theories of the neoliberal state to include processes through which people become vulnerable to exclusion from the national community and "bare life."

E. Project Design and Implementation

Research on CSEC specifically is primarily centered within the literature on delinquency and crime (Aptekar and Stoecklin 2014, Cedeno 2012, Dionne 2001, Flowers 2001, Fernandes-Alcantara 2013, Kotrla 2010, Reid 2011, Reid and Piquero 2013), while research on exploitation and vulnerability is discussed in more critical sociological theory (Connell 1987, Connell and Messerschmidt 2005, Golash-Boza 2013, Moghadam 2005, Omi and Winant 2014), as I discuss extensively in Chapter 2. Existing theories, many within the larger frames of general strain theory, social disorganization theory, or theories of hegemonic masculinity and racial domination, posit the importance of a variety of social phenomena on the prevalence of CSEC. This dissertation represents one of the first attempts to apply theories of system avoidance and bare life to a systematic analysis of quantitative data. Relying on a comprehensive dataset which includes a measure of CSEC that I developed for this project as well as data on state policy, police activity and local demographics, I address the following research questions:

1. How prolific is the commercial sexual exploitation of children in the United States today?

2. Do community CSEC rates differ in response to the degree of carceraity experienced through the criminal justice and immigration control systems?

3. How are these relationships influenced by the relative stringency of legislation to decrease sex trafficking and the presence of presumably vulnerable runaway youth.

4. Does any relationship between criminalization and CSEC remain once the effects of those dynamics posited to affect the prevalence of CSEC in existing theory are considered?

I begin the dissertation by elaborating thoroughly upon the theories of criminalization and repression in the neoliberal state that frame my research, explaining how scholars have built rich conceptual leverage through which to understand the role of state policy in the commercial sex market for underage girls. I move to a review the extant literature on this market, often treated under the rubric of sex trafficking, and treat possible alternative explanations for the phenomenon, before discussing how this dissertation represents a contribution to this literature. I then detail the methods and data that I use in my investigation, before presenting the research findings. Finally I discuss the implications of these findings for marginalized communities broadly, describing the way these findings fit into the current literature on the biopolitics of late capitalism.

PART II.   Theoretical Framework

The evolution of carcerality as a biopolitical modality in the West is well-theorized in the extant literature (Bruff 2014, Wacquant 2009, Fording 2001). Much research focuses on the development of criminal justice policies and realities over time and explores the current structural realities of arrest rates, incarceration and detention propensity, deportations, and post-sentence constraints. Another stream of literature focuses on increasingly criminally-oriented immigration control policies and the ways in which these policies restrict immigrant populations, create bifurcations between documented and undocumented persons, separate families and create a permanently accessible pool of inexpensive labor (Abrego 2011, Anderson, Gibney and Paoletti 2011, Arias 2013, Berk and Schur 2001, Golash-Boza 2012b, Romero 2006).

The literature also clearly demonstrates the ways in which this penality is disproportionately targeted on poor, largely minority, communities (Fording 2001, Beckett and Western 2001, Golash-Boza 2012a). Minor offenses, such as drug possession and technical infractions, were not always actively policed – and were not used during earlier periods of US history to punish African Americans particularly (E. Anderson 2000, Muller 2012) and immigrant status, historically, was a civil matter that had not been trained specifically on Hispanic minority groups (Díaz Jr 2011, Golash-Boza 2012b). With changes in these laws and their enforcement, however, members of targeted communities have transitioned from protected members of the state into *individuals from whom members are protected* (Cacho 2012). Increased carcerality has, I argue, served to distance formerly underprivileged minorities, making them both underprivileged and marginalized.

Scholars have built rich conceptual leverage through which to understand the state's role in expunging some residents from inclusion in the national community and, it follows, from the rights and protections of full personhood and into an existence of solely biological, "bare" life (Agamben 1998). There are a number of ways in which the presence of this "bare life" can be operationalized. Typical ways in which the abstract concept has been understood is through the number of legally stateless people in a given space, the prevalence of refugees in camps, or the presence of nominally legalized chattel slavery (Sylvester 2006). Each of these operationalized constructs has very real limitations in terms of understanding the relationship between burgeoning Western biopolitical regimes and expulsion from the nation-state, however. Both refugees and the legally stateless are outside of their countries of birth – although their presence in a given territory does speak to a reluctance on the part of the host nation to naturalize members of foreign populations, it does not speak to processes that generate this population. Similarly, populations of chattel slaves whose presence is normalized by the territorial authority are essentially non-existent (Bales 2000) – with few possible exceptions (Bales and Soodalter 2009).

The commercial sex market for children, however, shares many characteristics with that of chattel slavery – the coercion of victims and commodification of their bodies make this analogy compelling on the side of those experiencing this exploitation, while the widespread treatment of victims as criminals does on the structural side. I review the extant literature on underage sex trafficking – referred to here as the Commercial Sexual Exploitation of Children or CSEC – while investigating disparities in rates of CSEC between different sub-national jurisdictions. This existing literature is primarily situated

within the criminology literature, and delves into possible structural explanations for the

phenomenon (Reid 2011, Reid and Piquero 2013, Bloomberg 2011). I investigate the

degree to which the prevalence of state carcerality operates in addition to these variables

to increase the prevalence of CSEC specifically – and the bare life that the phenomenon

proxies.

Chapter 1.   Criminalization and the Vulnerability of Bodies

A.   Carcerality as Biopolitical Policy

There has been significant and far-reaching investigation into the ramifications of the recent increase in the carcerality of on the people, families, and communities affected, as well as on the nation as a whole (Pager 2003, Uggen and Manza 2002, Western 2002, Western and Wildeman 2009, Wildeman 2009) – though there has yet to be a full social "ledger" compiled that pits real gains against these losses (Sampson 2011). The literature on the effects of individuals' criminal justice system interaction on future wages, educational trajectories, and the attainment of life course milestones, for example, shows the clear import of arrest, conviction, and incarceration for life outcomes (Sampson and Laub 1992, Sampson and Laub 1995, Western 2002, Pager 2003, Rios 2006). Similarly, there has been considerable treatment of the ways in which the costs of incarceration have affected poor communities disproportionately (Clear 2007, Lynch and Sabol 2004), as well as the families of the incarcerated (Western and Wildeman 2009). Additionally, there is compelling evidence that the carceral regime is classed, gendered, and racialized – with poor men of color bearing the overwhelming burden of the state's relatively recent focus on the deprivation of liberty as a mechanism of social control (Pettit and Western 2004, Wacquant 2009). Research on the effects of carcerality that reverberate beyond the individual arrestee or convict have been largely focused, whether explicitly or not, on the African-American community.

As of 2013, 2.8% of the adult population of the United States was under the supervision of various criminal justice and correction agencies (Glaze and Kaeble 2014).

Nearly 1% of adults, or approximately 2.2 million Americans, were inmates in a jail or prison (Glaze and Kaeble 2014). In global comparative terms, the United States jails its citizens at between 5 and 8 times the rate of other developed nations (Hartney 2006, Mauer 2003). Levels of incarceration have ascended to a point at which they merit concern on both sides of the US political aisle, with political figures as ideologically diverse as Rand Paul (Geier 2016), Newt Gingrich (Gingrich and Nolan 2011) and Hillary Clinton (Clinton 2016) proclaiming the need to de-escalate the criminalization of communities of color. Certainly, the surge of incarceration as a method of social control and the sheer scale of the bodies resultantly warehoused makes the United States unique and worthy of sociological inquiry (Pettit and Western 2004, Muller 2012, Western 2002).

Yet the current literature's focus on mass incarceration understates the extent of the criminalization of lower class people that propels it. In this dissertation, I build on work done by Wacquant (2009), Jenness (2004), Cahn (2000) and especially Hirschfield (2008), in addition to Smith, Silliman and Bhattacharjee (2002), in conceptualizing this criminalization as the shift toward a crime control paradigm in the definition and management of marginalized communities and the activities of their residents. While wholesale incarceration of entire portions of the US population is an important part of the carceral regime, it stands with high rates of criminal supervision, family court interventions, police homicides, and privacy violations as one part of a coercive system of social control in lower class communities (Garland 2001).

Focusing on the growing system for immigration control, another extensive body of literature exists apart from conversation about the criminal justice system (Golash-

Boza 2012b, Kastroom 2007, Dreby 2012, De Genova and Peutz 2010). Some have argued that the escalation of deportations in the United States and, to a lesser extent, in Western Europe and Australia, serves to discipline immigrants to the ends of creating a complacent labor force (De Giorgi 2010, Kastroom 2007). Golash-Boza (2009) has noted that greater policing of an already-dangerous border has served to keep undocumented migrants in the United States once they have arrived – working to create a captive pool of laborers that remain despite fluctuations in the business cycle. The criminalization of immigrant status may work to solidify the boundaries of belonging for citizens and the native-born – cementing the worth of the nation through exclusion from it (Anderson, Gibney and Paoletti 2011), while working to destabilize transnational families (Aranda and Vaquera 2015) as potential rivals for state-based systems of authority.

An estimated 4.5 million US-citizen children, or about 7% of school-aged children in the country, have at least one undocumented parent (Passel, et al. 2014). That these children live in fear of the detention and deportation of their parent or parents is not contested, and that this threat affects their lives deleteriously is demonstrated in a significant body of existing psychological research (Suárez-Orozco, et al. 2011). Scholars have posited that, in addition to the paralyzing effects of anxiety on mobility, parents' inability to access the institutions of the state makes social citizenship, and the commensurate promise of equality of opportunity, unachievable for their US-born children (Yoshikawa 2011).

I argue that both types of carcerality, that effected through the criminal justice system as well as that effected through immigration control, work to exclude its subjects from inclusion in the national community – effectively constructing those poor people of

color as barbarians at newly constructed gates (Somers 2008, Deckard and Browne 2015). Increasingly, communities that are disproportionately targeted by police may be seen as containing bodies that are fundamentally criminal in ways that may preclude full citizenship. And, within these communities, criminalization may lead to rampant system avoidance, in which institutions of the state are circumvented out of fear and dread, rendering community members voiceless.

The current structure of the criminal policies that control marginalized populations and communities is unique in US history for its creation of a criminal class, but there is an extensive literature outlining the ways in which criminal policy has worked to control populations. This social control has not been limited to the reduction of violence, for example, or some other consistent goal, but rather has shifted over time and in keeping with the prerogatives of the era. Importantly, the behaviors that constitute crimes and the bodies associated with criminality have shifted as well, presumably also in keeping with the prerogatives of the era.

1. **Criminal Justice and Immigration Control Historically**

The construction of crime pre-dates the construction of the nation-state. In the United States, the earliest criminals – adulterers and attempted escapees, church shirkers and witches (Friedman 1994) – were those whose sexual or religious behavior was called into question. At their core, colonial criminal codes sought to control populations through the enforcement of social norms around gender. The criminal code was employed to enforce the patriarchal subjugation of women, as well as of families generally. In the Foucauldian (1991, 1977) tradition, Friedman (1994:6) notes "This was a constant in colonial history: criminal justice as social drama." From the earliest period of the settler

colony, American trials have been convened to teach bystanders about acceptable behavior, and to contrast the power of institutions with that of the named wrongdoer – the powerless criminal.

Criminal codes began a transition from concern with the drama of sexual morality towards the management of the Black slave population at the dawn of the Republic (Friedman 1994, Alexander 2012). Criminal legislation began to racialize not only the identity of offender and criminal, but that of victim. That is, African Americans' behavior was punished particularly and severely, with offenses like shirking work (Daniel 1979) and running away (Reichel 1988) only applicable or criminal when the offender was Black (Alexander 2012). Some behavior, most notably rape (Wyatt 1992, Higginbotham 1992) and assault (Alexander 2012), could become criminal only when the victim was white. Crimes that could be, and were, committed by Whites were systematically under-tried and under-prosecuted, with any convictions as likely to be pardoned as not (Hindus 1976). The criminal code, therefore, functioned to create a reality in which African Americans were criminals or potential criminals, while Whites were their victims or potential victims, and these identities became a part of the collective Gramscian (1995) "common sense" (Hindus 1976, Gramsci 1995).

This common sense worked to justify the existence of slavery, then foundational to the American economy (Alexander 2012), and to make that slavery appear to be a moral good worth defending in itself. Free Blacks were often explicitly grouped with the enslaved in the criminal justice system – because the inherent criminality of Black bodies was one of the narratives upholding the enslavement of African Americans. Freedom was not considered to be a mitigating factor in this criminality. Such was the extent of this

criminalization that Hindus (1976) cites emancipated African Americans who returned to bondage because the pressure of constant pursuit by early police inserted a degree of insecurity in their lives such that their existence was too precarious to be borne.

After emancipation, the use of criminal codes to regulate the marginalized continued (Friedman 1994). In seeking to enforce participation in the labor market, especially in times of labor shortages, vagrancy laws in the Jim Crow South were enforced to compel potential workers to work within the prison system – constructing the narrative of idleness as criminal (Mackey 1951, Alexander 2012). Concurrently, the Great Migration of African Americans from the US South to Northern industrial cities affected the ways in which Northern bureaucracies came to view Blacks as criminals (Muller 2012). Muller (2012) finds that, as ethnic Whites came to dominate positions of power within urban police departments, they used the apparati of criminal justice systems to victimize recently arrived Southern Blacks in order to cement their positions as authority figures.

Race and religiosity have not been the sole determinants of criminality over time, and many social prerogatives have been furthered through the use of the criminal justice system. To shore up the heterosexual family as the sole respectable family unit, non-normative sexual behavior was criminalized through legislation regulating both the sex act and the homosexual identity (Murray 2008). The behavior of pregnant women, and concordantly the behavior of the good mother as the sole acceptable mother, is legislated through the criminalization of fetal abuse (C. Cooper 2013). Consumption was enforced, and poverty criminalized, through both the "left and right arms" of the welfare state (Peck 2010, Wacquant 2010) – with cash assistance keeping the poor in the market and

welfare fraud statutes coercing conformance. In all of these cases, a similar common sense develops around the criminalization, so that the utility of this legislation in furthering the existing power structure is generally forgotten, and the created criminals appear to be inherently morally bad and necessarily outside of the social group.

Similarly, the creation of the immigrant as criminal moved in tandem with a need to control labor markets. Chinese (Salyer 1995), Mexican (Portes and Bach 1985), Jewish (Finckenauer and Waring 1998), Italian (Carnevale 2009) and Irish (Corcoran 1991) have all experienced this criminalization, in waves that corresponded to their utility – or surplus – in the US labor market (Adamson 1984, Cacho 2012). Though immigrant status itself was not a criminal matter, during times of labor market contraction, immigrants were understood to be more generally dangerous and were more likely to be arrested, convicted, incarcerated and eventually deported (Adamson 1984). Incidental to this, a common sense regarding the native-born as upstanding and righteous, and the foreign-born as inherently degenerate, may serve to increase the nationalism that legitimates existing power structures within that nation-state.

It should be noted in any discussion of historic carcerality in the United States that the level and extent of criminal justice intervention in daily life was never greater than a fraction of what is seen in 2015. While historic rates of incarceration hovered at international norms of approximately 100 prisoners per 100,000 residents (Hartney 2006), rates currently exceed seven times this figure. When combined with similarly ahistorical rates of detention and deportation under the supervision of immigration control systems (Golash-Boza 2012a), noted historical processes of social control through carcerality appear to have greatly and fundamentally escalated.

2. Carcerality as Social Control Today

In his investigation of the relationship between the prevalence of Black insurgency in the 1960s and 1970s, increases in welfare program generosity and escalation in criminal repression, Fording (2001) posits a theoretical trade-off between welfare and carcerality, or "prisonfare" (Wacquant 2010). Building on this formulation, as well as work by Beckett and Western (2001), Bruff (2014) and Wacquant (2009), the theoretical model that undergirds this posited reality is depicted in Figure 1. As a response to calls to become more competitive in global marketplaces and dependent on the realities of internal power and political dynamics (Swank 2005), welfare states become smaller and less generous, the state is forced to manage potentially restless populations through its carceral arm.

Figure 1: The Carceral Biopolitics of Neoliberalism
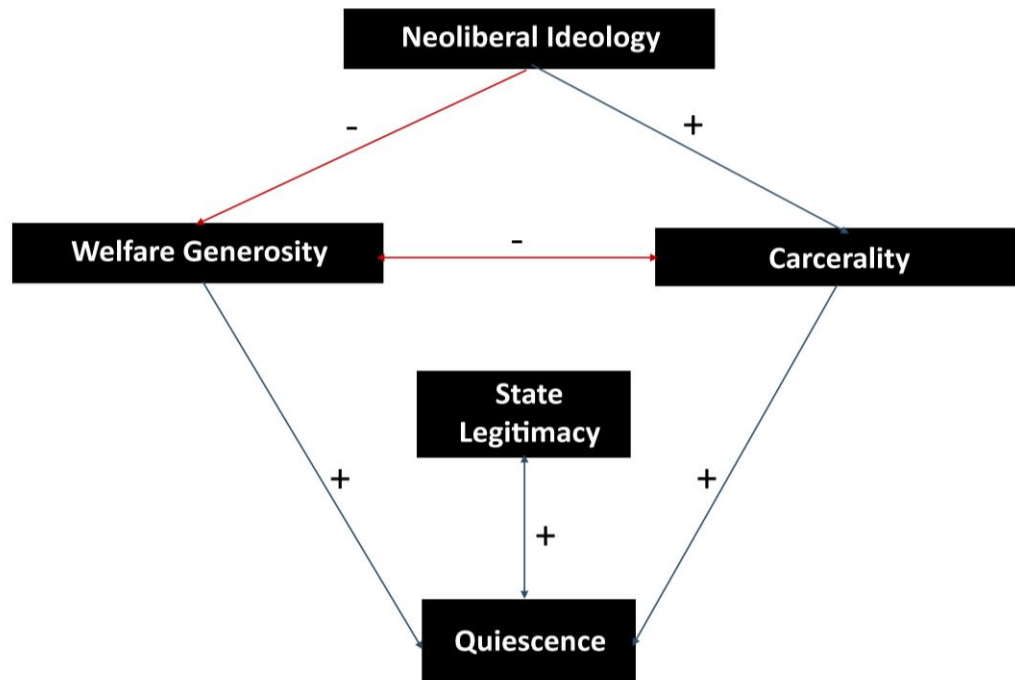
In addition to the quiescence outlined in the theoretical model above, mass incarceration of historically oppressed minorities fulfills other functions that ultimately serve to legitimate the state – marginal reduction of the crime rate (Levitt 2004), effective control of the labor market, and significant downward pressure on the wages for unskilled labor (Western and Beckett 1999, Western 2002). These factors, however, have never been historically sufficient to justify the systemic seizing of liberty from such a large number of people in a democracy. A common sense (Gramsci 1995) and governmentality (Lemke 2002, Foucault 1991) must, therefore, been developed around this massive penal movement (Wacquant 2009, Tonry 1999). In this collective understanding, we are given the criminal as violent, drug addicted, gang-affiliated and a danger to the society as a whole, and to the individual law-abider in particular (Kappeler, Potter and Blumberg 2005, Tonry 1999).

As these narratives grow and become more prevalent, largely through their propagation by the institutionalized media and politicians (Tonry 1999), calls for a more punitive criminal justice system seem more justified and organic. And, indeed, as the victims of the criminal justice system are portrayed as disproportionately black (Hetey and Eberhardt 2014), or Latino (Rios 2008), support for the policies that lead to mass incarceration increases. Historically, it is difficult to separate the phenomenon of mass incarceration from that of race-based policing and body control (Alexander 2012, Muller 2012). Rather than criminal justice policy being dependent on crime or criminality, it appears to largely depend on who the criminals are believed to be – and how the politics of criminality are constructed by power elites (Tonry 1999, Rios 2006, Wacquant 2009).

Cacho (2012) argues a more post-structuralist view of the criminal body – rather than some bodies coming to exemplify those of criminals, the very idea of crime is constructed around bodies already perceived to be criminal by the dominant culture. White teenagers, to use her example, cannot commit gang violence because they do not embody the identity of a gang member. White teenagers in groups are members of cliques or clubs, and when they commit crimes as a group, individual offenders are considered to have been affected deleteriously by peer pressure or mob mentality (Cacho 2012). Only Black and Brown boys can be gangsters, and so their disproportionate representation in these arrest roles is not merely a function of discrimination in enforcement at the police and court levels, but in the very writing and collective understanding of the criminal code.

Crimes are defined by the identity of the perpetrator – rendering some actors ineligible for their commission. Effectively criminalizing the essential persons of out-group members serves two functions: the reinforcement of in-group privilege and the expunging of out-group members into what she calls "social death" (Cacho 2012). More philosophically, Agamben (1998) refers to this exclusion as "bare life," where criminalization renders affected bodies as excluded from protection of the law and experiencing that law largely as a function of remaining subject to it (Baker 2014).

Here, I explore how the criminal justice and the immigration control systems have affected the two communities most targeted by the carceral state apparatus – the African-American and Latino communities. Before doing so, I must note that the effects of carcerality affect people and groups outside of the communities posited to be most disproportionately targeted. Poor, native-born, rural Americans who identify as White

have many reasons to fear the growing criminal justice system (Reiman and Leighton 2015), and in those communities where arrest rates are high and sentences are long, we should expect to see effects similar to those that have been found in urban, African-American communities. Similarly, communities of Asian immigrants whose members are pursued, detained and deported with a rigor associated with Hispanic immigrant communities are, presumably, distanced from the state in much the same way as Latinos have been.

3. Criminal Justice and African-American Communities

The unique depth and breadth of the US criminal justice system has become an important source of recent scholarly inquiry (Western and Beckett 1999, Gilmore 2006, Loyd, Mitchelson and Burridge 2013, Manza and Uggen 2004, Wildeman 2009, Garland 2001). Demonstrating the scope of the prison boom, researchers demonstrate that nearly 1% of American adults were in jail or prison in 2012 and the additional 2% were being supervised by criminal justice authorities (Manza and Uggen 2004). The criminal justice system exists beyond incarceration, and the carceral arm of the state has ramifications in both economic and political arenas.

The commission of a felony offense means that the criminal becomes a felon and, legislatively, moves criminal behavior into a permanent criminal identity, and his or her punishment extends far past the actual sentence for an individual crime. Depending on the state, felons may be permanently barred from voting in elections, with voting being the most salient characteristic of political citizenship in the United States (Uggen and Manza 2002). Additionally, in many states, felons are ineligible to hold office, ensuring that they have no representation in their democratic government (Olivares and Cullen

1996, Phillips and Deckard 2015, Uggen and Manza 2002), and have only very limited access to such social rights of citizenship as Temporary Aid to Needy Families (TANF), food stamps, public housing, and federal financial aid for higher education (Behrens 2004). In the labor market, felons are legally and extensively discriminated against (Pager 2003). With their limited ability to be hired, lowered wages for work, and sharply constrained ability to change jobs, felons are pressured to return to the illegal market to increase income – a fact reflected in the 67% recidivism rate (Durose, Cooper and Snyder 2014).

Although this scale of carcerality is unprecedented, broad statistics underestimate the extent of the criminal justice interventions in among specific populations, neighborhoods and communities. Pettit and Western (2004), for example, note that the children of early school leavers are between 12 and 16 times more likely than their peers to experience a parental incarceration. But racial disparities are pronounced, with one in three African American males estimated to be imprisoned in his lifetime, compared to one in eleven White men (The Sentencing Project 2011).

There is extensive literature regarding the disproportionate targeting of African Americans through such initiatives as anti-drug legislation, stop and frisk laws, and welfare fraud prosecution (A. Davis 2007, Alexander 2012, Gelman, Fagan and Kiss 2007). The extent to which those convicted of these crimes are penalized post-sentence has also been changed in many states and counties (Manza and Uggen 2004, Alexander 2012) – increasing the extent to which those engaging in recently criminalized and more severely sanctioned behaviors are treated as dangerous, immoral, and fundamentally criminal (Schur 1971). Zero tolerance policies, as well as mandatory minimum sentences,

mean that individual circumstances that might mitigate the severity of punishment are no longer relevant (Giroux 2003, Steffensmeier, Ulmer and Kramer 1998). Even the process of random police checks – stop and frisk programs effecting mainly men of color – has accelerated in marginalized communities, effectively criminalizing the street scene (Greene 1999, Romero 2006).

Goffman (2009) uses ethnography to explore the neighborhood reality of policing in criminalized communities. She finds that community members, in order to avoid the ever-present threat of arrest and incarceration, avoid the state bureaucracy at all costs (Goffman 2009). Both "clean" and "dirty" residents in the neighborhood she studied avoid doctors, hospitals, state facilities, and law enforcement – and teach their children to do the same (E. Anderson 2000, Goffman 2009). As the police are believed to be present primarily to funnel poor African Americans in the community through the criminal justice system, rather than to protect them as equal citizens, they are to be avoided.

Many other researchers have noted an aversion to law enforcement among African Americans, irrespective of their criminal history. Rasche (1988) notes that African-American women who are victims of domestic violence are particularly reticent to utilize available law enforcement to protect themselves from their abusers, citing a belief that the police are a mutual enemy. Rich and Stone (1996) find that African American men who report to hospitals with gunshot and stab wounds are less likely to report the perpetrator than are their White counterparts. Goffman (2009) notes the presence of a significant black market in home health care for these wounds, as these men resist going to the hospital at all. In these examples, victims are in need of law

enforcement and other government services – yet they do not believe themselves to be in a position to access this right.

4. Immigrant Control Systems and Hispanic Communities

In ways that are similar to the growth of criminal justice systems, the apparatus of immigration control has also grown and become more punitive (Golash-Boza 2009, 2012a, 2012b). And, similar to the targeting of poor, African-American communities, Hispanic communities have borne the brunt of legislative criminalization, particularly since the terrorist attacks of 9/11 (Welch 2003, Abrego 2011, Koulish 2010). Although crackdowns on unauthorized migration into the United States began in the mid-1990s, with increased budgets for border control and INS internal enforcement at worksites (Chacon 2010), it was the actions of physically crossing the border or illegally working that were criminalized, rather than the immigrants themselves. Although this distinction may seem one of semantics, in practice it means that unauthorized immigrants living in the national territory were free to report crimes, visit hospitals and enroll in school without fear of detention or deportation. With the advent of legislation that criminalizes physically being in the country without proper documentation, these interactions with the state are no longer possible (Welch 2002, 2003). Indeed, with the stripping of rights to due process and representation (Koulish 2010), the process through which undocumented immigrants could potentially make claims on the state bureaucracy has been formally ended.

Stumpf (2006) refers to the convergence of criminal and immigration law as a "crimmigration" merger. She identifies three ways in which this has occurred, in that the substance of immigration and criminal law increasingly overlap, immigration

enforcement has come to resemble that of criminal law, and in that the procedural aspects

of immigration prosecutions have taken on many of the aspects of criminal procedure

(Stumpf 2006). The growth of criminalizing and punitive legislation in the United States,

and subsequent active policing in the communities most affected by its precepts, has led

to an unprecedented growth in the number of people physically present in the country,

with no attendant rights (Somers 2008, Díaz Jr 2011, Welch 2002, Koulish 2010). An

extensive literature on global citizenship posits that an international human rights regime

accords protection to individuals as a function of their humanity (Meyer, et al. 1997,

Jacobson 1996), but, in line with Arendt (1951), Somers (2008) and Hiemstra (2010), I

posit that human rights are difficult to enjoy without inclusion in a state willing to defend

them.

Immigration law has recently moved from solely within the purview of the

Federal government, and thus enforced on the national level, to being a state and local

concern (Koulish 2010). This tendency to regulate and enforce resident documentation

status began after 9/11, when Federal government agencies requested local cooperation in

the enforcement of existing Federal laws (Stumpf 2006). The federal policy, section

287(g) of the Criminal Alien Program, trains and authorizes local police forces to carry-

out activities once reserved for federal immigration authorities. Under section 287(g),

police officers can check for immigration status for anyone suspected of a crime (Capps,

et al. 2011). If the individual cannot produce documentation that s/he is in the U.S.

legally, the police have the authority to detain the individual for processing and possible

deportation by ICE, the federal immigration authority. As of August 2013, 37 law

enforcement agencies in 18 states had adopted section 287(g) (US Immigration and

Customs Enforcement 2014). According to the ICE website, "the 287(g) program is credited with identifying more than 309,283 potentially removable aliens – mostly at local jails." Although section 287(g), was implemented to identify and detain undocumented immigrants engaged committing major criminal offenses, about half of 287(g) activity since 2006 has involved noncitizens who were arrested for misdemeanors or traffic violations (Capps et al 2011).

Citing an unwillingness, or inability, of the federal government to enforce its own legislation, states, counties and municipalities have enacted policy criminalizing the act of existing without proper legal authorization within their jurisdictions (Stumpf 2006). This legislation has been enacted in addition to the provisions of section 287(g) program. For instance, a number of states have enacted restrictive immigration legislation that requires employers to check the legal status of their employees and penalizes employers for hiring unauthorized immigrants.

Arizona's omnibus immigration legislation (SB1070) goes further and requires that the immigration status of anyone arrested must be verified with the federal government. Peace officers enforcing anti-smuggling laws are authorized to stop an individual without a warrant if they believe that the person "is in violation of any civil traffic law and to arrest a person without a warrant if the officer has probable cause to believe that they have committed any public offense that makes the person removable from the US" (National Conference of State Legislatures. 2011). Although a number of provisions in Arizona's SB 1070 were struck down by the courts in 2012 as unconstitutional, the law's directive expanding the reach of law enforcement to check the immigration status of individuals whom they stop, detain or arrest remained on the books

(Gulaksekaram and Raamakrishnan 2012). States are increasingly following Arizona's lead in enacting tough omnibus anti-immigration measures, with careful wording to withstand the court challenges (National Conference of State Legislatures 2012). In 2010, five states enacted omnibus immigration legislation patterned on Arizona's SB 1070, Alabama, Georgia, Indiana, South Carolina, and Utah. In 2012, five states introduced bills that made it a state crime to fail to carry a federal immigration document, Kansas, Michigan, Mississippi, Rhode Island, and West Virginia, although none of these laws were enacted (National Conference of State Legislatures 2012).

A range of laws criminalize or impede common daily activities of unauthorized immigrants. These include ordinances hinging the issuance of driver's licenses to legal status (Lopez 2008), prohibiting the solicitation of employment on public roadways, and residential occupancy zoning regulations that restrict the number of people who can stay in a residence and prohibit landlords from renting to undocumented immigrants (Browne and Odem 2012). While immigration control historically focused on border enforcement – preventing entry by unauthorized immigrants or returning them to the home country directly from the airport, shore, or border area – post-9/11, immigration control began to focus on interior enforcement (Golash-Boza 2013). Indeed, 2011 was the first year since the anomalous 1941 in which more people were removed from the interior of the country than were denied entry at a border. These shifts and amplifications of legislation have two purposes: creating laws that immigrants are compelled to break in order to survive, thus making them more easily deportable, and creating environments that are so difficult to navigate that immigrants "self-deport" and save the state the nuisance (Golash-Boza 2012a, Golash-Boza 2012b).

Immigrants do not hail exclusively from Latin America, but immigration control is disproportionately focused on those that do (Abrego 2011, Golash-Boza 2013). While an estimated 24% of undocumented immigrants in the United States originated in Asia or Europe, only 2.2% of deportations were returned to non-Latin American countries (Golash-Boza 2013). This corresponds to the popular construction of racially indigenous, Spanish-speaking people as "illegal," with Asians and Europeans largely exempt from criminalization (Cacho 2012). Immigration control at the local level corresponds with these deportation results and scholars have coined terms like "Driving while Brown" (Mucchetti 2005) to refer to increased police attention on phenotypically indigenous drivers who are racialized as Latino and pulled over to investigate their immigration status. 287(g) programs have been found to target Hispanics for arrest on minor offenses specifically to allow for detention and the running of names and statuses (Golash-Boza 2013, Lacayo 2010).

Immigration control legislation and its enforcement have created a reality similar to that in the African-American community, in which Hispanic communities become increasingly criminalized. Research by Quereshi (2010) demonstrates that, while about half of all battered women report domestic violence to authorities for intervention, only about 40% of immigrant women do, and that number slips to 19% for the undocumented. Aranda and Vaquera (2015) note a marked aversion in the Hispanic community as a whole to contact with state agencies. This movement from the concerns of undocumented immigrants to the concerns of the Latino community as a whole is reflective of the prevalence of mixed status families and friend groups (Suárez-Orozco, et al. 2011, Suro, Suárez-Orozco and Canizales 2015). An estimated 38% of school-age US-born Hispanic

children have at least one undocumented parent (Suro, Suárez-Orozco and Canizales 2015). Dynamics that influence the lives of the undocumented influence the Latino community particularly – though not exclusively.

B. System Avoidance, Bare Life, and Statelessness

Early research regarding the criminalization of immigration status posits that such legislation would work to create a vulnerable population of immigrants who would be easily victimized in the complete absence of state protection. More recent studies move past theory and into empirical reality, finding that new legislation and enforcement against undocumented immigrants increases their victimization (Zatz and Smith 2012). Because they reasonably fear deportation – with the attendant family separation (Suárez-Orozco, et al. 2011), lengthy detention (Golash-Boza 2012a), subsequent unclear reintegration path in the home country (Hagan, Eschbach and Rodriguez 2008), and, at worst, political and criminal victimization upon repatriation (Haynes 2004) – undocumented immigrants do not call the police when they are in danger (Zatz and Smith 2012). Though the relationship in this literature is quite clear, the causal mechanism is implicit – because their bodies and place make them guilty of *status offenses*, undocumented immigrants avoid the institutions of the state and are thus rendered vulnerable (Cacho 2012).

Evidence of system avoidance by Latinos – irrespective of their individual immigration status – is, at present, largely through qualitative studies with small or medium sample sizes and limited geographic coverage. When, for example, Aranda and Vaquera (2015) argue that "[t]he fear that rumors of raids produce is so real that parents to do not show up for work, children miss school, and the police become people to

avoid," they do so based on interviews with 27 undocumented immigrant youth. Dreby (2012) draws on interviews with 110 children and 91 parents – combined with home and school visits with 12 families – to illuminate the ways in which the threat of deportation, specifically, makes US-born children afraid of police and fearful of the state as a potential agent in family separation. She finds that the ubiquitous threat of family dissolution not only strains family relationships, especially between siblings of different immigration statuses and between children and fathers, but causes children to withdraw from visible parts of national life. These studies suggest that the ramifications of increased criminalization have widespread effects for youth in immigrant communities.

Work done by Theodore (2013) at the University of Illinois at Chicago may represent the best example of semi-quantitative large-n work on system avoidance in the immigrant community – though the author does not consider the phenomenon he describes in this framework. Surveying just over 2,000 Latinos in Chicago, Houston, Los Angeles and Phoenix through the use of a randomized telephone dialer, findings establish that legislation in which local law enforcement partners with Federal immigration authorities to enforce immigration status makes Latinos reluctant to call the police (Theodore, 2013). Results showed that 70% of undocumented immigrants, and 44% of all Latinos, were less likely to contact the police to report themselves as victims of a crime in the aftermath of the passage of criminalizing legislation (Theodore, 2013). Although Theodore does not reference the term "system avoidance," his work sets the stage for quantitative research measuring the distance local legislation can put between Latinos and the state.

The study of system avoidance in other criminalized communities is in its inception, but early research has yielded results that are both theoretically well-founded and provocative. Recent work by Brayne (2014) demonstrates clearly that individuals who have had contact with the criminal system are less likely to engage with record-keeping institutions – public and private entities that maintain legally-accessible records of the individuals interacting with them. Presumably because exposing themselves to the surveilling capacity of schools, banks, hospitals, and explicitly non-judicial governmental agencies such as motor vehicle departments and tax agencies would register their whereabouts for potential future arrest (Goffman 2009), Brayne (2014) shows that contact with the agencies of state coercion separates individuals from the mechanisms of the state – rendering them functionally stateless in their everyday lives.

In their extensive analysis of the ways in which experience with the criminal justice system shapes Americans views of themselves as citizens, Weaver and Lerman (2010) find that residents who have experienced incarceration, referred to as "custodial citizens," have decreased trust of the institutions of government and democratic processes. These finding have also been found in respondents' feelings regarding inherent institutional bias according to race and class – with belief in the existence of bias increasing with increases in the incarceration rate (Muller and Schrage 2014). Controlling for variables such as wealth, education, and minority status, increasing involvement with the carceral state leads to less civic engagement in the form of voting or the performance of civic obligation like jury or military service. Many appear to "define the power of the state as a nemesis to be avoided rather than an ally to be cultivated" (Rose and Clear

1998, 465), and avoid the systems of democratic citizenship in response to their interactions with the carceral arm of the state.

Some limited research has begun to estimate and document the degree of system avoidance experienced at the level of the community where policing is most onerous (Goffman 2009, Muller 2012). There are a number of likely potential consequences at this aggregate, community level. Evading educational institutions decreases human capital and reduces life outcomes. Systematically avoiding the formal labor market reduces social mobility and the accrual of wages over the life course. Failure to utilize hospitals and agencies of public health worsens health and lowers life expectancies, while incapacity to engage with financial institutions and existing market systems makes the accumulation of wealth more difficult.

In addition to these issues, system avoidance also denies individuals the protections of the rule of law. Insofar as, conceptually, police, fire, and family service departments exist to protect nationals, avoiding these institutions must make individuals more exposed to these risks. Certainly, an existence in which the bureaucracy of the state is inaccessible must be a more precarious one – rendering one at least a step closer to the Hobbesian (1928) state of nature. Arendt (1951) argues that, without inclusion in the state, the individual loses humanity, becoming no more than an animal. Agamben (1998) refers to this state as "bare life," in that the individual certainly lives, but without recognition as a sentient human. Without acknowledgment as an Aristotelian political man, a person becomes more of a thing – not a member of the polity, but a commodity within it. Haugen and Boutros (2014) make this argument clearly outside of the developed world: in nations in which the poor are systematically excluded from the

mechanisms of law, they are not only overwhelmed by violence in their daily lives, but are systematically targeted for commodified brutality. Arendt (1951) and Somers (2008) would argue that this violence is no accident, but rather an inextricable part of their functional statelessness, to be expected when full citizenship within a coherent nation-state is denied.

Building on the formulation of the relationship between neoliberalism, carcerality and quiescence posited in Figure 1, I include the relationship between carceral biopolitics and bare life that work on system avoidance implies (Brayne 2014, Weaver and Lerman 2010, Aranda and Vaquera 2015). This relationship is outlined in Figure 2, which illustrates the posited positive relationship between carcerality and exclusion from the nation-state – denoted as "bare life" – as well as the potential positive relationship between bare life and quiescence. The main research question of this dissertation is enclosed in green and it is this box that will be nuanced in this research.

Figure 2: The Implications of the Carceral Biopolitics of Neoliberalism on Bare Life
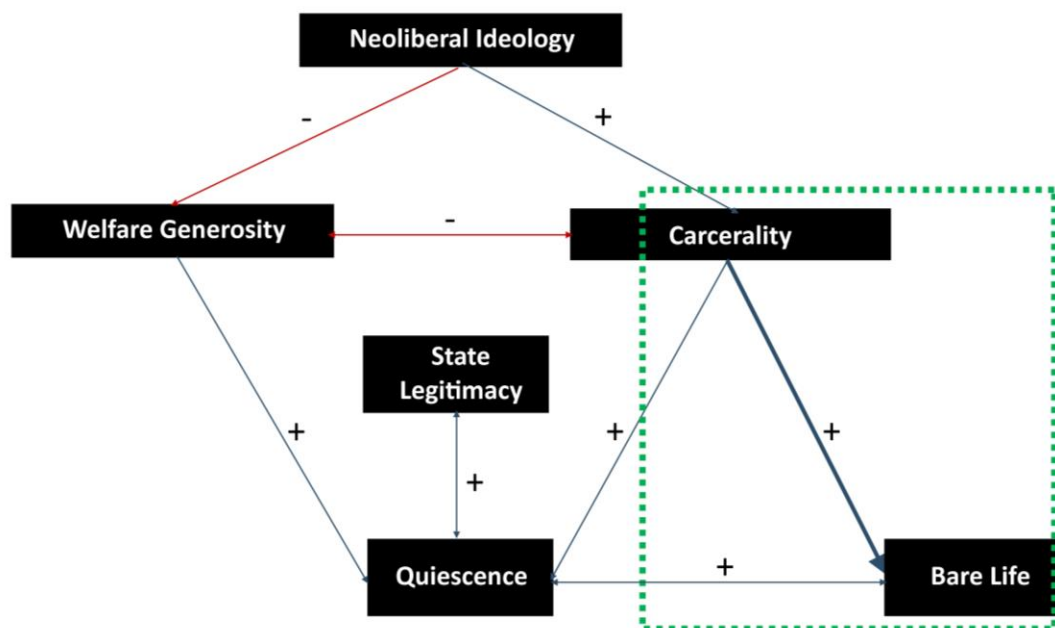
C. The Nature of Exploitation and Commodification

Conceptually, and beyond the downward pressure it puts on the welfare state, neoliberal ideology may also be understood to commodify facets of the society that were previously not available for trade, thus working to render them available for trade on a "free" market and for the creation of individual profit (Harvey 2005). Formerly public goods become privatized, moral goals become quantified, measured and incentivized, and occupational roles become intrinsic to the construction of personal identity and worth (Brown 2009). Goods and services once available solely within the confines of the family – care work, for example – become available for purchase on the market and traded through an employment contract (Brodie 1997). In this landscape (Giroux 2008), surplus bodies that are not accounted for by the state may be particularly vulnerable to being traded for money through their physical commodification.

The framework for this commodification may be the historical process of slavery. In chattel slavery, the owned human being is converted into a commodity that can be bought and sold on the market – transitioning from full personhood to bare life. Commodities can never enjoy moral equality with their owners and traders, and therefore can never be thought of as benefitting from full citizenship – slaves are outside of the polity because of their status, but their position outside of the polity also made them vulnerable to enslavement. Although chattel slavery is illegal in the modern democratic state, it is practiced in various forms and with varying degrees of official tolerance, throughout the world (Bales 2000).

The degree to which the enslaved are actually fully commoditized, fully enslaved, is highly contentious, however. Workers engaged in debt bondage, for example, are coerced to labor, but may be exercising agency in beginning the indenture. Similarly, some coerced labor may result from rational choice among an undesirable set of options. Market transactions that allow actors to literally commodify their own bodies, such as organ sales or surrogacies, may be the result of an exercise of agency that is within the rubric of full citizenship. Though any of these commodifications may prove more prevalent in the neoliberal state, and all are the subject of considerable moral controversy, the practical looseness of the theoretical idea demands clear operationalization in any research attempting to treat it.

I argue that the extent to which bodies are able to be exploited is dependent on the extent to which they are functionally excluded from the state – and this exclusion is based not only on the biopolitical regime employed by the state, but is classed, racialized and gendered. In market-based citizenship regimes, in which inclusion is determined by socio-economic class position, it is difficult for the poor to demand inclusion or make claims on the state (Somers 2008). Racial hegemony systemically draws the boundaries of national inclusion around racial and ethnic heritage – rendering some groups effectively stateless as a function of their ancestry and appearance. Similarly, belonging and inclusion are metered by gender. Indeed, the vulnerability to commodification that comes from state exclusion may be particularly dangerous for poor girls and women, an already marginalized group. Yet, in many ways, this vulnerability is not a function solely of gender, but rather of a complex intersection of class, race, and gender realities (Bassel 2010, Chow, Texler Segal and Lin 2011, Collins 2002).

Fineman (2010) writes that the distribution of social opportunities made through neoliberalism's specific paradigmatic understanding of equality systemically works to hurt women and girls as a function of their gender. Because formal equality is defined as the absence of explicit discrimination, it fails to account for either existing inequalities in resource distribution or address particular vulnerabilities, rendered apparent in the free market (Fineman 2008, 2010). She argues that the citizenship regime increasingly found in market economies creates a pool of increasingly exploitable women.

Conceptually, women may either be protected as citizens in their own right, or as an extension of the full citizenship accorded to males (Kerber 1998). In the latter case – the one found most prevalently historically and, to some degree, in most nations today – women have a social safety net through their association with their husbands, fathers, sons and brothers. When the family units in which women are enmeshed are confronted with economic or social hardship, traditional models of state support shore up that unit – indirectly assuring the women in it with a minimum standard of living (Esping-Anderson 2013, Kerber 1998). In the former case, however, women are theoretically full citizens themselves. This model may be most closely approximated by the model of the Scandinavian welfare states (Esping-Anderson 2013) in which the unique vulnerabilities of women – particular hardship during times of pregnancy and early child-rearing is the most cited example – are addressed uniformly to guarantee them the same level of citizenship as their male counterparts.

Lacking an expansive view of the social welfare responsibilities of the state, however, women may be forced to rely primarily on their belonging in the family unit to shield them from the market during times of hardship. For relatively privileged women –

or those for whom participation in male-headed family units is an option – this distinction may be philosophical (Brodie 1997, Kerber 1998). But for women in other contexts, this denial of full citizenship within the state context may lead to ejection from the national community as well as from full humanity (Brodie 1997).

In a contemporaneous example of this phenomenon, Song (2006) demonstrates the ways in which the increasingly neoliberal South Korean government discounts homeless women lacking a male partner who could act as a potential future breadwinner. In South Korea, these women's abandonment from the rubric of full citizenship is accomplished by both bureaucratic edict – they are simply not afforded benefits that could relieve their poverty – and social death (Song 2006). The collective 'common sense,' highly influenced by the prevailing power structure, dictates that undeserving individuals are personally responsible for their indigence and that a culture of family breakdown is worsening the situation, which must be collectively handled with no tolerance or soft-heartedness. In the South Korean context, women bear the brunt of this steadfastness (Song 2006).

The South Korean example is one of many. Brodie (1997) anchors her discussion of the gendered implications of market citizenship in the experience of Canadian women, particularly members of First Nations communities. In the United States, scholars have demonstrated the particular vulnerability of immigrant and migrant women (Runyan 1999, Walton-Roberts 2008), Black women (Somers 2008, Wolcott 2001), poor women and pregnant women (Kingfisher 2002, Moghadam 2005). In all cases, historic exclusion from property ownership, wage work, and education is not to be mitigated in the current citizenship regime. Rather, it is combined with the ongoing sexual fetishization of female

bodies, working together to render women particularly vulnerable to not only

exploitation, but commodification.

5. The Intersectionality of Vulnerability

Although girls and women are particularly in demand on the commercial sex

market as a function of their gender, class, race and age play tremendously influential

roles in determining those women who are ultimately available for exploitation (Collins

2002, Bales and Soodalter 2009, Chaloner 2010). Insofar as the roles of class and race are

influential in determining the levels of criminalization that communities endure, these

identities will affect men, women and the transgendered in these communities (Collins

2002). Thus, the research questions demand the use of an intersectional lens in treating

the plight of affected women and girls (Collins 2002).

In the case of communities criminalized by the immigration control and criminal

justice systems in the United States, women often bear the brunt of maintaining

community and family obligations while men are incarcerated, running from the criminal

justice authorities, deported to home countries, or otherwise dealing with the direct

consequences of the criminal justice bureaucracy (Goffman 2009, Golash-Boza 2012a,

Western and Wildeman 2009). While men are overrepresented in jails and prisons and

among parolees and those on probation, this dissertation is fundamentally concerned with

the social conditions in the communities they leave behind – communities in which

women are greatly over-represented (Andrinopoulos, Kerrigan and Ellen 2006). It is

insufficient to merely acknowledge that women are more vulnerable – some women are

privileged as a function and race and class in ways the leave them less likely to be

exploited than some men. Although women on average remain the predominant group of

those exploited in the commercial sex market, the issues that Reid (2011) and others

assert to be important to the creation of a vulnerable population are disproportionately

prevalent among girls in poor communities of color.

Chapter 2.   The Commercial Market for Underage Girls

A. Human Trafficking

One framework through which to understand the participation of children in the commercial sex market is under the rubric of human trafficking – under the umbrella of which child sex exploitation falls. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Article 3, defines human trafficking as:

> *The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.*

Inherent in this definition is the exploitation of human bodies for their market value – be that value in labor, sexual capital, or human tissue. Rampant conflations between human smuggling and trafficking by both policy makers and academics serve only to further obfuscate an already unclear crime. While smugglers perform an illegal service at the behest of clients, with the smuggling service being their product, traffickers derive their principle profit from the humans themselves. Indeed, the definition of human trafficking does not require mobility at all – although many trafficking victims are moved across borders, many more are internally trafficked (Raymond, Hughes and Gomez 2001). The only required condition of human trafficking is that women, men and children be reduced

to their most basic, that they have no rights as members of a protective organization, and can therefore be bought, sold and rented as any other unregulated good.

But the concept of human trafficking is broader than that of the clear commodification of bodies treated in this dissertation. The current definitions of human trafficking lack clear boundaries. There is a considerable recent literature in the commercial exploitation of human bodies broadly, and of children in the sex market specifically (Bales 2007, Hodge and Lietz 2007), much of which suffers from this imprecision in conceptualization and operationalization. Some of this literature focuses on the extent to which the current preoccupation with sex trafficking is actually a moral panic – the result of generalized discomfort associated with globalization, immigration, sex work, and women's increased autonomy (Weitzer 2005, 2007). One of the major controversies regards the boundaries of "trafficking" – all sex workers are not victims, and to consider them as such is to assume a lack of agency (Bernstein 2010). The boundary, perhaps, should be at coercion, but even this delineation suffers from the same lack of clarity that plagues the question of commodification more broadly. To what extent do hiring agencies that recruit wage-dependent people for low-wage work engage in human trafficking as elaborated upon in Palermo? Have the parents of children sent into apprenticeships or domestic labor done so? Equally, the classification of debt peonage under the rubric of human trafficking may be problematic, as these labor arrangements, are not necessarily coerced at their inception.

Trafficking, for example, may be easily and speciously conflated with sex work more generally (Weitzer 2005, Weitzer 2007), and there is a broad literature that considers how the vilification of sex work is little more than a moral panic that degrades

women as economic agents (Outshoorn 2004), their ability to make decisions regarding their bodies and sexuality (Weitzer 2009, Agustin 2006, Sanders, O'Neill and Pitcher 2009), and constructs men as the exclusive possessors of the capacity to consent freely and competently to sexual acts (Weitzer 2009, J. G. Raymond 2004). In keeping with this deprecation and stigmatization of sex work generally, much criminal justice policy, and indeed academic criminological literature, conceptualized juvenile prostitution as "part of a spectrum of delinquency engaged in by adolescent runaways and 'street youth' (Mitchell, Finkelhor and Wolak 2010, 18). Yet more recent scholarship has made the distinction between delinquency and prostitution clearer (Flowers 2001, Mitchell, Finkelhor and Wolak 2010).

This dissertation operationalizes the commodification of bodies through the use of a specific type of human trafficking – underage sex trafficking, often and here referred to as the commercial sexual exploitation of children, or CSEC. The most salient aspect of human trafficking for the purposes of this dissertation is not the crime itself – but rather the crime as a measurable indicator of "bare life" (Agamben 1998) and stateless inhumanity (Somers 2008). In many cases, issues of consent and agency inherent to the discussion of human trafficking blur the lines around which inhumanity is found. There are no such subtleties in the case of CSEC. The use of underage sex trafficking, specifically, allows this dissertation to consider the phenomenon of bodily commodification while avoiding questions of consent, and agency broadly, or contract labor and culturally-infused understandings of acceptable work for children more specifically.

B. The Commercial Sexual Exploitation of Children

Following Reid (2012), I define CSEC using the terminology from the Trafficking Victims Protection Act – "any sex act of a minor on account of which anything of value is given to or received by any person." That is, commercially sexually exploited children are juveniles who perform sexual acts in exchange for money, drugs, food, or shelter. In contrast to arguments regarding the status or sex workers, there is no coherent argument in which children are said to be robbed of their agency and rightful ability to consent when they are denied the opportunity to be prostituted by, and to, adults.

While adult sex workers coerced into prostitution are often in some form of debt bondage – which may exclude them from being categorized as slaves – in the United States, children may not agree to or actually incur debt. And by choosing to include only sex trafficking, rather than the trafficking of children in domestic service, for example, I avoid the question – though ably tackled in the literature (Blagbrough 2008) – of whether coerced domestic labor is just a form of apprenticeship or guardianship. Simply, there is no defensible argument that the commodified exchange of children's bodies is a function of credible choice on the part of the child, and so considering the prevalence of underage sex trafficking allows me to consider the prevalence of "bare life" and investigate how conditions of system avoidance affect that prevalence.

There is a meaningful argument that the de-legitimization of children as workers has led to an increase in their exploitation (Nieuwenhuys 1996), as they are relegated to participation in illegal markets in which they are "used as commodities for financial profit" in order to maintain their survival (Wells, Mitchell and Ji 2012, 328). Because children are not economically viable as independent entities in post-industrial economies,

they cannot effectively sell their labor on the free market (Scheper-Hughes 1987, Nieuwenhuys 1996). Children are dependent on adults – emotionally and physically – for their survival (Agnew 1985). Their existence on the sex market is not as sellers of sexual services, which they provide, but rather as objects being sold by third-party adults – referred to variously as "pimps," "traffickers," or, occasionally, "procurers" – for their sexuality (Adelson 2008, Wells, Mitchell and Ji 2012). By engaging in sex work, however, children are legally quit of their status as children – with the exchange of money, the inability to consent to sex is lifted and the child's purchaser shifts from statutory rapist to that of "john" (Cedeno 2012). Yet children's structural dependency results in the compromise of their agency, with girls' choices more severely constrained than those of boys (Reid 2012).

The status of runaway and homeless children in relation to the economy and to the state has changed over time. From the 1930's – when transient children first became constructed as a social problem – to the early 1960s, children were eligible for limited social benefits as independent citizens (Fernandes-Alcantara 2013). But blame for the social upheaval of the late 1960s was laid at the hands of unruly teenagers, traveling the country as hippies, focusing public opinion on the control of these unruly children and their return to parental supervision (Fernandes-Alcantara 2013, Staller 2003). The Runaway and Homeless Youth Act was passed in 1974, and reauthorized as recently as 2008, to accomplish the ends of family reunification for runaways (Levesque 2014). The act creates the structure for the official response to unaccompanied youth in the United States – as a problem to be dealt with not through economic assistance or empowerment, but through the reinforcement of dependence.

Largely because of the dynamics of children in need, CSEC is particularly prevalent among the population of homeless, runaway, and throwaway juveniles (L. Williams 2010, R. J. Estes 2001). Children leave, or are forced from, their homes for a variety of reasons – but the overwhelming majority are pushed from homes rather than pulled to the street (Aptekar and Stoecklin 2014, Farrow, et al. 1992). Existing literature demonstrates the particular vulnerabilities of this demographic – they are disproportionately likely to have left physically and sexually abusive homes (Molnar, et al. 1998, Tyler and Cauce 2002), have been placed in the care of the state (Barth 1990), to suffer from mental health challenges (Thompson, Cochran and Barczyk 2012), and to be suffering impoverishment (Aptekar and Stoecklin 2014). Existing literature estimates the rates of street children who are sexually exploited (Dank 2011), as well as the circumstances through which they fall victim. They are also notably reluctant to access the bureaucracies of the state (Yates, Pennbridge, et al. 1991) at least in some part because this lack of supervision renders them status offenders (National Law Center on Homelessness and Poverty 2012).

Although the existence of children's sexual exploitation is an *ipso facto* moral and social ill, it is the relative explosion of CSEC in the last 20 years that causes great concern on the policy level (Wheaton, Schauer and Galli 2010, Bales 2007, Estes and Weiner 2001, Flowers 2001, Hodge and Lietz 2007). Others have noted the similarities between international sex trafficking and the internal US market for underage sex (Kotrla 2010, Mitchell, Finkelhor and Wolak 2010). The expectation that the market in children will exceed that in clandestine drugs in the next ten years creates a strong call to action for policy makers to act knowledgeably to stem this tide (Shauer and Wheaton 2006). At

this point in time, however, we have very little understanding of how structural mechanisms in the US work in tandem with individual ones to create this burgeoning area of market opportunity. This project addresses this gap in our knowledge – using novel quantitative data to investigate the mechanisms through which exclusion from the national polity leads to exploitation at the individual level.

There is widespread agreement that individual circumstance, cultural markers and family traits all combine to make some young women and girls more likely to be trafficked than others. Factors such as extreme poverty, and desperation, drive victims and their families to fall prey to the deceptions of smugglers who ultimately traffic the women into the commercialized sex trade (Farr 2004). Structural factors shape these individual phenomena, however, and existing research examines the ways in which national-level structures shape individual-level outcomes. I explore both individual and society level predictors cited in the existing literature, though my dissertation will focus on structural causes.

The two major explanations for CSEC in the literature – General Strain Theory and Social Disorganization Theory – are based in theories developed to explain criminal behavior more generally. Two other, more implicit, explanations have also been proffered – that vulnerability to exploitation in the commercial sex market emanates, at least in part, from existing systems of hegemonic masculinity and racial domination. My project provides an additional explanation about processes that can exist alongside those identified in the existing literature. Further, by understanding CSEC as a manifestation of bare life within the nation-state, my project reveals an additional dimension of the growing problem.

1. **Existing Posited Causal Pathways to Victimization in Commercial Sex Market**

a. **Hegemonic Masculinity and Racial Domination**

Sex work, whether coerced or consensual, is predicated on a gender system that privileges men, giving them economic and political power while assisting in the construction of a hegemonic masculinity built on the domination and objectification of women. Connell (1987) argues, and Connell and Messerschmidt (2005) elaborate upon, the ways in which masculinity is constructed in given spaces at given times. Consistent, however, is that masculinity is drawn in opposition to the feminine, and that it privileges as masculine control over that which is feminized – most explicitly, control over women's bodies (Connell 1987).

Any body, irrespective of its gender, may be traded as a good in a variety of contexts and for a variety of purposes – but the current realities of global exploitation are the victimized as disproportionately women and exploiters as disproportionately men. A seemingly universal desire for cheap labor, coupled with increases in global migration and refugee populations, has rendered between 21 and 30 million people enslaved as sex workers, domestic servants, farm laborers and in other capacities (Bales 2000). Yet it is the unique characteristics of the sex trade that make it the largest, and quickest growing, site of commodified exploitation, and it is overwhelmingly women and girls whose bodies are demanded (Aronowitz 2001, Bales 2000, Banks and Kyckelhahn 2011, Estes and Weiner 2001, Rieger 2007, NORC at the University of Chicago 2008). This reality means that globally, females, who are on average less educated,[1] possess less access to

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[1] In the United States, women now less likely to leave school before completing secondary education than are men, represent a greater proportion of Bas and have, on average, more years of education than do men (Rosin 2012). Globally, however, women continue to lag (Jacobson 2012).

material resources and are more encumbered by restrictive social norms than their male counterparts, are the ones most in demand in a burgeoning industry – one that operates almost entirely outside of the state through criminalizing legislation. Simply, the burgeoning and profitable industry in trading the bodies of unprotected women moves these women even further outside of the national community. In this context, research done for the National Institute of Justice (NORC at the University of Chicago 2008) found that female workers in the sex industry often came from similar circumstances, and lived lives that were largely indistinguishable from, those of sex trafficking victims.

The genesis and meaning of women's participation – or exploitation – in the sex industry is contentious (Weitzer 2009). Giroux (2008) makes a polemic argument that clearly explicates the connection between market economies, the sexualization of women generally, and the commodification of women's bodies specifically:

> [T]he ongoing reification of young girls in a market society that largely reduces them to commodities, sexual objects, and infantilized accessories for boys and men. While the sex trade clearly needs to be condemned and eliminated, it is an easy target politically and morally when compared with the music, advertising, television, and film industries that treat young people as merchandise, turn them into fodder for profit, and appear indifferent to the relentless public debasement of young girls and women. (Giroux 2008, 593)

Perhaps, however, this particular demand set is not, in and of itself, problematic. If sex and sexuality are not inherently social or moral bads, then the idea of women as sexual beings is not a negative one. The collective understanding of what constitute "sexual objects," to borrow from Giroux above, is anchored in the negative connotations of objectification bound up in women as passive recipients of male sexuality. In this

paradigmatic view, women must be constructed as having little agency in sexual acts, and women must be objects that may be used, or not used, by men.

To the extent that women own their bodies, seek out and consent to sexual experiences, and are empowered to pursue a variety of appearances that may or may not be cast as "public debasement," social changes that have accompanied the market economy are difficult to cast as objectively deleterious. If demand for their services is particularly attenuated in one area of the economy, then this could be celebrated, as is the increased demand for female scientists, rather than seen as a locus of exploitation. On the other hand, to the extent that some significant proportion of women are forced to labor in this market, then the presence of these women cannot be considered empowering. In this respect, the growth of demand in the sex industry can be considered to be working in tandem with larger forces that disempower and exploit those women that are most vulnerable.

In addition to hegemonic masculinity as a locus of oppression over women, significant theory has outlined the importance of racial domination in the subjugation of non-White Americans (Omi and Winant 2014). This literature speaks to the construction of minority racial identities (Omi and Winant 2014) as a tool in the exploitation and coercion of non-white laborers across gender lines in national labor markets (Roediger 1999) – keeping the most vulnerable members of the community in the most low-prestige and stigmatized occupations for the lowest wages. Even without considering recent movements in carcerality and the ways in which they affect communities of color particularly, poor African Americans and Latinos have been over-represented as sex workers since at least colonial times (Amott and Matthaei 1996).

There is two rich scholarly literatures that exist largely in parallel and can be brought to bear to understand the relationship between race and the vulnerability of children to commercial sexual exploitation. The first explores the ways in which people of color are not granted the legal agency to refuse either work or sex (Hill 1977, McGuire 2011, Wyatt 1992). The second interrogates the manner in which children of color are denied the right to the protections that the status of child confers to white children .

b. General Strain

According to General Strain Theory, or GST, relative material deprivation caused by diminished social services, low wages, high unemployment, and occupational precariousness leads to adults suffer from considerable strain (Reid and Piquero 2013). Parents may be too strained to effectively prevent the exploitation of their children and some adults may cope by sexually exploiting children. In this view, strain leads to the availability of children for commodification in the sex trade.

Criminologists drawing on Agnew's (1992) GST have identified the individual risk factors for children's exploitation in the commercial sex market. High levels of caregiver strain – as operationalized by caregiver arrests, relationship problems between caregivers in the home, and caregiver substance abuse – contribute to an increase in the prevalence of commercial sexual exploitation in youth (Reid and Piquero 2013, Reid 2011). Equally, overall family breakdown may be to some degree culpable for the availability of girls to traffickers (Joshi 2002). Substance abuse, running away, and early initiation of sexual activity by youth are also associated with subsequent victimization (Estes and Weiner 2001), as are an unavailability of family caretakers and youth

homelessness (Bova Conti and Carson 2005, Klain 1999). Given the existing research, the effect of strain on the availability of victims for trafficking is difficult to dispute.

These are micro-level phenomena, however. My dissertation engages with a macro-level process that may contribute to the causes of strain – a lack of access to the institutions of law. Insofar as this lack of access disproportionately affects minority communities generally (Fagan and Meares 2008), and the African-American (Gutman and Eccles 1999, Morrison Gutman, McLoyd and Tokoyawa 2005) and immigrant (Titzmann, Silbereisen and Mesch 2014, Martinez 2013, Chavez, et al. 2013) communities specifically, we would expect to see both elevated levels of strain and elevated levels of CSEC. My dissertation, importantly, parses-out these effects.

c. Social Disorganization

Social disorganization theory argues that variables such as widespread poverty, segregation, the lack of social services, high levels of incarceration, and family breakdown lead to a breakdown in informal social control in some communities, making crime – including the prostituting of children – more likely (Hirschi 1969). Essentially, breakdowns in the social structure of the community cause crime to increase generally, and the sexual exploitation of children increases in tandem. Social disorganization theory is place-based – some neighborhoods are more disorganized than others, and this disorganization has criminal implications (Hipp and Yates 2011). Youth bulge theories, for example, predict that a larger preponderance of young people is a destabilizing factor in a given society – working to increase unemployment, decrease accountability and increase violence generally (Urdal 2006, Goldstone 2002). Theories in this tradition often

work in tandem with more state-oriented ones, in which children from some nations are more likely to be exploited than children from others (Bales 2007, Laczko 2005).

Existing research indeed suggests that there are both "push" and "pull" factors that contribute to the prevalence of human trafficking (Bales 2007, S.-Y. Cho 2012) on a national level. While pull factors predict what countries and communities will have the greatest demand for trafficked bodies, push factors may determine victims in that they give rise to a ready supply of vulnerable women and girls for commodification. Cho (2012) finds that the quality and strength of institutions in the home country, along with overall crime levels, is crucial and, relatedly, Bales (2007) finds government corruption in the home nation to be the most predictive measure of supply of nationals to the trafficking market. He writes:

> *This analysis suggests that reducing corruption should be the first and most effective way to reduce trafficking. In other words, potential traffickers need to understand that their government perceives trafficking as a crime and that they cannot bribe their way out of prosecution or through the border if they commit the crime.* (Bales 2007, 276)

I posit that a trafficker-centered view may not be the only way to understand the results of this analysis. Rather, corruption, when understood broadly, represents a movement of government function from the public benefit to private interests. In those nations in which this shift is most profound, the use of government bureaucracy becomes monopolized by those who can pay – the relative elite (Haugen and Boutros 2014). Conversely, members of marginalized communities may become entirely excluded from

the operation of the state in highly corrupt – or highly privatized – contexts. Without the presence of an effective state, social disorganization may be considered to result.

Though social disorganization may overlap with poverty in the popular imagination, poverty may be understood as a predictor of strain. In either case, Estes and Weiner (2001) find that, at the community level, poverty is not particularly predictive of child sexual exploitation. Especially in wealthy nations like the United States and Canada, the existence of poverty does not expressly increase vulnerability (Dionne 2001, Tremblay 2001), but "disorganization" may (Estes and Weiner 2001, 22). I posit that the finding that lack of equal government is more predictive of victim supply than, for example, aggregate poverty, suggests that relative statelessness increases vulnerability more than does material deprivation, per se.

Additionally, elevated rates of migration are associated with the increased presence of trafficking (Mahmoud and Trebesch 2009, Estes and Weiner 2001, Raymond, Hughes and Gomez 2001), requiring some treatment of the idea that the anomie of migration – rather than the presence of immigrant bodies – may make trafficking more prevalent. Yet, furthering the possibility that social disorganization in the form of exclusion from the national community fuels the supply of commodified bodies, Paoli and Kijnault (2006) find that human trafficking is more prevalent in migrant communities due largely to the ways in which migrants are increasingly excluded from the formal labor market. Rather than material deprivation, per se, an inability to participate in licit markets and institutions that fuels exploitation (Paoli and Fijnault 2006, Spencer and Broad 2012). In fact, there is some evidence that trafficking, and presumably CSEC, rates move in the opposite direction from overall crime rates (Mahmoud and Trebesch 2009).

Like strain, social disorganization may move in tandem with increased criminalization. Arias (2013) shows that the increased criminalization of immigrant status has resulted in massive displacement, from both detentions and deportations, in Hispanic neighborhoods. Similarly, the interaction of physical space and police interaction has been well-documented in African-American communities (Goffman 2009), as have the social disorganization effects of high imprisonment rates (Rose and Clear 1998, Brody, et al. 2003) on these spaces. Quantitative analysis will parse out these effects, contributing significantly to this literature.

2. Criminalization

In this dissertation, I make a third argument, which I test by controlling for variables posited in the existing literature to be relevant. I posit that the biopolitics inherent to the neoliberal state creates a system in which the carceral powers of the state are the primary means of social control. This has meant that some communities have become effectively targeted by the criminal justice and immigrant control systems, increasing system avoidance among members of these communities and effectively rendering them functionally stateless as they live largely outside of the boundaries of the formal state bureaucracy. Given the existing literature on the "bare life" experienced by people outside of the rubric of the state, I argue that widespread criminalization renders already vulnerable members of these communities particularly susceptible to exploitation on the commercial sex market – effectively becoming commodities to be bought and sold.

In making this argument, I engage with disparities in the levels of criminalization legislation, policy and practice within the United States. Given widely varying historical

and political circumstances, which are beyond the scope of this dissertation, the degree to which counties and states espouse punitive methods of social control has varied – and with it the degree of carcerality to which residents are subjected. In keeping with Wacquant (2008; 2009; 2010; 2011), Shannon and Uggen (2012), and Cooper (2008), I make the argument that the criminalization of economically disenfranchised communities is a function of a larger neoliberal movement both in the United States and globally. I recognize, however, the existence of another dynamic that must be acknowledged in the context of this dissertation – the mezzo-level processes that predict levels of carcerality at the case area level.

One long-standing, and extensively empirically corroborated, explanation for disparities in carcerality across geographic lines is disparities in the racial histories of differing jurisdictions in the United States (Alexander 2012). Simply, race means something very different in Atlanta than it does in Salt Lake City, and much of that distinction can be traced to the historical meaning of race in these two difference spaces. Beckett and Western (2012) note the very disparate rates of ethnic fractionalization in the most, and least, punitive states – with states with the greatest number of African Americans also the most punitive. Indeed, racial animus is the most influential belief set linked to beliefs regarding law enforcement (Unnever and Cullen 2010), and interview evidence shows that that, as racial disparities in arrests and incarceration are presented as more pronounced, Americans become more supportive of policies that increase arrests and incarceration (Hetey and Eberhardt 2014). Simply, the literature would lead one to expect that those regions in which history of racial oppression is the strongest would also have the most criminalizing legislation.

In their new book, *The Growth of Incarceration in the United States*, Travis, Western and Redburn (2014) argue that, though race and racism have played large roles in the development of the US carceral state, other factors have also proven important to its disparate advancement in various regions. They make the observation, for example, that Washington, DC had both self-governance, a political machine inarguably dominated by African-American politicians, and a majority African-American electorate – yet the district still enacted punitive criminalization policies. Pointing to escalating crime rates in urban centers, fear-mongering politicians seeking election from a rapidly changing electorate, and a moral panic surrounding drug use, the authors note that the causes for the expansion of the nation's penal system were many.

This dissertation remains mainly concerned with the relationship between criminalization and commodification, as operationalized by childhood victimization in the commercial sex market. Distinctions in criminalizing legislation between counties, states, and regions are based on a variety of factors, including adherence to neoliberal ideology that I explore more fully in Chapter 7. The core argument of the dissertation, however, is that these distinctions in the patterns of criminalization, irrespective of origin, help to predict distinctions in the prevalence of CSEC.

3. The Constrained Causal Model

Illustrated in Figure 3 is the causal model that I develop and test in this dissertation. In the model, the existing predictors of CSEC from the criminology literature are depicted in black boxes, while the contributions posited by this dissertation as having positive relationships with the dependent variable are denoted in red. System

avoidance is posited to be the causal mechanism through which criminalization affects CSEC.

Figure 3: Predicting Commercial Sexual Exploitation of Children – A Base Model
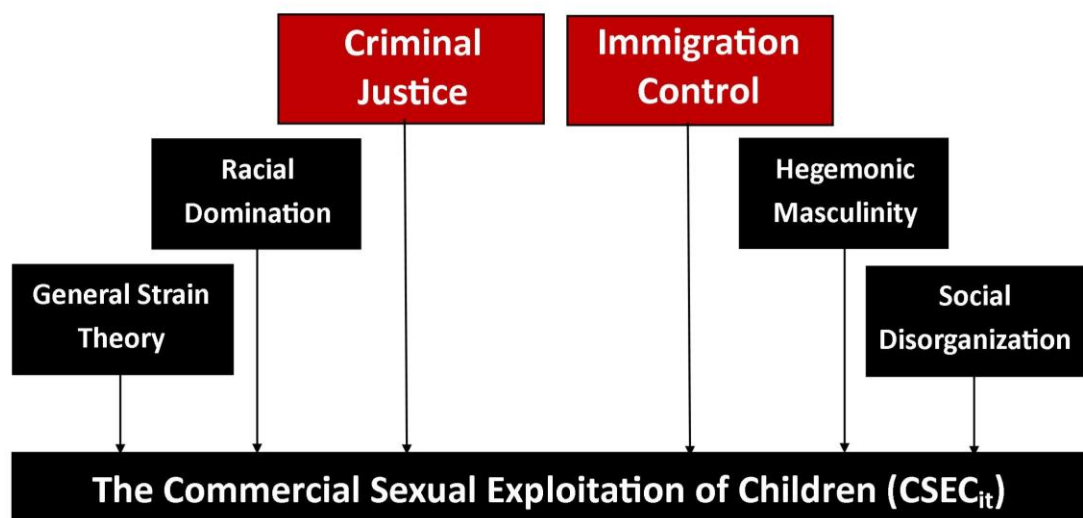
C. Legislation to Lessen CSEC in the United States

In addition to activities by the state that create vulnerable populations at risk of exploitation, the state has also engaged in activities to reduce the prevalence of CSEC. Indeed, the existence of a commercial sex trade in which children are exploited is widely recognized as problematic in the United States. Two types of legislation have been passed to deal with the issue both directly and indirectly. Insofar as CSEC is understood under the framework of sex trafficking, anti-trafficking legislation is considered a pro-active approach to lessening its incidence (Bernstein 2010, The Polaris Project 2013). States and localities with more stringent criminalization of the trafficking of minors in CSEC are considered to be more actively fighting the problem. Insofar as CSEC is treated within the framework of juvenile prostitution, however, legislation regulating the movement of

runaway and homeless youth is considered important to lessening their exploitation

(Staller 2004, Flowers 2001, Staller 2003).

Experts and policy makers no longer place the onus of responsibility on juveniles

for their exploitation – as was the case when the sex workers' ages were considered to be

irrelevant factors in their criminal prosecutions – this model assumes demand to be

constant and controlling supply the most viable manner of controlling the market. Rather

than stemming the problem, the prosecution and deportation of sex trafficking victims as

illegal migrants or criminals is postulated to maintain or prolong cyclical patterns of

trafficking (Amahazion 2014, Bales and Soodalter 2009, Gozdiak 2011). The deportation

of trafficking victims essentially exposes these victims to the same precarious conditions

and pressures that contributed to their initial trafficking experience (Amahazion 2014).

Similarly, the arrest of citizen victims on charges of prostitution is now largely viewed as

counter-productive by experts and, increasingly, law enforcement officers (Kittling

2005). A worker's lack of legal status is the strongest and most consistent predictor of

experiencing trafficking and other violations – irrespective of the gender or age of the

victim – and fear of deportation is the foremost reason that immigrant trafficking victims

do not seek out law enforcement for relief (Raymond, Hughes and Gomez 2001, Barrick

and al. 2013). Anti-trafficking legislation has been crafted with these empirical findings

in mind, and generally avoids criminalizing those recognized as victims.

In addition to attempting the reduction of CSEC in its various formulations, both

anti-trafficking and runaway legislation have been framed as humanitarian laws upon

passage and, largely, throughout their lives. The 2000 Trafficking Victims Protection Act

– the TVPA – and its reauthorizations in 2003, 2005 and 2008 were passed specifically to

mitigate the possible harm done to immigrant trafficking victims by the increasingly

punitive nature of US immigration law (Chacon 2010). Legislation provides limited

material support and services to newly liberated victims while increasing the prosecution

of traffickers and providing victims with some security of immigration status (Chacon

2010). The Runaway and Homeless Youth Act, similarly, aims to provide material and

emotional support that furthers the goal of family reunification (Levesque 2014).

Investigation of the efficacy of runaway legislation in lessening the commercial

sexual exploitation of children has been limited. Although estimates (Loken 1995)

indicate that the RHYA only impacts the lives of approximately 5% of runaway and

homeless youth, the impact it has had on freeing these children from exploitation is

unclear. To the extent that RHYA, as well as more explicitly criminalizing legislation,

helps to make youth less vulnerable, it should make them less likely to be exploited, but

there is no evidence that this is the case. There is, however, some limited indication that

runaways – and child prostitution more generally – have increasingly moved indoors and

online (Fink and Segall 2013).

Investigation of the utility of anti-trafficking legislation is more extensive than is

that of runaway law. Findings indicate that the TVPA and other laws have had only

limited success in lessening either the incidence of human trafficking or that of CSEC

within in the US. As Rieger (2007, 233) notes "Up to 50,000 women and children are

trafficked into the United States every year for sexual exploitation, and the vast majority

of these women want to exit the sex industry, but only 228 victims receive benefits under

the TVPA in 2005." Not only has TVPA had limited efficacy in the lessening of

international sex trafficking, but the 2011 DOJ report on the victims of suspected

incidences of human trafficking notes that only 64 of the total 460, or 14%, of sex trafficking victims identified were undocumented immigrants (Banks and Kyckelhahn 2011). Exactly 75% of the reported victims, in contrast, were citizens (Banks and Kyckelhahn 2011). Although H.R. 3530: Justice for Victims of Trafficking Act of 2014 was passed through the House of Representatives on May 20, 2014, calling for eligibility of citizen-victims to trafficking victim compensation funds, even this minimal legislation has yet to clear the Senate. And because these pieces of legislation are federal, victims who do not cross state lines or national borders are not under their jurisdictions – and may remain prosecutable under state anti-prostitution laws (Chaloner 2010).

> *"Earlier this month, the Georgia House of Representatives passed some of the most progressive legislation in the country on girls and prostitution. The new rules impose higher fines and longer sentences, with a 25-year minimum prison sentence for those found to have coerced someone under 18."* (Bloomberg 2011)

The belief that the best way to reduce sex trafficking is through a legislated extension of the carceral state is, perhaps, one example of the way that the neoliberal biopolitics of the right have influenced even the reliably left-wing feminist and children's rights movements (Bernstein 2010, 2012). Inherent to this type of legislation is the idea that victims and perpetrators are on opposing sides, that offenders can be caught and incarcerated, freeing victims to flourish. This is the same logic seen in other contemporaneous pieces of legislation such as the VAWA, which makes the arrest of domestic violence perpetrators compulsory – working largely to further criminalize men of color and of little use in decreasing the incidence of violence (Gruber 2012, Bumiller 2008) – and deadbeat-dad statutes, one instance in modern US jurisprudence in which

failure to pay a debt is an explicit crime punishable by incarceration (LeBaron and Roberts 2012). This logic is especially unexpected in the case of runaway legislation that aims to return youth to their parents – legislation that is instructive in its assumption that parents and teens can be presumed to have the same interests, with "the street" as their common enemy, despite ample evidence that children often run to escape hardship and abuse at home (Tyler, Hoyt, et al. 2000, Hammer, Finkelhor and Sedlak 2002).

Haugen and Boutros (2014) argue that it is in the absence of functional law enforcement, humanity descends into the meanness of anarchy. At its most superficial, the posited equation implies that more, and more effective, law enforcement should mean more safety, security and human dignity. But a more nuanced understanding of the argument relationship between criminal justice, communities, and vulnerable individuals asserts that law enforcement must be embedded in communities, protecting them rather than protecting *from* them, in order to be effective. To the extent that economically disenfranchised communities in the United States are systemically criminalized, and thus the apparatus of law enforcement turned against them, they do not benefit from increases in law enforcement in the nation as a whole, but are rather further excluded from protection by these increases.

Chacón (2010, 1612) asserts that the increasingly criminal nature of US immigration control actively deters exploitation victims from seeking legal recourse, as the threat of protracted detention, criminal prosecution and eventual removal leave victims in permanent legal limbo.[2] In the African-American community, many of the same factors seem to come into play. "Young people trafficked within the United States

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[2] Although the TVPA attempts to exclude trafficking victims from this type of criminalization, its provisions are poorly known and little utilized, making traffickers' threats to victims of deportation and incarceration in line with the larger narrative in immigrant communities (Bales and Soodalter 2009).

are still often treated as criminals rather than victims" (Bales and Soodalter 2009, 97),
with police officers arresting and incarcerating CSEC victims as prostitutes at their
discretion (Halter 2010, Mitchell, Finkelhor and Wolak 2010). Chaloner (2010) clearly
demonstrates that it is girls of color who are systematically denied the status of victim.
Yet, even when victims are not explicitly criminalized, they are not born victims. Rather,
each comes from a life during which their understanding of law enforcement, the state,
and their place within it has already formed. Although anti-trafficking and runaway
legislation may work to worsen, or mitigate, the effects of community criminalization,
these types of legislation do not exist outside of the larger framework of criminalization
in which they attempt intervention.

On the other side of the conversation regarding anti-trafficking legislation
specifically is the possibility that, by increasing the criminal penalties associated with
being convicted of trafficking offenses, authorities have solely succeeded in pushing
traffickers and their victims further underground. Bernstein (2010) questions the extent to
which the problem of trafficking has been confronted as a criminal problem, rather than a
social problem. She (Bernstein 2010) writes:

> *The evidence indeed suggests that U.S. antitrafficking campaigns have been far more
> successful at criminalizing marginalized populations, enforcing border control, and
> measuring other countries' compliance with human rights standards based on the
> curtailment of prostitution than they have been at issuing any concrete benefits to
> victims.*

In a similar vein, a notably smaller and less developed literature treats the ways in
which legislation intended to help runaway children by facilitating their return to their
parents or legal guardians may drive these children further underground (Nessel and

Ryan 1994). Children escape from their homes for a variety of reasons that may or may not seem reasonable to third parties, but, tautologically, must seem reasonable to the children themselves. In jurisdictions in which an encounter with the police will lead to family reunification, the authorities may become entities to be feared rather than trusted.

Bumiller (2008, 15) takes this argument a step further in the case of anti-trafficking legislation when she asserts that anti-trafficking legislation has actually just increased perceptions of criminalization in victim communities. Various work has anecdotally referred to this phenomenon in which victims of sexual exploitation are told to, and do, distrust and avoid the police, who are said to arrest (Farr 2004), or even shoot (Kara 2009, 186), them. Certainly, "it is interesting to note that even among trafficking victims who are subjected to severe physical and mental abuse, very few seem to ask for help when they have the possibility, and many go to great lengths to avoid contact with the police" (Brunovskis and Tyldum, 2004).

These seeming paradoxes demands attention from both policy makers, criminal justice practitioners and the academic community. Why would the people most in need of the protections of law enforcement avoid its agencies most strenuously? This research endeavors to close this gap in our knowledge.

4. The Full Causal Model

The introduction of anti-trafficking and runaway legislation to the model creates the causal model depicted in Figure 4. The stringency of anti-trafficking and runaway laws may work as intended. That is, these laws may provide a law enforcement structure to combat and, presumably, reduce the presence of CSEC in a given jurisdiction. Insofar as this is the case, the existence and severity of laws should mitigate the adverse effects

of community criminalization on the presence of CSEC. On the other hand, the explicit

criminalization of trafficking and the status offense of being a runaway may serve to

amplify the effects of criminalization – serving as a continuance of victims' experiences

of being the subject of oppressive law enforcement regimes. Because of the existence of

both possibilities simultaneously, I consider these variables as interaction terms with

criminalization measures. Figure 4 illustrates the full causal mechanism in which anti-

trafficking and runaway legislation are considered to be part of the model.

Figure 4: Predicting Commercial Sexual Exploitation of Children – A Full Model
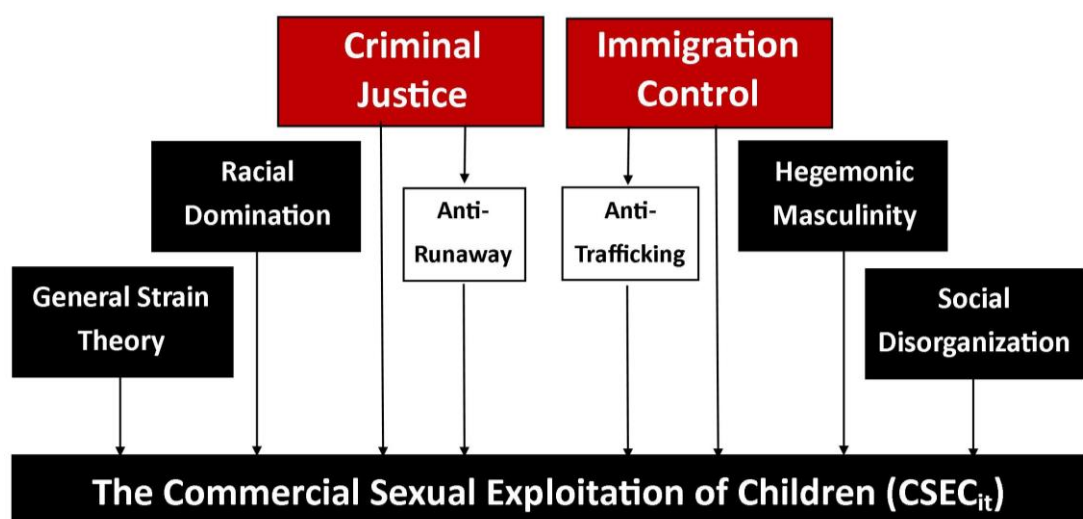
The causal model posits that the criminalization of communities, working through state

and institutional system avoidance by community members, leads to an increase in the

commercial sexual exploitation of children. Two types of legislation influence the

character of this relationship – runaway legislation and anti-trafficking legislation,

augmenting the initial relationship. Community strain and prevalent social

disorganization also work to influence the prevalence of CSEC, and must be considered

when measuring the effects of criminalization and criminalizing legislation. This research

presents an important addition to the literature on CSEC, sex trafficking, and runaway children, as well as to the empirical knowledge informing policy for handling the social problem of the sexual exploitation of children. Any consideration of the causal model, however, should be undertaken with an understanding that CSEC is intended as an indicator of a larger social force – that of bare life. Thus, the causal diagram above should be considered one that theoretically backs contributions to the prevalence of stateless rightlessness, with the particular interaction variables relevant to the CSEC phenomenon understood to be replaceable with any legislation that particularly affects the type of bare life that the research attempts to gauge.

PART III: Data and Methods

In order to test the relationship between the criminalization of communities and the commodification of vulnerable bodies, this dissertation uses a quantitative research design. I first create an estimate of the number of CSEC victims in a given geography, and use these estimates as a dependent variable in structural equation models. Guided by the results of factor analysis procedures, and incorporating arguments presented and confirmed in the literature, I then estimate two latent variables: one that operationalizes the degree to which criminal justice systems are and another the degree to which immigrant communities are. I control for elements of alternative explanations for the existence of the Commercial Sex Exploitation of Children in the final models, as well as the mediating effects of anti-trafficking and runaway legislation. In this chapter, I outline the theoretical grounding for each of element of the empirical analysis, situating the methodology firmly in the extant literature, before detailing the statistical methods employed for constrained and full model analysis.

Choosing the unit of analysis for this dissertation presented a number of challenges. In order to understand the relationship between the variables of interest, I sought to measure social phenomena at the community level. Insofar as greater granularity results in a better approximation of a community, ZIP codes would be ideal. There are two problems with this approach, however. First, there are no accurate demographic statistics involving criminal justice, missing persons, or public health maintained at that level. Methodologically, ZIP codes do not coordinate with neighborhoods (Grubesic 2008). Rather, they were developed to facilitate postal delivery and often cross and combine spaces that many would consider to be neighborhoods

(Grubesic 2008). Thus, while giving the illusion of granularity, ZIP codes may obscure existing patterns while creating real data problems.

Moving out in scope, assembling data on most variables in this study would be possible at the county level, but, as noted by Maltz and Targoski (2002), the crime and law data at this level are riddled with missing and underreported data. These gaps are not randomly distributed, but rather are weighted heavily towards smaller and rural counties, making county-level FBI and CDC data difficult to work with in regression models that assume errors to be randomly distributed.

In order to avoid these methodological difficulties, I build upon the work of Mitchell, Finkelhor and Wolak (2010) by first delineating cases using the law enforcement agencies that police them. In some cases, this means that their unit of analysis was the county, but in some it is a combination of counties that may or may not constitute a metropolitan area (Mitchell, Finkelhor and Wolak 2010). Specifically, and to avoid the problem of unclear reporting in smaller and rural counties noted to be problematic in the literature, I use the 100 largest law enforcement agencies, as designated by the Bureau of Justice Statistics (2008). By choosing these cases, I am able to build carefully on existing work, avoid the pitfalls of geography already noted in the literature, and establish the dynamics of commodification in more populous settings – where small year-over-year variations are unlikely to change research findings. Other measurements, including demographic data, that are employed as control variables or as constitutive portions of key variable operationalizations are also more accurate in non-rural areas.

Having developed this list, I included any other police agencies that operated in the same counties. So, for example, the Atlanta Police Department is the law enforcement agency within Atlanta city limits, which stretches across two counties without fully encompassing either. I therefore include the county sheriff's departments in the police count for Atlanta, and treat the total population and variables for the counties involved. I also cross-referenced overall city populations to corresponding law enforcement agencies and, in the case of a dozen, relatively large cities were not on the initial list because of relatively small law enforcement agencies. Because of the possibility that choosing cases based solely on the size of law enforcement agencies might introduce bias towards more-policed metros, I included these previously unincluded cases. I exclude the Washington DC metro area – although it is normally included in the list of US counties and its law enforcement agency's size would include it, systems of record keeping and reporting in the district make is difficult to compare to the other case areas. I refer to the resultant 109 locations – 3.6% of the counties in the nation than comprise less than 3% of US land area (Cox 2013) but, in 2010, over 42% of the total population of the United States (US Census Bureau 2011) – as the "case areas" throughout the dissertation. Cases are detailed in Appendix 1, with the total number of sworn police, and the total population included in the case area.

There is a robust interdisciplinary tradition in which geographic areas are combined in order to facilitate the investigation of research questions that do not necessarily conform to more standard designations such as county, MSA, state or nation. In epidemiology, for example, disease vectors may move along geographic, socio-economic, or healthcare treatment areas – meaning that multiple spaces must often be

taken into account in order to understand the importance of variables that move non-geographically (Vine, Degnan and Hanchette 1997). Comparably, in applied work, policies at the Federal, state and municipal levels interact to create different individual outcomes, and all must be considered non-geographically to understand different outcomes (Horita 2000). This work is done with based on theoretical and empirical work within geographic system analysis that establishes the creation of overlay layers at different geographical units to speak to differing social realities in a given place at a given time (Jankowski 1995, Chang 2006). The research design of this dissertation builds on these insights in constructing case areas across multiple geographic units.

Chapter 3.   Estimating the Commercial Sex Exploitation of Children

A. Difficulties in Measurement

Current knowledge about the commercial sexual exploitation of children is very limited and has been greatly hampered by an inability to accurately estimate the scope of the problem (Laczko 2005, Tyldum and Brunovskis 2005). The existing studies that form the theoretical framework for this inquiry have done considerable work to illuminate the realities of CSEC only for very specific groups in particular locations, and we still lack more generalizable information. Research on the subject is difficult because it involves so-called hidden populations, or "group[s] of individuals for whom the size and boundaries are unknown, and for whom no sampling frame exists" (Tyldum and Brunovskis 2005, 18). Commercial sexual exploitation research operates at the intersection of two types of obfuscation – victims are actively hidden in order to keep them as captives, and the work they engage in is illegal and thus out of the public eye. To attempt to gauge its prevalence, therefore, is to quantify "a complex concept, not as readily suitable for counting in the same way we are able to count, say, corpses, or persons killed" (Aromaa 2007, 13). Some have quoted the figure of 100,000 victims in the United States (Kotrla 2010, Estes and Weiner 2001, L. Smith 2008), but this figures appears to have minimal empirical basis. Another estimate of three million current CSEC victims (Kara 2009) has been cited as a high (Dank 2011) and, if it is meant to pertain to the US population, would imply that approximately 1% of all residents of the United States – and approximately 4% of all US children – are prostituted children, figures that do not seem plausible.

There have been various attempts to both measure and describe ideal measures of the number of underage victims of sexual exploitation, the size of the market in underage bodies, and the extent to which the commercial sexual exploitation of juveniles is a problem in the United States. Because policy decisions rest on the ability of advocates to quantify the size of the problem and, over time, the efficacy of the solution, these figures are much in demand. In the case of system avoidance, it is impossible to estimate the effects of this phenomenon on the prevalence of CSEC without accurate, local estimates for the nation as a whole.

Existing attempts to quantify CSEC specifically have employed a variety of methodologies. But each has had serious weaknesses. Aggregations based on content analyses of newspaper crime accounts are tremendously biased and, ultimately, reflective of arrests, rather than crimes (Wilson and Dalton 2008). The findings from secondary survey data may say more about relationships between perpetrators and victims, for example, than they do about the dynamics of the population as a whole (Mitchell, Jones, et al. 2011).

Mitchell, Finkelhor and Wolak (2005) use the reports of a sample of policing agencies to estimate arrests and detentions for juvenile prostitution at a national level. By creating a stratified sample of law enforcement agencies – with large, medium-sized and small agencies treated separately due to distinct hypotheses regarding the prevalence of child prostitution in cities, suburbs and rural contexts. Their figures, which they present as valid estimates of arrests rather than incidences, indicate that there were 1,450 arrests for crimes related to juvenile prostitution in the United States in 2005 (Mitchell, Finkelhor and Wolak 2010, 21). This figure, however, includes adults arrested for being

engaged in prostitution with juveniles – so pimps, pornographers, and customers make up approximately 3.5% of this figure. They also find that, of the approximately 1,400 juveniles arrested in prostitution, 57% were exploited by third party exploiters, 12% by adult acquaintances and family members, and the remaining 31% were engaged in survival sex on their own behalf. Of these so-called "solo cases," males and older juveniles were disproportionately represented.

While the inutility of simple arrest data is widely noted, in that it is at least as indicative of the efficacy of policing for prostitution as it is of the presence of exploitation (Laczko 2005, Stefanizzi 2007), victim reports are widely considered credible – though expensive and difficult to obtain (Stefanizzi 2007). These respondent-driven samples have been completed for some cities, and I make use of existing data derived from these procedures to model my own statistically-based measures. Samples of homeless, runaway, and throwaway children have shed significant light on the numbers of CSEC victims (Estes and Weiner 2001). Though few studies of this population have been conducted with the explicit purpose of estimating CSEC populations (Dank 2011, R. J. Estes 2001, Dank, Khan, et al. 2014), many survey and interview studies do note the proportion of respondents that have been exploited. Acknowledging that statistical extrapolations of the population can only construct confidence intervals, and can never be as accurate as a census, I use the existing data to construct an original estimate of the scale of the CSEC problem in the 109 case areas, and gauge the reliability of my estimates.

B. Theorizing a Quantitative Measure

Given that "the number of cases registered by law enforcement might be an indicator of the functionality of the law enforcement apparatus in a given country, but is unlikely to be a good estimate of the number of trafficking victims" (Tyldum and Brunovskis 2005), I construct a measure of commercial sexual exploitation victims that builds off of other statistics – those detailing the prevalence of missing children and those outlining the prevalence of HIV. In order to provide reliable estimates within an acceptable confidence interval of children victims on a per-case basis in the case studies, I engage in a series of statistical models designed to maximize the utility of data gathered in previous research. Here, I outline the broad theory behind my formulization of the measure before, in the subsequent section, detailing data points.

Intrinsic to my formulation of victimization in underage commercial sexual exploitation are two ideas. The first is that STD infection, specifically HIV, in the underage population is inextricably related to prostitution, with cases of the disease growing or abating with changes in the trafficked population (Golden, et al. 2013). Using the work of Oram et al. (2012), I build an estimate of the trafficked population anchored first in public health data detailing the prevalence of HIV in the 13-24 year old population. The second is that the illegal market in bodies is greatly connected to the prevalence of susceptible children in a given space (Tyler and Johnson 2006, L. Williams 2010, Yates, Pennbridge, et al. 1991, Estes and Weiner 2001). The most susceptible children are those living outside of the supervision of parents and guardians as homeless,

runaway and "throwaway" children. This dissertation also considers estimates of

runaway children to construct measures of exploitable populations.[3]

There is considerable precedent in both the sociological and public health

literature establishing the high prevalence of HIV among youth working as prostitutes in

the United States (A. Weber, et al. 2002, El-Bassel, et al. 2001, Inciardi, et al. 1991).

Conceptually, the greater the engagement in unprotected sex with multiple, older

partners, the greater the risk of infection with HIV. Children exploited in the commercial

sex market are disproportionately involved in both activities, and represent the

overwhelming majority of bodies upon which sexual interactions between non-adolescent

partners and children occur (A. Weber, et al. 2002). Thus, we should expect that the HIV

infection rate among youth in a given region should move in tandem with the size of the

CSEC victim pool.

Unfortunately, there are consistent problems with judging the degree to which

HIV infection in this population group in being controlled or addressed (McClure,

Chandler and Bissell 2014). A number of factors make timely diagnosis particularly

unlikely for adolescents, especially those being exploited on the commercial sex market.

Children are unable to act as full citizens and, much like access to the labor or housing

markets, they are often unable to seek medical care without the permission of a parent or

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[3] I considered utilizing arrests for juvenile prostitution as a starting point for estimating the number of juvenile prostitutes. These data were largely available within the Uniform Crime Report dataset. Florida metro areas and Washington, DC were exceptions, as they do not report arrests to the FBI. These arrest data, however, appear to suffer from the problems outlined in the literature on Human Trafficking measurement (Tyldum and Brunovskis 2005). Simply, the arrest data have no discernable pattern or relation to other theorized variables, and "correcting" for measures of police efficacy does not appear to change this. This implies that the data that would, perhaps, be considered to be the most obvious measure of juvenile prostitution is of no clear value as a predictive variable of the commercial exploitation of children as understood in this research. The existing literature (Tyldum and Brunovskis 2005) argues that arrest numbers are more a reflection of police policy towards sex trafficking victimization than of the prevalence of the phenomenon and this appears to be the case.

guardian. This means that the logistics of getting tested for HIV can prove challenging for children. Additionally, HIV is often asymptomatic for a number of years, leaving people infected as children seeking answers for poor health in their early adulthood (McClure, Chandler and Bissell 2014). I consider these difficulties when constructing a measure for CSEC victimization and include diagnosis rates for juveniles aged 13-24 in my models.

Some extant literature attempts specific estimates of the proportion of homeless, runaway, and throwaway children who are commercially sexually exploited (Beech 2002, Van Leeuwen, et al. 2004, Whitbeck and Hoyt 1999, Zimet, et al. 1995). These estimates, while varying slightly by region and gender of respondent, hover consistently at approximately 20% of youth involved in the sex market (Beech 2002, Van Leeuwen, et al. 2004, Whitbeck and Hoyt 1999, Zimet, et al. 1995). Scholars (Adelson 2008, Tyler and Johnson 2006) have also discussed the extent to which sex work among homeless, runaway and throwaway children is coerced – whether physically or through circumstance.

An adjacent literature also explores the prevalence of HIV in the street child population (Rotheram-Borus, Koopman and Ehrhardt 1991, Mastro, et al. 2012, Mitchell, Finkelhor and Wolak 2010) – theoretically joining HIV-driven estimates to missing youth estimates. Mitchell, Finkelhor, and Wolak (2010, 19) assert that "[f]requent, repeated sexual activity with strangers makes youth vulnerable to HIV infection, other sexually transmitted diseases, and pregnancy." Empirical studies confirm this, finding that the relationship between girls' participation in commercial sex markets and HIV risk behaviors, such as unprotected sex and anal intercourse, is significant and positive (A. E.

Weber, et al. 2002, Kral, et al. 1997). Other studies document the increased HIV

prevalence associated with homelessness and prostitution among youth populations

(Marshall, et al. 2009). Both comparatively early work (Allen, et al. 1994) and more

recent research (Elliott 2013) build on these research lines to argue that HIV rates are so

drastically elevated in prostituted street youth as to be a proxy for the extent of

prostitution in a given population.

C. Building and Validating the Measure

For this dissertation, I construct a comprehensive measure of CSEC measure that

is both novel and effective in gauging the prevalence of human trafficking at the case

area level in the United States. I posit that the number of CSEC victims can be

extrapolated from the number of missing children, in combination with the number of

young people diagnosed with HIV, controlling for the efficacy of the surrounding

healthcare system. Below, I detail the data and procedure that I use to construct estimates

of CSEC victims in each of the 109 largest metropolitan areas in the United States for

2012 – the most recent year for which all data points are available.

1. Reports of Missing Children per 100,000 people in 2012 – *from State Clearinghouses*

   of Missing People (National Center for Missing and Exploited Children 2015)

   Given the established convergence of the homeless and abducted youth

   population and the CSEC victim pool, I use reports of missing children available from

   state clearinghouses for missing people and the Department of Justice. These data are

   the aggregate number, by county, of those aged 17 and below. Although parents and

   legal guardians of children on the list may have some idea or suspicion of where their

   wards are, if they are unsure and the children are unretrievable for at least 24 hours in

the case of those under 16 or for 48 hours for those 16-18, these children must be reported as missing. Missing children may be missing for a variety of reasons, with the overwhelming majority classified as runaways, and all are included in these data. The data include all reports of missing children, irrespective of whether or not they were found within the calendar year or remained missing at 2012's end. Although, at the time of collection, data from 2013 were available, other data points required to estimate CSEC were only available through or in 2012, so I include 2012 missing children figures rather than the most recent statistics.

It should be noted that there are likely disparities between groups in the percentages of runaway and throwaway children reported missing. As Sedlak et al. (2002, 3) make clear, "Fundamentally, whether a child is 'missing' depends on the knowledge and state of mind of the child's caretaker, rather than the child's actual condition or circumstance." Given the existing literature noting disparities in family reactions to missing dependent children (Flowers 2001, Sedlak, et al. 2002), it is possible that middle and upper class children are reported missing more quickly than their lower class counterparts, whose parents and caretakers have greater incentive to avoid state systems. As children are gone from home for longer periods of time – and become increasingly likely to be engaged in the commercial sex trade (Aptekar and Stoecklin 2014) – these disparities in reporting should lessen. For these children, absence from school and other institutions would necessitate reporting to avoid scrutiny by social welfare agencies and thus reporting may constitute a type of system avoidance in itself. Undocumented immigrants and the children of undocumented immigrants can be expected to be disproportionately underrepresented in the total

aggregate numbers as well. To the extent that data may be deflated in this manner, this only serves to understate the extent of the relationship between criminalization and CSEC. Communities with higher levels of criminalization would, theoretically, experience more system avoidance and thus have fewer reported missing children – so the correlation that remains would be lower than that actually experienced.

The Missing Children's Assistance Reauthorization Act of 2013, which re-authorized the 1974 Missing Children's Act, requires that data on missing children be reported using uniform definitions and at the level of the law enforcement agency to the National Crime Information Center so that it may be aggregated and reported at the national level by the National Center for Missing and Exploited Children (NCMEC) (Kasperowicz 2013). Each state has an appointed Missing Children's Clearinghouse that liaises between the state's law enforcement agencies and NCMEC, advocates for the missing of the state, and fields requests from the public and media for information. Details regarding appropriate agencies in each state are presented in Appendix 3. Using state clearinghouse-ordered offline NCIC reports of missing children reported by county, I am able to have significant confidence in the quality and accuracy of this data, understanding that it is reflective of mandatory reports to police, which do depend on the oversight of parents and guardians.[4]

2. Exploitation Rate – *from various sources*

The rate at which homeless, runaway and throwaway children are exploited in the commercial sex market has been extensively treated in the literature (Bender, et al.

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[4] All of the numbers for missing children used in this dissertation originated in reports made to the National Crime Information Center by law enforcement agencies using the criteria set by federal law. State clearinghouses were, by and large, accommodating to requests for this data. Some states, however, required the filing of a request per the Freedom of Information Act before providing data.

2014, K. Tyler 2013, Tyler, Hoyt, et al. 2000). A variety of researchers working with homeless, unaccompanied youth have, in conducting interviews and participating in ethnographies, documented the extent to which these children report exploitation in the commercial sexual market. This work, while recent, was not all done in a single year, and thus I include figures from different years. Building on this work, I multiply rates of missing children by the exploitation rates of these children to arrive at a closer approximation of the CSEC population – using the exploitation rates suggested in the literature for particular metropolitan areas, states, and regions of the nation. When exploitation rates are not available, I use multiple imputation procedures to estimate rates in a given case area. Appendix 3 details the exploitation rate used for each case area.

3. HIV Diagnosis Rates in Under 25 Age Group for 2012 – *from Centers for Disease Control* (Centers for Disease Control 2013)

With the extensive overlap of the adolescent HIV-infected population and CSEC victims, I use HIV diagnosis rates as a proxy of child exploitation in sex markets. Because of the problems noted with the diagnoses of children (McClure, Chandler and Bissell 2014), I use diagnoses through the age of 24, which research shows presents a more accurate picture of the juvenile population (Podschun 1993), for the year 2012.

HIV diagnosis data were available, reliable, and uniformly collected with the rigor both customary to data on public health and required by the CDC (Fleming 1999). The existing literature makes a compelling argument, and presents ample empirical evidence, of the relationship between CSEC and HIV (Rotheram-Borus,

Koopman and Ehrhardt 1991, Mastro, et al. 2012, Mitchell, Finkelhor and Wolak 2010, Allen, et al. 1994, Elliott 2013). Despite this literature, the use of HIV diagnoses as a sole, clear proxy of CSEC is problematic. There exists ample literature, as well as plentiful anecdotal evidence, demonstrating that social network theory works to nuance the relationship between juvenile HIV infections and institutions in a way that is beyond the purview of this dissertation (Neaigus, et al. 1994, Ennett 1999).

4. Healthcare Availability in 2012 – *from County Health Rankings and Roadmaps* (Robert Wood Johnson Foundation and the University of Wisconsin Population Health Institute 2013)

   In order to adjust diagnosis figures for the availability of health resources in a given space, I use healthcare availability proportion. These statistics are compiled by the Robert Wood Johnson Foundation and measure the degree to which the lack of availability of affordable healthcare prevents people from seeking treatment. Conceptually, a lack of affordable healthcare should reduce the degree to which HIV diagnoses are made, resulting in an underestimation of the number of infections.

4. Respondent-Driven Sampling (RDS) CSEC Estimates in 2012 – *from Dank et al.*

   In order to estimate CSEC figures across geographic contexts, I anchor calculations in those few cities in which RDS samples of the CSEC victim population have been accomplished (Dank, Khan, et al. 2014). RDS is considered to be the gold-standard for the estimation of hidden populations (Tyldum and Brunovskis 2005, Stefanizzi 2007), but is too costly and time-consuming to be used to estimate broad geographies. Using the procedure outlined below, I use multiple regression

procedures to estimate ability of HIV diagnosis rates and missing children reports to predict the quantities of exploited children suggested by Respondent Driven Samples in the seven metro areas for which they are available. As outlined in the procedure below, I then use the multiple regression formula to estimate quantities of victims across the 109 case areas used in the dissertation.

Procedure for the Creation of the Dependent Variable

1. Using the data on missing children (1), the exploitation rate of homeless, runaway and throwaway in commercial sex markets (2) and data on rates of without-parent homelessness among CSEC victims (3), I estimate the number of children involved per 100,000 population. This is illustrated in Formula 1.

   Formula 1: Missing Children-Driven CSEC Estimates

$$SEMC_{it} = \frac{(MC_{it} \times ER_{Reg})}{HR_{Reg}}$$

   where Sexually Exploited Missing Children (SEMC) in case area *i* at time *t* is the number of Missing Children per 100,000 (MC) reported in case area *i* during the time interval *t*, multiplied by the Exploitation Rate (ER) for the given region, and the result divided by the Homeless Rate of sexually exploited children (HR) for the given region.[5]

2. I then create a health-driven estimate, multiplying HIV rates in the 13-24 age group (4) by Healthcare Availability (5). This procedure is outlined in Formula 2.

   Formula 2: Health-Driven CSEC Estimates

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[5] This formula is a development of a basic premise: Not all homeless runaways are sexually exploited, and not all sexually exploited children are homeless runaways. Multiplying the number of homeless runaways (as proxied by the number of missing children) by their rate of exploitation in the commercial sex market yields a measure of homeless, exploited children. This must then be divided by the percentage of exploited children that are homeless to derive a full population of exploited children.

$$SEHIV_{it} = (\frac{HIV_{it}}{1 - HA_{it}})$$

where the Sexually Exploited HIV estimates (SEHIV) in geographic case i at time t

equals the HIV rates per 100,000 (HIV_{it}) divided by the inverse of Healthcare

availability (HA_{it}) in geographic case i at time t, multiplied by the 13-24 population

in hundred thousands ($JPOP_{it}$) in geographic case i at time t.

3. I postulate the most accurate estimates of CSEC victims can be arrived at by

   constructing a model in which both Missing Child-Driven and Health-Driven

   Estimates are regressed on existing, validated Respondent-Driven Sampling (RDS)

   data (6). This process, illustrated in Formula 3, generates weights with which further

   calculation will be possible.

   Formula 3: Regression for Estimate Weights

$$RDS_{st} = c + \beta_1 SEMC_{st} + \beta_2 SEHIV_{st} + \varepsilon_{it}$$

   where the Respondent-Driven Sample (RDS) in sampled case area s at time t is a

   function of the relationship between compiled Missing Children-driven CSEC

   Estimates (SEMC$_{st}$) and Health-driven CSEC Estimates (SEHIV$_{st}$) in sampled case s

   at time t and where β_1 and β_2 are the multipliers on SEMC$_{st}$ and SEHIV$_{st}$,

   respectively.

4. I postulate the most accurate estimates of CSEC can be arrived at using these

   regression-generated multipliers. This process, per Formula 4, results in the

   generation of CSEC estimates for each case area.

   Formula 4: CSEC Victim Estimate

$$CSEC_{it} = c + \beta_1 SEMC_{it} + \beta_2 SEHIV_{it}$$

where the Commercial Sexual Exploitation of Children estimate (CSEC) in case area i at time t is a function of the compiled Missing Child-driven Estimates (SEMC$_{it}$) and Health-driven Estimates (SEHIV$_{it}$), multiplied by the weighting suggested by regressions on available RDS estimates, β_1 and β_2, respectively..

Using statistically-derived estimates of the prevalence of underage sexual exploitation, I will be able to proceed with analysis of the CSEC phenomenon nationally, and the relationship between the presence of bare life and the criminalization of communities and bodies.

D. Results: Components of the Measure of the CSEC

a. *Component Variables*

    i. Missing Children Data

        The rates at which children were reported missing in 2012 in this research's 109 case areas varied widely. The mean area experienced 527 reported incidences of a missing child for every 100,000 residents, with a standard deviation of 457. The variable was censored at 0, as the idea of a negative missing child rate would imply the non-sensical periodic appearance of unknown children where none had existed before, and had significant right-skew. The lowest rate of 10 per 100,000, was found in metro Boise, Idaho. The highest rate was 2,706 and was found in New Orleans, Louisiana.

    ii. Exploitation Rate

        Exploitation rates, in this dissertation the proportion of homeless, runaway and throwaway youth who are exploited in commercial sex markets, have been compiled for varying cities and regions in the US. Table 1 outlines the exploitation rates,

applicable locations, and the relevant citation for those figures employed in this study.

Appendix 3 details the application of Exploitation Rates to studied case area.

Table 1: Exploitation Rates

Rate	Location	Reference
20%	Los Angeles	(Bender, et al. 2014)
28%	Denver	(Bender, et al. 2014)
22%	Austin	(Bender, et al. 2014)
18%	Midwest	(K. Tyler 2013)
21%	St. Louis, Kansas City, Wichita, Lincoln, Des Moines	(Tyler, Hoyt, et al. 2000)

Building on Yates et al. (1988) and Estes and Wiener (2001), I use a standard

homelessness rate – the proportion of CSEC victims who are homeless – of 99% for

all case areas. This implies that about 1% of CSEC victims are living at home with a

parent or guardian during their victimization, while the overwhelming majority live

outside of this locus of supervision.

iii. HIV Diagnosis Rates in Under 25 Age Group

CDC figures indicate that the highest rate of HIV infection in 2012 for all age

groups in the United States is 2,452 people for every 100,000 in the independent city

of Baltimore, Maryland. Conversely, the lowest statistically accurate figure is 11 per

100,000 – in Winona County, Minnesota. For 13-24 year olds – the age group of

interest in this study – the lowest rate in the US is found in Tulare County, California

and is 6 per 100,000. The highest rate in this age group is 652, in Brooks County,

Georgia. The mean figure for all counties and county equivalents with available estimates is 87 per 100,000 young people, with a standard deviation of 78.

iv. Healthcare Availability

In these data, the mean county saw 14.2% of residents unable to access medical care over the course of the year, with a standard deviation between cases of 4.4%.

v. Respondent-Driven Sampling (RDS) CSEC Estimates

In order to estimate CSEC figures across geographic contexts, I anchor calculations in those few cities in which RDS samples of the CSEC victim population have been accomplished. As I explain above, RDS is considered to be the gold-standard for the estimation of hidden populations (Tyldum and Brunovskis 2005, Stefanizzi 2007), but is too costly and time-consuming to be used to estimate broad geographies. Existing Respondent Driven Sample figures were generated as of 2012 by fellows at the Urban Institute as part of an NIJ funded project (Dank, Khan, et al. 2014). These RDS figures, which represent the number of children victimized per 100,000 juveniles living in the case area, are listed in Table 2.

Table 2: Respondent Driven Sample-Generated Rates of CSEC

Case Area	State	RDS Rate
Atlanta	GA	297.68
Dallas	TX	69.25
Denver	CO	89.06
Miami	FL	155.82
New York	NY	482.68
San Diego	CA	51.69

Seattle	WA	95.79
Washington	DC	282.50

b. *Constructing the CSEC Measure*

Missing Children-Driven CSEC Estimates, noted as $SEMC_{it}$, as well as the values of the variables used to calculate them for each of the case metros are detailed in Appendix 3. Figures estimating the proportion of children engaged in the commercial sexual market for at least some amount of time in 2012 varied greatly, with figures highest in New Orleans, LA (562 of every 100,000 juveniles) and lowest in Boise, Idaho (2 of every 100,000. The average metropolitan county studied experienced a rate of 108 trafficked children for every 100,000 residing in the county, with a standard deviation in the rate of 93.5. Metropolitan counties in the western United States have a much lower rate of exploited missing children than do counties in the rest of the country – with an average of 65 per 100,000 – in comparison to Northern counties with 146, Southern counties with 126 and Midwestern counties with 100. These low rates in the West are typified by California counties. The state as a whole has a SEMC measure of just 74, but varies from highs in Fresno and Stockton – notably metros that score lowest in the state for immigrant integration (Pastor, et al. 2012) – to lows in Orange County, one of the more affluent counties in the United States.

Computation of $SEHIV_{it}$ was facilitated by the uniform nature of all data and is presented in Appendix 4. For the case locations, the mean rate of HIV among those 13-24 is 100 per 100,000, with a standard deviation of 79. The lowest rate is 6, found in Tulare County, California. The highest rate is 384, in Jefferson Parish, Louisiana – adjacent to

New Orleans. The metropolitan cases, therefore, have a higher overall rate of infection than the nation as a whole – not surprising given that HIV diagnoses tend to cluster in urban areas (Hall, et al. 2008). Health availability statistics, or the percentage of residents who are unable to access healthcare, denoted as HA_{it}, vary between 0% in the case of Toledo, Ohio and 31.7% in Laredo, Texas. The average percentage of people in the case counties who were not able to access medical care was 14.7%, with a standard deviation of 4.38%.

In order to create a dependent variable that speaks to the presence of children being exploited in the commercial sex trade, I employed a multiple regression procedure on existing Respondent Driven Sample figures. RDS figures are re-listed in Table 3, now with corresponding $SEHIV_{it}$ and $SEMC_{it}$ figures. Figures from Washington DC were excluded from the regression procedures as it has missing values for the two independent variables in the regression.

Table 3: Composite Measures for CSEC Estimation Anchor Figures

Case Area	State	$SEMC_{it}$	$SEHIV_{it}$	RDS Rate
Atlanta	GA	209.00	320.19	297.68
Dallas	TX	279.12	230.27	69.25
Denver	CO	24.29	20.04	89.06
Miami	FL	68.84	291.57	155.82
New York	NY	14.33	358.47	482.68
San Diego	CA	50.82	66.13	51.69
Seattle	WA	51.63	51.11	95.79

Washington	DC	-	-	282.50

The resultant regression equation is presented a Formula 5. The R^2 for the equation is

0.770, implying that the independent variables are able to predict 77% of the variance in

the respondent-driven samples. The model, however, is only significant to p<.053 –

which does not meet the standard statistical requirement for significance of p<.05.

Additionally, while the Adjusted HIV Rate is a statistically significant predictor of the

overall measure (p<.023), the Missing Children measure ($SEMC_{it}$) does not meet this

threshold (p<.142). Despite this lack of significance, I include the Missing Children

measure both because of its demonstrated theoretical significance and its high correlation

with HIV rates in the full data set (Pearson's Correlation = 0.732, p<.000). These two

factors also suggest that estimating a regression without including the Missing Children

variable could lead to model misspecification (MacKenzie, Podsakoff and Burke Jarvis

2005).

Formula 5: CSEC Regression Equation

$$CSEC_{st} = 53.46 - 0.719(SEMC_{st}) + 1.024(SEHIV_{st})$$

The CSEC estimates for each of the case counties are presented in Appendix 5. The

average value for the variable among the case metros was 97, with the highest value in

New York City – where the model-driven CSEC value is 410, a rate of 73 below the

actual Respondent Driven Sample statistic. A lowest value was found in Tulare County,

California, which was manually shifted to zero. This negative value is the result of

Tulare's juvenile HIV rates being far lower than its missing children rates.

Given the regression equation's limited statistical power, but in the face of its high predictive capacity, I present the CSEC measure as a useful tool in gauging CSEC prevalence comparatively across metro areas. Regression equations on respondent driven sample values, were conducted with only 7 values in the dependent variable. The relatively large R^2 of .770 indicates that the variables employed are effective at suggesting relationships and potential values, but the model's statistical significance of $p<0.053$ demands that the presentation of these CSEC figures be considered no more reliable than as scalar measurements. They should not, however, be taken as a true figure of the number of girls exploited, neither nationally nor in individual metropolitan counties. It must also be noted that these rates should not be assumed to have policy implications. Because the intention is to proxy the extent to which communities are effectively expunged from the rubric of state, these rates measure children *from* particular spaces who are exploited. It is well-documented that children victimized in CSEC are often transient during this time of their lives (Estes and Weiner 2001), and these rates to not claim to speak to the number of children being marketed in a metropolitan area at a given time.

Chapter 4.   Predictors of the Prevalence of CSEC

A. Carcerality Explored Quantitatively

In order to test my hypotheses that the level of CSEC is related to the degree of carcerality to which communities are subject, I create two measures that speak to the realities of the criminal justice and immigration control systems in vulnerable communities. Carcerality as a concept has been treated previously in the literature, and operationalized in a variety of ways. Here, I explore these disparate measures, and their efficacy in operationalizing a complex idea.

Studies have sometimes treated the prevalence of arrest as sufficient to speak to the larger phenomenon of carcerality (Williams and Drake 1980, H. A. Thompson 2011, Feld 2009). This has been especially true of non-empirical pieces (Cacho 2012, Goffman 2009) and ones that speak to longitudinal phenomena and changes over time (Hirschfield, Maschi, et al. 2006). As a broad measure, certainly, arrest rates are helpful for describing the level of policing and the criminalization of activity, but these rates do not reflect the outcomes of arrests. In the case of sexual exploitation, for example, arrests can be either punitive or "redemptive," with police arresting victims to ensure their participation in rehabilitative centers and other rescue efforts for victims (Halter 2010). Additionally, a hypothetical criminal justice regime in which arrests are high, but sentences are short and non-stigmatized may be considerably less likely to criminalize than one in which arrest rates are lower, but post-conviction consequences greater.

Similarly, many previous studies have used incarceration rates to approximate the degree of carcerality to which communities or crimes are subjected (A. Davis 2007, Shannon and Uggen 2012, Western and Wildeman 2009, Gilmore 2006). Certainly, high

rates of incarceration are indicative of overall criminalization, and these rates very much

affect the lives of not just prisoners, but the communities and families that they leave

behind (Western and Wildeman 2009, Clear 2007). But without consideration of the

degree to which people on the street are likely to become incarcerated on an ongoing

basis, or the likelihood that those released from prison will be immediately returned to

prison, it is difficult to establish the degree to which "ghetto and prison meet and mesh"

(Wacquant 2011). Incarceration rates also fail to pick up on the elements that generate the

system avoidance posited to be at the nexus of the criminalization-exploitation

relationship investigated in this dissertation. Incarceration rates are therefore an

insufficiently nuanced measure of criminalization for the purposes of this research.

In the case of immigration law, the incidence of deportation is treated most often

as a broad measure of the stringency of anti-immigration legislation. Scholars point to the

stunning growth in the number of undocumented non-criminal deportations as indicative

of the increase in the policing of non-citizen bodies (Cacho 2012, De Genova and Peutz

2010, Golash-Boza 2012a, Golash-Boza 2012b). These deportations do not operate in a

vacuum, however. A number of scholars have looked further into the landscape of

immigration, investigating the role of local legislation and policing in creating spaces

inhospitable to immigrants and criminalizing the status of the undocumented

(Gulaksekaram and Raamakrishnan 2012, Stumpf 2006).

Research that rigorously engages with the idea of criminalization as an

independent variable tends to operationalize the concept in a more complex manner.

Weaver and Lerman (2010) and Brayne (2014), for example, investigate the effects of

progressive involvement in the criminal justice system – treating interrogation, arrest,

short-term incarceration and long-term incarceration as distinct experiences. Though these works measure criminalization at the individual level, the findings that different interactions with law enforcement subsequently produce different types of interactions with both the state and civil society are provocative. Below, I detail the ways in which carcerality is operationalized in this dissertation.

1. The Components of Carcerality

At the level of the community, an extensive body of literature informs this area of the research design (Brayne 2014, Goffman 2009, Weaver and Lerman 2010). In addition to arrest and incarceration rates, they cite parole, probation, outstanding arrest warrants and child welfare procedures as working to create an environment of distrust for police and, ultimately, an avoidance of the institutions of the state. This work is supported and corroborated in various contexts, including work by Wacquant (2009) on parole and probation, Cahill (2012) and Herzog et al. (2012) on outstanding warrants, and Swann and Sylvester (2006) regarding foster care trends. In terms of losing the political power to make changes, to be effectively disempowered, at the community level, felony disenfranchisement rates are effective (Uggen and Manza 2002). In terms of inherent criminalization and the reduction of citizens to subjects, the appropriation of the right to vote and participate as a member of the polity is telling. In line with Rios (2006), the degree to which minors are arrested and their behavior processed through the criminal justice system is also considered.

In addition to these measures for carcerality generally, I also consider the degree to which immigration status is criminalized in a particular space. There is a significant body of research positing a crimmigration merger, in which immigrants are increasingly

subjected to more punitive criminal measures and irregular immigration status considered a criminal offense (Golash-Boza 2012b, Stumpf 2006). Both African-American and immigrant victims are disproportionately represented in CSEC (Banks and Kyckelhahn 2011), making is imperative to consider the growing legislative criminalization to which immigrants, specifically, are subjected.

a.   Carcerality through the Criminal Justice System

In order to estimate the degree of criminalization experienced at the hands of criminal justice systems in a particular jurisdiction, I construct a single measure, comprised of facets of the larger carceral reality. I code laws that cover the policing practices discussed in the literature as criminalizing members of poor communities.[6] Case area values for the measures detailed in this section are presented in Appendix 6.

State-Level Incarceration Rate

Mass incarceration is most visible aspect of the carceral state (Alexander 2012, Beckett and Western 2001, Rios 2006, Western and Wildeman 2009). A consideration of the rates of incarceration in case areas is therefore essential to an understanding of the degree of criminalization in a space. But county-level figures of incarceration are inappropriate. Gilmore (2006) builds upon an extensive literature in arguing that mass incarceration has extensive ramifications for the political economy of rural spaces – that

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[6] Using the computations made by The Sentencing Project (2011), and informed by the considerable literature on the racialization of criminality in the United States (Alexander 2012), I first incorporated a statistic measuring the extent to which the coercive arm of the state is disproportionately trained on the African-American community. The mean Black:White ratio in the incarcerated population did not load with the elements of criminalization used in the compilation of the overall measure, however. Additionally, the measure was unrelated to other variables studied in this dissertation. Presumably, this ratio – even when corrected for the ratio of African Americans to white residents of the state – does not reflect the subtler geography of race in communities and regions. Because of the crudeness of the measure, I do not ultimately make use of it in measures or models.

the institution functions to move urban poor prisoners into rural prisons in which rural

poor are employed. Given this reality, measuring criminality in a given county using the

prevalence of prisoners in the county would result in misleading results – the most

criminalized communities send their residents to be prisoners in counties that, the

literature argues, are the least criminalized. I therefore use the state rate – which proxies

the degree to which locations within the state experience criminal justice. These figures

are public record and widely reported, and I pull 2010 incarceration data from the Bureau

of Justice Statistics annual report series (Guerina, Harrison and Sabol 2012).

State-Level Probation Rates

Goffman (2009), Western and Beckett (1999), and Friedman (1994) make the

point that, though incarceration is the most punitive and onerous of state supervision

forms, it is not the singular form. Citizens who are in the community, but required to

conform to some form of periodic check-in, controlled living spaces, supervised wage

work, urine and blood screening, or GPS monitoring. To this extent, the rates of people

on probation should be considered. I use Department of Justice statistics from 2010 to

populate this data point with state rates for each of the case areas (US Department of

Justice 2010).

County-Level Arrest Rates

Arrests drive the carceral state (Wacquant 2011). Though failures to indict, to

convict, or to achieve long sentences all apply downward pressure on incarceration rates,

none of these would reflect a weaker police presence on the streets. Indeed, insofar as

high arrests are not backed up with subsequent incarcerations, they are indicative of a

police state operating independent of the judiciary. The literature clearly establishes the

ways in which the criminal code fulfils the objective of social control – considering arrests as a separate measure allows for theorization regarding any disparities between arrest and incarceration. In this dissertation, I use arrest rates for 2010 as reported by the Federal Bureau of Investigation via the Uniform Crime Reporting database (Federal Bureau of Investigation 2010) to nuance the operationalization of criminalization beyond incarceration.

County-Level Drug Possession Arrest Rates

In order to parse arrests related to drug laws – implicated repeatedly in the literature as fueling the anti-poor and anti-urban carceral agenda popularly known as the War on Drugs (Alexander 2012, Gottschalk 2008, Wacquant 2008) – drug offense arrest rates are treated independently. I access Uniform Crime Reporting statistics from 2010 to include this data in the overall analysis (Federal Bureau of Investigation 2010).

County-Level Sworn Officers per 100,000 Residents

The number of sworn officers policing streets, neighborhoods and homes are indicators for the strength of police presence. I considered standardizing this variable by dividing the number of sworn police officers by the size of the space policed – that is, police officers per square mile. I was unable to find this measure used anywhere in the extant literature, however. In contrast, the number of sworn police officers per resident or per 100,000 residents appears regularly (Kelly and Kole 2016, Benson, Rasmussen and Sollars 1995, Durose, Contacts Between Police and the Public 2010) and changes the number of interactions members of the public have with the policing agency (Durose, Contacts Between Police and the Public 2010). With the very limited success of community policing (Brogden and Nijhar 2013), an increase in the number of police

interactions may be considered an increase in criminalization. Given this logic and its precedence in the literature, I employ the Census of Government statistics to learn the number of sworn officers in the case area in 2010 (US Census Bureau 2012), and divide this by the number of residents in that year (US Census Bureau 2011).

Police Spending per capita

There is a plentiful literature establishing the connection between police power and police budget (Walker and Katz 2012, Hickman and Reaves 2003, Baicker and Jacobson 2007). The idea that a bureaucratic organization could become empowered through an increase in its financial resources has extensive background in the literature on organizations (Blais and Dion 1991, Niskanen 1968). An anemic law enforcement organization with low salaries, little capacity to engage in costly behaviors like arrest and incarceration, and few armaments should not have the ability to criminalize individuals and communities in the ways that a well-funded agency can. Additionally, the provision of resources may be representative of the priorities of the larger electorate. To the extent that agencies compete for scarce tax resources, a well-funded criminal justice apparatus can be considered indicative of a law-and-order perspective in the jurisdiction (Benson, Rasmussen and Sollars 1995). On the other hand, even where taxpayers have not prioritized the provision of law enforcement funds, police agencies may utilize provisions of asset seizure legislation to increase their spending power (Baicker and Jacobson 2007) – though recent research suggests this effect is negligible (Kelly and Kole 2016). For this measure, I utilize Bureau of Justice Statistics data detailing the per capita expenditures by law enforcement agencies in 2010 (Bureau of Justice Statistics 2010).

State-Level Felon Disenfranchisement Rates

Felony disenfranchisement laws formally revoke political rights from citizens who have been convicted of a felony – any crime that is punishable by over one year in prison or death (Cornell University Law School 2014). These laws have been linked to the political estrangement of entire communities, as well as an increase in system avoidance (Uggen and Manza 2002, Phillips and Deckard 2015, Weaver and Lerman 2010). I use Sentencing Project data to construct this indicator. Although the ideal operationalization of the felon disenfranchisement rate would be a measure on the metro level, only state level figures are available. As it focuses on the marginalization of poor African Americans though the criminal justice system, the criminalization measure uses the African-American felon disenfranchisement rate (Phillips and Deckard 2015) – the proportion of potential African-American voters who are unable to cast votes due to felon disenfranchisement laws. These data points are public record, but are stored in widely disparate locations within state records. In this dissertation I draw figures from The Sentencing Project, which compiles it on the organizational website (The Sentencing Project 2011).

b. Carcerality through Systems of Immigration Control

In order to estimate the degree of carcerality experienced by immigrant communities in a particular jurisdiction, I use factor analysis procedures to construct a single measure, comprised of facets of the larger crimmigration reality, for legislation and enforcement in 2010. Values for measures detailed below are presented for each of the case areas in Appendix 7.

Anti-Undocumented Immigrant Legislation

The immigration criminalization measure at the state level are obtained from the database on all enacted state immigration-related immigration laws publicly available as of 2011 through the National Conference of State Legislatures. In coding the severity of immigration legislation, I classify those states that passed copycat bills to Arizona's State Bill 1070 as having the most severe state anti-unauthorized immigrant environments. In these states – Indiana, Alabama, Georgia, South Carolina, and Utah – state law now reads that:

i)   Police may demand documentation of immigration status and/or investigate status if they suspect a person is undocumented.

ii)   The police are also able to arrest individuals without an arrest warrant if they believe the individual is "deportable."

iii)   Immigrants who fail to carry federal documentation of immigrant registration are guilty of a state crime.

iv)   Immigrants who work without authorization and documentation thereof are also guilty of a state crime (National Conference of State Legislatures 2014).

These laws, sometimes referred to as "show me your papers laws" (Liptak 2012) in reference to the liberty that law enforcement now have at the state level to demand documentation from residents who are walking down the street or driving, create an environment in which the act of existing in public space without documentation of legality is, in itself, illegal. I code states on a three-point ordinal scale of severity based on the legislation in place as of 2011 and incorporate scale values into the larger measure.

"Sanctuary City" Status

At the local level, some cities and metropolitan areas had, as of 2010, instated so-called "sanctuary city" laws that effectively decriminalize the status of unauthorized immigration within the jurisdiction. Though these laws vary in their particulars, and there is disagreement of what metro areas should be included on any list of sanctuary cities, they share the common characteristic of not cooperating with ICE orders of detainer. An immigration detainer "serves three key functions: 1) to notify an LEA that ICE intends to assume custody of an alien in the LEA's custody once the alien is no longer subject to the LEA's detention; 2) to request information from an LEA about an alien's impending release so ICE may assume custody before the alien is released from the LEA's custody; and 3) to request that the LEA maintain custody of an alien who would otherwise be released for a period not to exceed 48 hours…to provide ICE time to assume custody" (US Immigration and Customs Enforcement 2011). By refusing to turn over criminals to Federal authorities per the established procedures, jurisdictions continue to prosecute criminality, but do not make distinctions between the native-born, immigrants, and unauthorized immigrants. I code the variable "Sanctuary City" as a dichotomous dummy variable, with those case areas that comply with ICE detainers coded '1' and those that do not – Sanctuary Cities, coded as '0.' This reverse coding is necessary to keep scales consistent with other measures of immigration law severity – with an increase in severity receiving a greater numerical value.

Rate of Non-Criminal Deportations

Deportation is the most severe penalty imposed by immigrant authorities (Golash-Boza 2012a). In order to create a full picture of the strength of the criminalization regime employed against non-citizens, I include the number of non-criminal deportations per

100,000 foreign-born residents that originate in the case metropolitan area in 2010. I do not make a distinction between the deportations of unauthorized and authorized immigrants – given the prevalence of mixed-status families and communities, as well as the relative ease with which even authorized immigrants are subject to prosecution under immigration law; the difference is one of semantics. Conceptually, the greater the number of completed deportations of individuals who would not be under any sanction were it not for their immigration status, the greater the precarity in which immigrants can be said to live. Data on deportations, and their origination points, was pulled from the University of Texas data depository (Immigration and Customs Enforcement 2010).

2. Quantifying Carcerality

Here, I elucidate the ways in which I create measures of the two different types of criminalization. Drawing on the theoretical and practical rationales already detailed, I discuss below the descriptive measures of the components of each criminalization measure, before detailing the derivation of each final criminalization measure used in the dissertation.

Criminal Justice System

i. *Component Variables*

State-Level Incarceration Rate

The mean incarceration rate of the states containing case areas is 713 per 100,000 residents, with a standard deviation of 251. This rate combines jail and prison populations in 2010. I use data publicly available and compiled by the Bureau of Justice Statistics (Bureau of Justice Statistics 2013).

State-Level Probation Rates

Of the case areas, the mean rate of residents on probation is 1,194 per 100,000 residents, with a standard deviation of 735. This figure implies that, of every hundred people walking on the streets in case jurisdictions, at least one was being actively monitored by law enforcement in 2010.

County-Level Arrest Rates

The mean arrest rate for case areas is 4,051 per 100,000 residents, with a standard deviation of 2,715. These rates are at the county level – as this is the level at which arrests take place. I use FBI Uniform Crime Report data to compile this variable.

County-Level Drug Possession Arrest Rates

In the case areas, drug arrest rates vary more widely than do arrest rates generally. The mean rate of arrest for drug offenses in the case areas was 485 people per 100,000 residents in the case areas in 2010. The standard deviation was 433.

County-Level Sworn Officers per 100,000 Residents

The mean in the case areas in 2010 was 177 police officers per 100,000 residents, with a standard deviation of 116.

Police Budget per capita

The mean police budget per capita in case areas was $302.21 per resident in 2010, with a standard deviation of $576.93. The lowest budgeted police force was allocated $25.93 per person, in metro Cleveland, Ohio. The highest police budget, in New York City, was $3,971 per New Yorker – a figure that represents a significant outlier that may be considered a result of specific budget priorities that resulted from the aftermath of the events of September 11, 2001.

State-Level Felon Disenfranchisement Rates

Among case areas in 2010, the lowest rate of overall disenfranchisement was

0.3% – in the Boston metropolitan area. The highest rate was 10.40%, in the Florida

case areas. The mean rate of felon disenfranchisement across case areas was 4.24%,

with a standard deviation of 3.28.

These descriptives are summarized in Table 4.

Table 4: Criminalization Measures' Descriptives

Component	Per	Mean	Standard Deviation
Incarceration Rate	100,000	713	251
Probation Rate	100,000	1,194	735
Arrest Rate	100,000	4.051	2,715
Drug Arrest Rate	100,000	485	433
Sworn Officer Rate	100,000	177	116
Police Budget	1	$302.21	$576.93
Felon Disenfranchisement Rate	100	4.24	3.28

ii.   The Creation of the Criminal Justice Measure

My measure estimating of the degree of criminalization in a given metropolitan

area is constructed using a weighted aggregation of the composite variables: State-

Level Incarceration Rate, State-Level Probation Rates, County-Level Arrest Rates,

County-Level Drug Possession Arrest Rates, County-Level Sworn Officers per

100,000 Residents, Case Area Police Budget per capita, and State-Level Felon

Disenfranchisement Rates. Confirmatory factor analysis for a single measure in SPSS

Amos yielded standardized regression weights – factor loadings (Bian 2011, Kline 2011) – per Table 5, which were then used to weight variables and create the latent criminalization measure (Jolliffe 2002).

Table 5: Regression Factor Weights for Criminal Justice Measures Components[7]

Component	Estimate
Felon Disenfranchisement	-0.133
Sworn Police Rate	0.256
Police Budget Rate	0.237
Drug Possession Arrest Rate	0.999
Arrest Rate	0.730
Incarceration Rate	-0.208
Probation Rate	-0.114

Full statistics are presented in Appendix 6, which details the values of the composite variables and resultant measure for each case jurisdiction. Values were extracted using Maximum Likelihood procedures to derive a single measure, and had $\chi^2 =$ 32.106, significant to p<0.01. The Kaiser-Meyer-Olkin Measure of Sampling Adequacy was 0.530, a figure considered acceptable – though barely – for factor analysis in the extant literature (Dziuban and Shirkey 1974, Frohlich and Westbrook 2001). Similarly, Bartlett's Test of Sphericity yielded $\chi^2 = 133.019$, significant to

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[7] Negative loadings contribute trivially to the factor.

p<0.001. Test results thus suggest that the single factor extracted, while not an ideal fit, is sufficiently descriptive of the data to be used in empirical analyses.[8]

Immigration Control

i.   Component Variables

Anti-Undocumented Immigrant Legislation

In total, eight case jurisdictions were coded for the most severe legislative environment as of 2011, 60 with a medium-level and 42 with the lowest – having not considered Arizona-style legislation.

"Sanctuary City" Status

Among the cases analyzed, there were 31 Sanctuary Cities in 2011. The remaining case areas cooperated with ICE in the enforcement of immigration law.

Rate of Non-Criminal Deportations

Approximately two-thirds – 65.1% – of case counties experienced no non-criminal deportations in 2010, while the mean case jurisdiction had 355 deportations per 100,000 foreign-born residents, with a standard deviation of 937 deportations. The greatest rate of deportation was found in the Phoenix metro area or Arizona, with 731 deportations for every 100,000 foreign-born residents.

These descriptives are summarized in below Table 6.

Table 6: Immigration Control Measures' Descriptives

Component	Low-	Medium-	High-

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[8] Correlation and Covariance matrices, as well as OLS regressions on the dependent CSEC variable, are presented in Appendix 9. The component variables could also be split into three separate components, comprised of 1) Number of Sworn Police, Police Budget, Arrest Rates, and Drug Possession Arrests, 2) Incarceration Rate and Felon Disenfranchisement Rates, and 3) Probation Rates. Analysis results using three distinct variables were indistinguishable from the single model in constrained models, and rendered the full model unidentifiable. Here, I proceed with the single Criminal Justice Measure.

	Stringency	Stringency	Stringency
Immigrant Status Legislation	42	60	8

	Sanctuary Cities	Non-Sanctuary	Missing
Sanctuary City Status	31	78	0

	Per	Mean	Standard Deviation
Non-Criminal Deportation Rate	100,000	355	937

ii.   The Creation of the Immigration Control Variable

In order to estimate the degree of criminalization experienced by immigrant communities in a particular jurisdiction, I construct a single aggregate measure that accounts for the strength of state-level legislation, municipal policy, and the deportation rate. These measures move together broadly, in the predictable direction. I use SPSS Amos confirmatory factor analysis procedures to generate regression factor weights for the latent variable I refer to as "Immigration Control." Confirmatory factor analysis results in factor loadings (Bian 2011, Kline 2011) per Table 7. Using these values to weight the variables, I compile the Immigration Criminalization measure.

Table 7: Immigrant Criminalization Regression Factor Weights

	Estimate
Immigration Legislation Severity	3.464
Compliance with ICE Detainers	0.091
Standardized Deportation Rate	0.059

Full statistics are presented in Appendix 7, which details the values of the

composite variables and resultant measure for each case jurisdiction. Values were

extracted using Maximum Likelihood procedures to derive a single measure, and had

$\chi^2 = 45.532$, significant to p<0.01. The Kaiser-Meyer-Olkin Measure of Sampling

Adequacy was 0.668, a figure considered clearly acceptable for factor analysis in the

extant literature (Dziuban and Shirkey 1974, Frohlich and Westbrook 2001).

Similarly, Bartlett's Test of Sphericity yielded $\chi^2 = 15.848$, significant to p<0.01. Test

results thus suggest that the single factor extracted is sufficiently descriptive of the

data to be used in empirical analyses.

B. The Controls

Many of the variables associated with CSEC in the extant literature are also,

indirectly, elements of carcerality. As explicated by Reid and Piquero (2013), for

example, the caregiver strain that exposes children to the possibility of exploitation by

third parties can often be traced back to arrests or incarceration. Elements of racial

domination, hegemonic masculinity, general strain and social disorganization are

intertwined with one another and with the risk of targeting by criminal justice and

immigration control systems. I control for phenomena posited to be relevant to the

prevalence of CSEC within and across these theoretical streams.

I include measures of poverty and inequality to estimate degrees of economic

marginalization. Given the literature postulating a correlation between poverty and CSEC

(Dionne 2001, Tremblay 2001), poverty rates were included from the American

Community Survey (US Census Bureau 2011).[9] Additionally, because inequality is posited to be a driver of crime generally (Agnew 1992), I include state-level GINI figures from the American Community Survey (US Census Bureau 2010). Poverty levels and GINI figures are theorized to move in tandem and speak to a single dynamic of economic marginalization (Martinez Jr 1996, Messner, Raffalovich and Sutton 2010, Bailey 1984). I control for this marginalization in estimating the relationship between carcerality and CSEC.

Race and nativity data that speak to the presence of the groups most at risk of CSEC (Mahmoud and Trebesch 2009, Bales and Soodalter 2009) appear in my model investigating the relationship between criminalizing legislation and CSEC. For models treating the criminal justice system, I control for the percent of the case area that identifies as African American, fitting with theories of racial domination and strain. Similarly, I control for the presence of the foreign-born in immigration control models. I also control for measures of family stress, identified by Reid and Piquero (2013) as a particularly salient point of strain, operationalizing this construct through female householding, out-of-wedlock births and the prevalence of grandparents as guardians of minor grandchildren. I obtain all of these measures at the level of the case area from the U.S. Census Bureau's American Community Survey for the year 2010 (US Census Bureau 2011).

I use measurements of systemic under-education to operationalize the idea of social disorder (Kunkeler and Peters 2011, Rice 2006). In order to address the idea that much of the availability of girls is related to the disorganization of mass migration

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[9] Because of varying hypotheses regarding the nature of the relationship between poverty and strain, as operationalized by criminality (Hipp and Yates 2011), I also test the possibility that a poverty rate threshold will prove influential in the presence of CSEC.

through a particular region (Mahmoud and Trebesch 2009, Estes and Weiner 2001, Raymond, Hughes and Gomez 2001), I control for the proportion of case area population that moved to the United States within the last year in immigrant-grounded models and to the current home in criminalization models. Additionally, in order to preclude the possibility that higher CSEC levels are a single portion of universally elevated crime rates – in which more violent communities have both greater carcerality and more prevalent CSEC – I also control for homicide rates at the county-level. Existing research posits homicide rates to be the most accurate of crime statistics (Land 1990), as the presence of a dead body makes the politicization of the crime more difficult.

3. Control Variable Descriptives

Here, I present descriptive statistics on both singular and constructed control variables. Singular variable descriptives are presented in Table 8.

Table 8: Singular Control Variable Descriptives

	Minimum	Maximum	Mean	Standard Deviation
Homicide Rate	0.7	20.8	5.3	2.85
Percent Moved in Last Year	7.0	23.0	16.0	3.50
Percent Moved to US in Last Year	0.0	2.0	0.70	0.37
Percent Less than 9th Grade	2.0	21.0	6.0	3.60
Percent African American	0.01	0.64	0.17	0.14
Percent Foreign-Born	0.02	0.37	0.17	0.09

Details of constructed variables are shown in Table 9. To create each of these

controls, I used maximum likelihood factor analysis procedures.[10]

Table 9: Constructed Control Variable Descriptives

	Minimum	Maximum	Mean	Standard Deviation
Poverty Rate	.04	.28	.1280	.04810
GINI	.42	.50	.4614	.01526
Economic Marginalization	-2.59	2.46	0.0000	1.0000
Out of Wedlock Births	.18	.62	.3662	.10346
Female Householding	.08	.21	.1406	.03161
Grandparent Householding	.00	.02	.0083	.00283
Family Instability	-1.89	2.19	0.0000	0.79563

C. The Importance of Mediator Variables

The sexual exploitation of children is widely agreed to be a social and moral bad.

Therefore, alliances have been made across political lines to fight its prevalence

(Bernstein 2010), and legislation has been passed to protect children. As I discuss in

Chapter 2, this legislation, broadly considered, comes in two forms: anti-trafficking

legislation (Bernstein 2010, The Polaris Project 2013) and anti-runaway legislation

(Staller 2004, Flowers 2001, Staller 2003). These laws work, in the first sense, to mitigate

damage and punish exploiters and, in the second form, to reduce the pool of available

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[10] Goodness of Fit statistics for Economic Marginalization factor variable were marginally acceptable with a KMO of 0.496 and BTS significant to $p<.05$, while Family Instability was acceptable at KMO of 0.698 and BTS significant to $p<.001$.

victims through early intervention. To the extent that such laws are effective, they will mediate the relationship between criminalizing policy and the existence of CSEC in given jurisdictions. This research includes the anti-trafficking and anti-runaway legislative environments as mediator variables in the full models.

The choice of the year 2008 is important for the anti-trafficking variable. An increasing attention being paid to the problem of coerced labor in the developed world (Bales 2000), and this has led to a global diffusion of anti-trafficking legislation (Cho, Dreher and Neumayer 2014) in a style anticipated by world polity theorists (Meyer, et al. 1997, Mathias 2013). Within the United States, almost all jurisdictions had similar legislation in place by 2012 (Polaris Project 2014), with 2008 appearing to act as a tipping point. But, in addition to being the last year in which real distinctions between case areas exist, going back to 2008 - two years further in the past than criminalization data and four years from CSEC measurements – acknowledges the particular difficulties with changing the culture of policing from one that arrests juveniles engages in sex work into one that considers them to be victims (Bumiller 2008).

1. Anti-Trafficking Legislation

Given the important work done on the possible inutility of anti-trafficking legislation in lessening the sexual exploitation of women and children (Bernstein 2010, 2012, Weitzer 2007), I use anti-trafficking legislation in place as of 2008 as a mediator term in the full model in order to estimate the effect of increased criminalization on a problem that, I posit, derives in part from criminalization. I use data compiled and coded by the Polaris Project (2013) to investigate the effects of stringent anti-trafficking legislation on the relationship between criminalization and CSEC.

2. Anti-Runaway Legislation

Anti-runaway legislation attempts to control the population of vulnerable children living on the streets by making the status of runaway an *ipso facto* crime – a status offense. There are two different levels of ways in which police are empowered to fight these status offenses. In some jurisdictions, police may arrest suspected runaways on sight. In practice, this means that adolescents seen on the street at night are taken into custody while their parents or guardians are notified. In other jurisdictions, juveniles must be in imminent danger in order to be taken into police custody without committing a crime beyond the suspected status offense. This distinction may result in a very different environment for runaways in the jurisdiction. These policies, explicitly designed to reduce the population of street children, may work to lessen the effects of criminalization on the prevalence of CSEC. Alternatively, they may attenuate it.

Making the status of underage and out of the home of a parent or legal guardian legal in and of itself has been posited to further runaways from systems of the law in a way that is separate from the criminalization of the communities from which these runaways disproportionately come (Nessel and Ryan 1994, National Law Center on Homelessness and Poverty 2012). Yet states and municipalities pass these laws as a protective measure, so that when children are found on the street or in other places the police have the means to get them out of harm's way immediately. Because of these dual theories, I incorporate the strength of legislation regulating runaways as status offenders as of 2008, using information from the National Law Center on Homelessness and Poverty's (2012) report, into the models.

D. Hypotheses

The extant literature, combined with the arguments made in this dissertation and operationalized with the variables explicated, suggest a specific causal model. This model is illustrated in Figure 5, which illustrates the direction of the hypothesized relationship. Here, variables that are posited to increase the problem of the commercial sexual exploitation of children – that is, have a positive relationship with the dependent variable – are pictured in red, while those that are associated with a decrease in the prevalence of CSEC are pictured in blue. This figure does not include estimates of the size of the relationship, only noting the posited significance of these variables and the direction of the relationship. As designated by the yellow box in in the figure, there are two primary hypotheses for this research, below denoted H_1 and H_2 and two secondary hypotheses elucidating the relationship between mediator variables and the dependent variable, below denoted H_3 and H_4. Control variables are included for reference.

Figure 5: Full Hypothesized Model
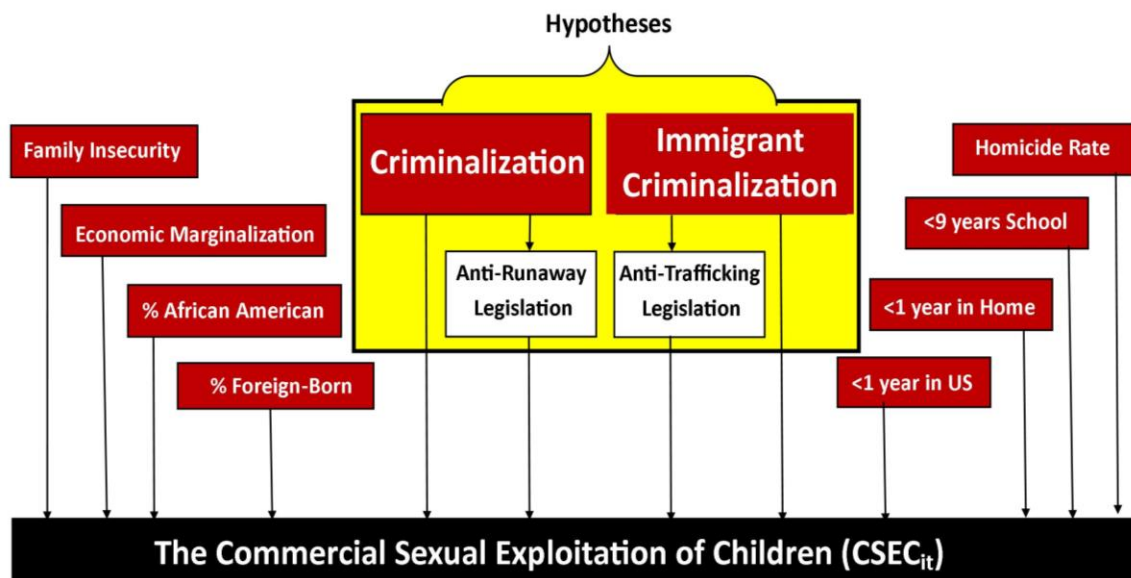
Primary Hypotheses

H$_1$.   Higher levels of criminalization will be associated with higher rates of CSEC.

That is, more arrests, longer incarcerations, greater rates of felon

disenfranchisement and other measures that measure the latent criminalization

construct will predict greater rates of the Commercial Sexual Exploitation of

Children as operationalized by the CSEC measure.

H$_2$.   Higher levels of immigrant criminalization will be associated with higher rates of

CSEC. That is, more detentions, more deportations, and other measures that

measure the latent immigrant criminalization construct will predict greater rates of

the Commercial Sexual Exploitation of Children as operationalized by the CSEC

measure.

Secondary Hypotheses

H$_3$.   The severity of anti-runaway legislation will have a significant relationship to

rates of the Commercial Sexual Exploitation of Children as operationalized by the

CSEC measure.

H$_4$.   The severity of anti-trafficking legislation will have a significant relationship to

rates of the Commercial Sexual Exploitation of Children as operationalized by the

CSEC measure.

Chapter 5.   Results: Structural Equation Models

The relationships between variables posited in this dissertation are complex, and analysis includes not only independent and dependent variables, but control variables and mediators. The main causal mechanisms – criminalization and immigrant criminalization – are latent constructs rather than observable data measures. Their operationalization requires the estimation of dynamic processes through disparate but integrated modes of analysis. Structural equation modeling (SEM) is a statistical technique for building and testing causal statistical models. It is a hybrid technique that encompasses aspects of confirmatory factor analysis, path analysis and regression, which can be seen as special cases of SEM (Kline 2011).

Given these parameters, I employ Structural Equation Modeling as the method of analysis for dissertation data (Kline 2011). SEM encourages confirmatory, rather than exploratory, modelling; thus, it is suited to the testing of explicated theory, as in this dissertation, rather than theory development. Here, I use SEM inductively by first specifying my model and using data to estimate the values of the free parameters (Kline 2011).

A SEM diagram similar to those presented I the dissertation is presented in Figure 6 as a useful heuristic. As the paths imply, η denotes dependent variables, ξ denotes independent variables, and ζ denotes error terms, with γ denoting relationships between variables.

Figure 6: Notated Structural Equation Model Diagram
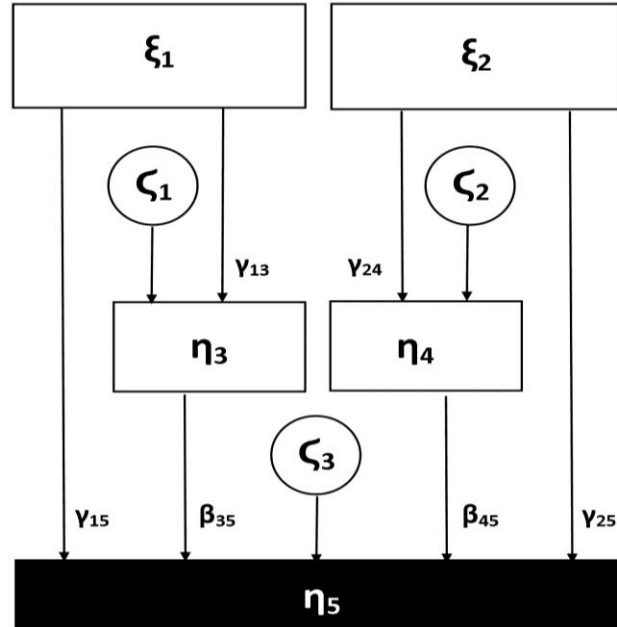
In this model, both ξ_1 and ξ_2 predict η_5, with relationships estimated by γ_{15} and γ_{25}, respectively. But ξ_1 and ξ_2 also predict η_5 indirectly, through their influence on n_3 and n_4, respectively, with the relationship between the independent variables and mediating dependent variables denoted by γ_{13} and γ_{24} respectively. The mediating dependent variables n_3 and n_4 then exert influence on η_5 at γ_{35} and γ_{45}, respectively. These relationships may also be outlined formulaically, as in Formula 6.

Formula 6: Structural Equation Model Formulas

[6a] $\quad \eta_3 = \gamma_{15}\xi_1 + \varsigma_1$

[6b] $\quad \eta_4 = \gamma_{25}\xi_2 + \varsigma_2$

[6c] $\quad \eta_5 = \gamma_{15}\xi_1 + (\gamma_{13}\xi_1 + \beta_{35}\eta_3) + \gamma_{25}\xi_2 + (\gamma_{24}\xi_2 + \beta_{45}\eta_4) + \varsigma_3$

Conversely, these relationships may be understood through their translation into matrix form. This form is depicted in Matrix 1.

Matrix 1: Structural Equation Models Matrices

$$\eta = B\eta + \Gamma\xi + \zeta$$

where

$$\eta = \begin{pmatrix} \eta_3 \\ \eta_4 \\ \eta_5 \end{pmatrix}, B = \begin{bmatrix} 0 & 0 \\ 0 & 0 \\ \beta_{35} & \beta_{45} \end{bmatrix}, \xi = \begin{pmatrix} \xi_1 \\ \xi_2 \\ \xi_3 \end{pmatrix}, \Gamma = \begin{bmatrix} \gamma_{15} & 0 \\ \gamma_{25} & 0 \\ \gamma_{13} & \gamma_{24} \end{bmatrix}$$

SEM diagrams in this dissertation are presented with their corresponding formulas rather

than their matrices – though both are equally useful in detailing the network of

relationships indicated by the model presented.

In order to test my hypotheses and specify the SEM model with the dataset that I

have collected and compiled, with an *n* sufficient for SEM analysis per Bentler and Chou

(1987), I utilize the IBM suite of statistical software programs – specifically SPSS and

SPSS Amos. Bivariate analyses are accomplished in SPSS. SPSS Amos, a stand-alone

and plug-in addition to SPSS, is designed primarily for structural equation modeling, path

analysis, and covariance structure modeling. Amos enables the analyst to specify,

estimate, assess and present models to show hypothesized relationships among variables,

building models more accurately than with standard multivariate statistics techniques.

The software has a built-in bootstrapping routine and superior handling of missing data

(IBM 2015). Composite measures are created using Amos regression weights, as are all

structural equation models, full and constrained.

Analyses proceeds in four steps. First, I present thorough univariate descriptives

of individual and composite variables to ascertain that there is sufficient variation in all of

my variables for multivariate analyses. Next, I discuss bivariate correlations between the

two measures of criminalization, the first theoretically directed at poor African-

Americans and the second at immigrants, and the prevalence of CSEC. These correlations provide *prima facie* evidence that criminalization is positively and significantly related to CSEC. I then explore these relations in the context of Structural Equation Models that controlling for variables that are related to social disorder and general strain. Finally, I consider the role of anti-trafficking and runaway legislation in working to amplify or mitigate the role of overall criminalization by constructing a full structural equation model of criminalization and exploitation.

A. Bivariate Correlations

1. Criminal Justice and CSEC

There is a strong positive correlation between the latent criminalization measure and the presence of the commercial sexual exploitation of children. The Pearson Correlation, appropriate given the continuous nature of both variables (Dietz and Kalof 2009), between the two is 0.457, significant to p<.00. Table 10 illustrates not only this correlation, but the relationship between all constitutive variables for reference. The figure in bold is the correlation between the Criminalization Measure and the CSEC estimate.

Table 10: Criminal Justice and CSEC

	$SEHIV_{st}$	$SEMC_{st}$	$CSEC_{st}$
Criminal Justice Measure	0.475***	0.294**	**0.485***
Police Officer Rate	0.380***	0.304***	0.230*
Police Spending Rate	0.252**	-0.083	0.459***
Drug Possession Arrest Rate	0.190*	0.208*	0.051
Arrest Rate	0.060	0.147	-0.096

Incarceration Rate	0.284**	0.345***	0.096
Probation Rate	0.080	0.098	0.171

2. Immigration Control and CSEC

There is a strong positive correlation between the immigration control measure and the presence of the commercial sexual exploitation of children. The Pearson Correlation between the two measures is 0.179 with a two-tailed significance of 0.062 – meaning that the bivariate correlation only reaches a $p<0.05$ level of significance with a one-tailed hypothesis as in this dissertation. Table 11 details the bivariate relationship between the CSEC measurement and the aggregate criminalization of immigrants variable, as well as the constitutive variable. The figure in bold is the correlation between the Immigrant Criminalization Measure and the estimate of CSEC.

Table 11: Immigration Control and CSEC

	$SEHIV_{st}$	$SEMC_{st}$	$CSEC_{st}$
Immigration Control Measure	0.148	0.092	**0.179***
Immigration Legislation	0.202*	0.116	0.233*
Complies with ICE	-0.155	-0.063	-0.153
Deportation Rate	-0.071	-0.037	-0.068

In addition to the relationship between the immigrant criminalization measure and CSEC, as Table 11 shows, the relationship between immigrant legislation severity at the state level is also positive and significant. Legislation severity is also significantly, positively correlated to HIV rates. Beyond these correlations, the constitutive variables of either CSEC or Immigration Control were not significantly related.

B. The Constrained Models

In order to model the relationship between the independent and dependent variables while controlling for the pertinent variables identified by existing theories, I use structural equation modeling procedures to estimate the effect of carcerality on the commercial sexual exploitation of children, which I am using as an indicator of the presence of bare life. I first create two different sets of models – one for each of the two types of carceral realities posited in this dissertation. Each of these models considers the relevant controls, presenting preliminary findings regarding the relationship between the two constructs of criminalization and CSEC measures.

1. Constrained Criminalization Model

The constrained criminalization model confirms H_1 – increased criminalization as operationalized by the Criminal Justice Measure is significantly, strongly and positively associated with the prevalence of CSEC. The prevalence of African Americans also remains significantly, positively associated with CSEC. The constrained criminal justice model fails to confirm most of the general strain or social disorganization theories of the commercial sexual exploitation of children. In fact, a greater proportion of children living with grandparents – in this research considered to be a measure of strain – is significantly negatively associated with the presence of CSEC. The magnitude of the Criminalization effect is larger than that associated with the percentage of African Americans, but the reality that system avoidance is amplified by the presence of the stigmatized population – above and beyond the degree of explicit criminalization – suggests the power of system avoidance in working to further entire communities from the national whole.

Figure 7 presents the constrained structural equation model for the posited relationships, illustrating the strength and direction of posited causal mechanisms as well as the controls. The related table, with unstandardized regression weights, standard errors, and significance figures appear in Appendix 8.1, as well as the SEM formula and model statistics.

Figure 7: The Constrained Criminal Justice Model
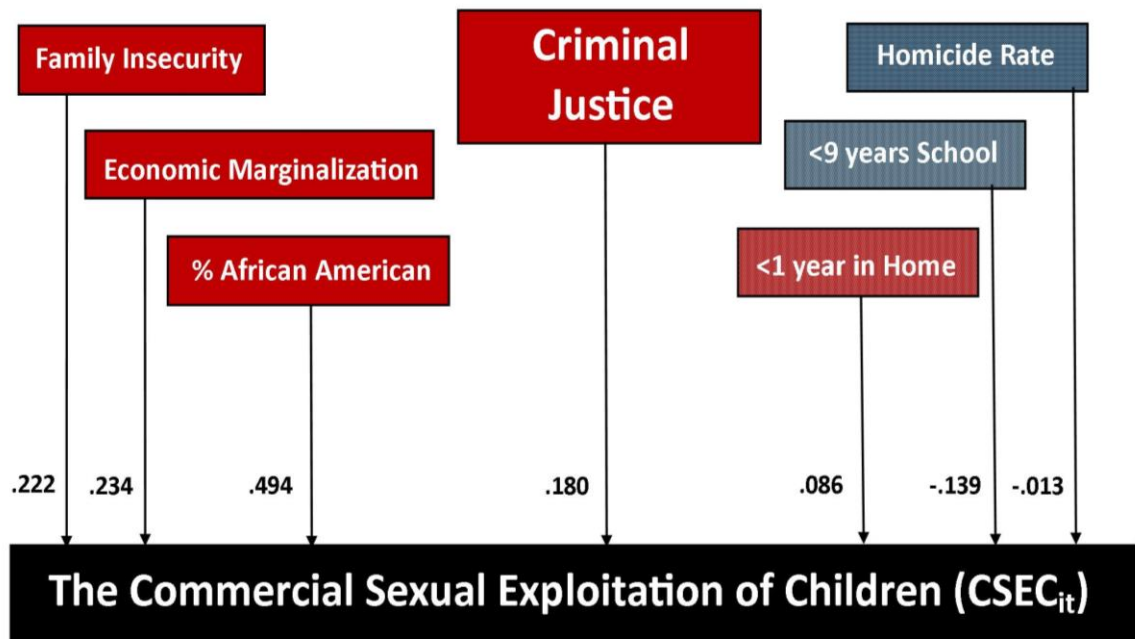
The figure presents standardized weights of the independent variable and control variables on the dependent variable, the measure of the commercial sexual exploitation of children ($CSEC_{it}$). Variables with significant relationships to the CSEC measure are in bold boxes, while those whose significance does not exceed $p < .005$ are in pixelated boxes. Those variables that contribute to an increase in CSEC in red, and those that reduce its prevalence in blue. No correlations between control variables are presented, as none are statistically significant at the $p < .005$ level. These relationships are also outlined in Formula 7.

Formula 7: Constrained Criminal Justice Model Formulas

$$\text{CSEC}_{it} = 12.354(Crim) + 20.25(EM) + 15.23(FI) + 238.16(AA) + 165.89(NH)$$
$$- 266.27(UEd) - 33.53(CC) - 0.315(HR) + \varsigma_3$$

Where Crim is the criminalization measure, EM is Economic Marginalization, FI is Family Instability, AA is percent identifying as African American, GP is rates of Grandparents responsible for minor grandchildren, NH is rates of New Homes or fewer than one year in the current home, and UEd is Under-Education as measured by the rate of fewer than 9 years of formal schooling. HR is the Homicide Rate and CC is the variable for the potential clustering of crime effects.

Overall model fit is acceptable, if unexceptional. The χ^2 for the model is 188.43, significant to $p<0.001$. The model has a RMSEA of 0.066 – greater than the preferred statistic of 0.05 and still well below the goodness-of-fit cutoff of 0.08 (Schermelleh-Engel, Moosbrugger and Müller 2003).

Per one of the two central hypotheses of this dissertation, H_1, the latent criminalization measure is significantly and positively associated with the presence of CSEC in the controlled model. More arrests, incarceration and felon disenfranchisement predict more exploited children, controlling for elements of the social disorganization and strain posited to be influential in the extant literature.

2. Constrained Immigration Control Model

This dissertation's second central hypothesis, H_2, is confirmed in the constrained model – increased criminalization of immigrant communities, as operationalized by the Immigration Control Measure, is significantly, strongly and positively associated with the prevalence of CSEC. Of the control variables, the prevalence of immigrants, as

operationalized by the proportion of residents who are foreign-born, is also significantly, positively associated with CSEC. Additionally, family instability – as operationalized by female householding, grandparents raising children, and out of wedlock births – is significantly and deleteriously associated with the presence of CSEC in the immigration control model. However, this model fails to confirm, and puts into doubt, other control variables.

Figure 8 presents the results from the constrained structural equation model for the posited relationships, illustrating the strength and direction of posited causal mechanisms. The related table, with unstandardized regression weights, standard errors, and significance figures, appears in Appendix 8.2.

Figure 8: Constrained Immigration Control Model
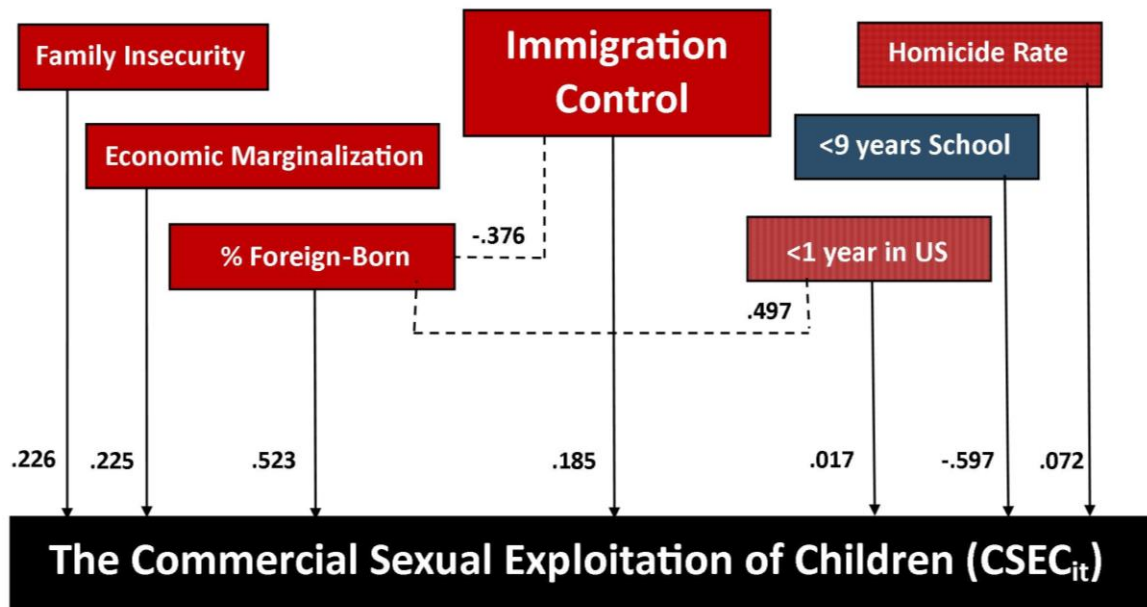
The figure presents standardized weights of the independent variable and control variables on the dependent variable, the measure of the commercial sexual exploitation of children ($CSEC_{it}$). Variables with significant relationships to the CSEC measure are in

bold boxes, while those whose significance does not exceed p<.005 are in pixelated

boxes. Those variables that contribute to an increase in CSEC in red, and those that

reduce its prevalence in blue. Significant correlations between control variables are

presented with dashed lines, with standardized correlations noted. These relationships are

also outlined in Formula 8.

Formula 8: Constrained Immigration Control Model Formulas

$$\text{CSEC}_{it} = 5.90(ImmCon) + 22.77(EM) + 18.16(FI) + 491.26(FB) + 376.59(NC)$$
$$- 1356.42(UE) + 2.01(HR) + \varsigma_3$$

Where ImmCon is the Immigration Control measure, EM is Economic Marginalization,

FI is Family Instability, FB is Percent Foreign Born, GP is rates of Grandparents

responsible for minor grandchildren, HR are the Homicide Rates, NC is rates of New

Country or fewer than one year in the country, and UE is Under-Education as measured

by the rate of fewer than nine years of formal schooling.

Overall model fit is acceptable, if unexceptional. The χ^2 for the model is 257.44,

significant to p<0.001. The model has a RMSEA of 0.072 – greater than the preferred

statistic of 0.05 but still below the goodness-of-fit cutoff of 0.08 (Schermelleh-Engel,

Moosbrugger and Müller 2003).

H_2 is also confirmed in the SEM analyses: increased criminalization of immigrant

communities as operationalized by the latent construct, Immigration Control, is

significantly, strongly and positively associated with the prevalence of CSEC (Figure 8).

In addition, more deportations, more stringent legislation and more active enforcement of

existing law predict more exploited children, controlling for elements of the social

disorganization and strain posited to be influential in the extant literature. However, this

model fails to confirm other variables within general strain or social disorganization theories of the commercial sexual exploitation of children. Of the control variables, the prevalence of immigrants, as operationalized by the proportion of residents who are foreign-born, is also significantly, positively associated with CSEC. Additionally, family instability – operationalized as female householding, grandparents raising minor grandchildren, and out of wedlock births – is significantly and deleteriously associated with the presence of CSEC in the immigration control model. Additional control variables, particularly the percent of the case area that identifies as a member of the at-risk ascriptive group – in this case, the foreign-born – and female householding are significantly related to the presence of CSEC in the manner the extant literature would anticipate. In case areas that criminalize immigrants, more immigrants and fewer men mean more exploitation for the most vulnerable members of the community.

There is a positive relationship between carcerality and the prevalence of CSEC, suggesting that criminal justice and immigration control systems work in tandem with other social realities to create an environment in which children are particularly vulnerable to exploitation. The positive relationship between the criminal justice and immigration controls system strength in vulnerable communities and CSEC are amplified by the presence of the targeted, at-risk ascriptive group – suggesting a close interplay between theories of carcerality and racial domination. I controlled for the percent of a given case area that identifies as African American and the percent that are foreign-born as existing theory would consider them to be important. Institutionalized systems of discrimination against members of these groups create barriers to the realization of life

goals, and because criminalization disproportionately affects them, amplifying the structures of discrimination, this percentage is an important component of overall strain. But these institutionalized systems include criminal justice and immigration control systems.

Other variables behaved largely, though not entirely, as anticipated by existing research, as guided by the extant literature. I discuss, in detail, these findings in PART IV.

C. The Role of Mediator Variables

1. Anti-Runaway Legislation

Because anti-runaway legislation is passed at the state level, I use the National Law Center on Homelessness and Poverty dataset of state anti-runaway legislation to operationalize this variable (2012). Figure 9 presents the controlled structural equation model for the posited relationship between criminalization and CSEC with anti-runaway legislation as a mediating variable, illustrating the strength and direction of posited causal mechanisms as well as covariance between control variables. The full table for these relationships is presented in Appendix 8.3.

Figure 9: The Full Criminal Justice Model
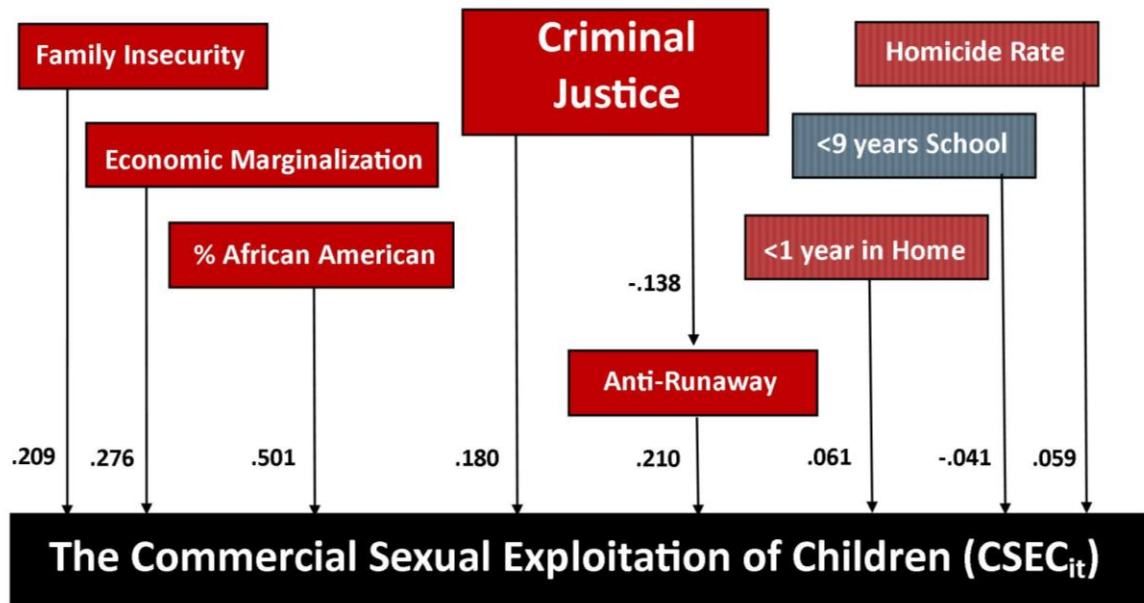
The figure presents standardized weights of the independent variable and control

variables on the dependent variable, the measure of the commercial sexual exploitation of

children (CSEC$_{it}$). Variables with significant relationships to the CSEC measure are in

bold boxes, while those whose significance does not exceed p<.005 are in pixelated

boxes. Those variables that contribute to an increase in CSEC in red, and those that

reduce its prevalence in blue. No correlations between control variables are presented, as

none are statistically significant at the p<.005 level. These relationships are also outlined

in Formula 9.

Formula 9: Mediated Criminal Justice Model Formulas

[9a] $\mathrm{AR}_{it} = -0.062(\,Crim) + \varsigma_1$

[9b] $\mathrm{CSEC}_{it} = 12.428(Crim) - 24.008(EM) + 14.429(FI) + 242.574(AA) -$

$+ 119.064(NH) - 79.617(UE) + 1.423(HR) + 32.347(AR) + \varsigma_3$

Where Crim is the criminal justice measure, AR is the measurement of Anti-Runaway legislation, EM is Economic Marginalization, FI is Family Instability, AA is Percent African American, NH is rates of New Homes or fewer than one year in a given home, HR is the Homicide Rate, and UE is Under-Education as measured by the rate of fewer than 9 years of formal schooling.

Overall model fit is acceptable, if unexceptional. The χ^2 for the model is 210.66, significant to $p<0.001$. The model has a RMSEA of 0.062 – greater than the preferred statistic of 0.05 but comfortably below the goodness-of-fit cutoff of 0.08 (Schermelleh-Engel, Moosbrugger and Müller 2003).[11]

The findings of the mediated model are similar to those without the anti-runaway legislation – but the relationship between criminalization and CSEC becomes amplified with the presence of the mediating variable. Both the growth of criminal justive systems and the explicit criminalization of runaways specifically work to increase the prevalence of CSEC in the case areas. Criminal Justice is insignificantly, negatively related to anti-runaway provisions, but anti-runaway legislation is significantly and positively related to CSEC. This finding confirms H$_3$, suggesting a significant relationship between legislation to lessen underage sexual exploitation and its prevalence.

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[11] In order to investigate the extent to which there was a U-shaped relationship between carcerality through criminal justice systems and CSEC, I created dummy variables for very low levels of carcerality – operationalized as more than one standard deviation below the mean criminal justice measure – and for very high levels of criminal justice carcerality – operationalized as greater than one standard deviation above the mean criminal justice measure. Neither of the dummy variables proved statistically significant in the OLS regression of this model. The detailed table for this regression is presented in Appendix 8.1a.

2. Anti-Trafficking Legislation

Because anti-trafficking legislation is passed at the state level, I use the Polaris Project dataset of 2008 state anti-trafficking legislation to operationalize this variable (The Polaris Project 2013). Figure 10 presents the controlled structural equation model for the posited relationship between immigration control systems and CSEC with anti-trafficking legislation as a mediating variable, illustrating covariance between control variables in addition to the strength and direction of posited causal mechanisms. The accompanying table is presented in Appendix 8.4. Significant relationship weight figures are bolded and in a larger font than insignificant ones, with a $p<.05$ – and variables with significant relationships to the CSEC measure are in bolder colors, with those variables that contribute to an increase in CSEC – that is, are positively related to the CSEC measure – in red, and those that reduce its prevalence in blue. Dashed lines present correlations (standardized covariances) between related control variables, all of which are significant to $p<.05$. Formula 10 details the corresponding SEM formulas.

Figure 10: The Mediated Immigration Control Model
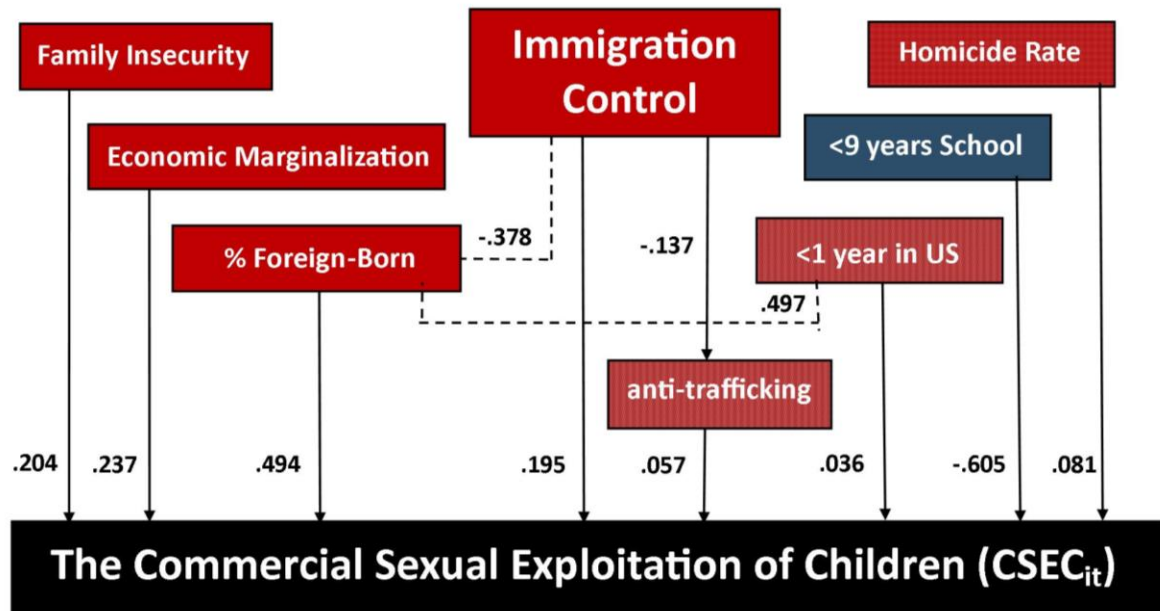
Formula 10: Mediated Immigration Control Model Formulas

[10a] $\mathrm{AT}_{it} = -.050(ImmCon) + \varsigma_1$

[10b] $\mathrm{CSEC}_{it} = 6.128(ImmCon) + 23.636(EM) + 16.248(FI) + 458.032(FB) +$

$783.243(NC) - 1359.524(UE) + 2.252(HR) + 4.902(AT) + \varsigma_3$

Where ImmCon is the Immigration Control measure, EM is Economic Marginalization,

FI is Family Instability, FB is Percent Foreign Born, NC is rates of New Country or fewer

than one year in the country, HR is Homicide Rate, AT is Anti-Trafficking Legislation

and UE is Under-Education as measured by the rate of fewer than 9 years of formal

schooling.

Overall model fit is acceptable, if unexceptional. The χ^2 for the model is 210.66,

significant to p<0.001. The model has a RMSEA of 0.079 – greater than the preferred

statistic of 0.05 but squeaking in just below the goodness-of-fit cutoff of 0.08

(Schermelleh-Engel, Moosbrugger and Müller 2003).

The findings of the mediated model are similar to those without the anti-trafficking legislation – but the relationship between immigrant control and CSEC becomes amplified with the presence of the mediating variable. There is no significant relationship between anti-trafficking and CSEC in these models. This finding fails to confirm H_4, suggesting no significant relationship between legislation to lessen underage sex trafficking and its prevalence.

D. The Full Model

The full model tests the relationships posited in the dissertation, along with those of the existing literature, while taking legislation intended to lessen the incidence of CSEC into account. Figure 11 presents the full structural equation model for the posited relationship between criminalization and immigrant criminalization, mitigating legislation and CSEC, while illustrating covariance between control variables, in addition to the strength and direction of posited causal mechanisms, with accompanying table presented in Appendix 8.5. Significant relationship weight figures are bolded and in a larger font than insignificant ones, with a $p<.05$ – and variables with significant relationships to the CSEC measure are in bolder colors, with those variables that contribute to an increase in CSEC – that is, are positively related to CSEC – in red, and those that reduce its prevalence in blue. Dashed lines present correlations (standardized covariances) between related control variables, all of which are significant to $p<.05$.

Figure 11: Full Structural Equation Model for CSEC
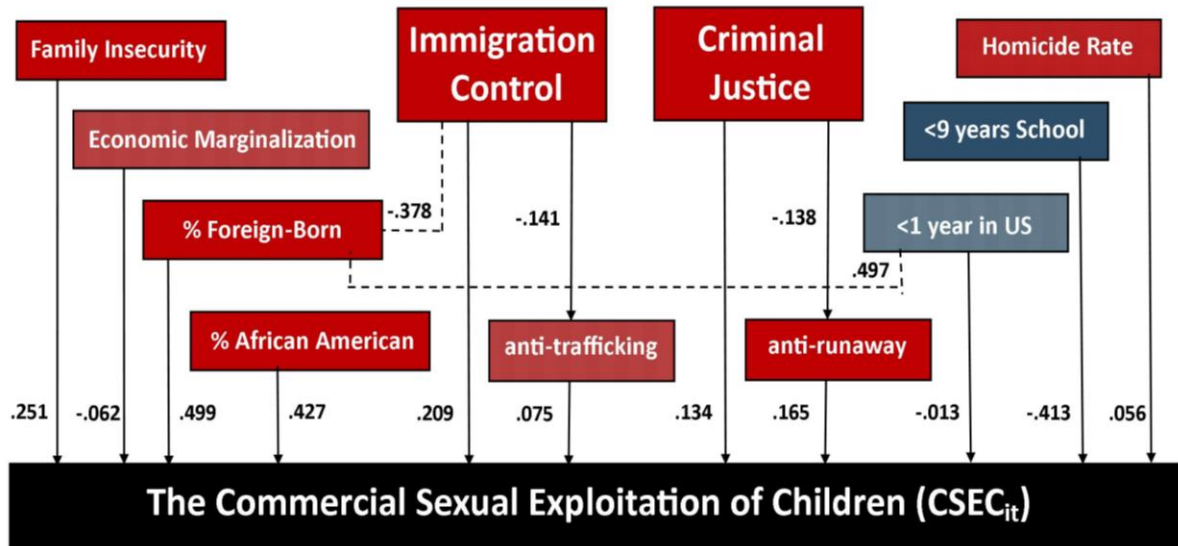
Formula 11: Full Model Formulas

[11a] $AR_{it} = -.062(Crim) + \varsigma_1$

[11b] $AT_{it} = -.052(Imm\ Con) + \varsigma_1$

[11c] $CSEC_{it} = 9.290(Crim) + 5.714(ImmCon) - 5.355(EM) + 17.356(FI) +$

$1.345(HR) + 205.149(AA) + 382.743(FB) + 127.076(NH) - 244.935(NC) -$

$798.067(UE) + 5.565(AT) + 25.459(AR) + \varsigma_3$

Where Crim is the Criminal Justice measure, ImmCon is the Immigration Control

measure, EM is Economic Marginalization, FI is Family Insecurity, AA is Percent

African American, FB is Percent Foreign Born, NC is rates of New Country or fewer

than one year in the country, NH is rates of New Homes or fewer than one year in a given

home, HR is Homicide Rate, AR is Anti-Runaway Legislation, and UE is Under-

Education as measured by the rate of fewer than 9 years of formal schooling.

Overall model fit is acceptable, if unexceptional. The χ^2 for the model is 537.345,

significant to p<0.001. The model has a RMSEA of 0.067 – greater than the preferred

statistic of 0.05 but below the goodness-of-fit cutoff of 0.08 (Schermelleh-Engel, Moosbrugger and Müller 2003).[12]

The findings of the mediated model are similar to those without the anti-trafficking legislation – but the relationship between immigrant control and CSEC becomes amplified with the presence of the mediating variable. There is no significant relationship between anti-trafficking and CSEC in these models. This finding fails to confirm H_4, suggesting no significant relationship between legislation to lessen underage sex trafficking and its prevalence.

The relationships brought to the fore by these structural equation models, and their implications for belonging in the neoliberal state, are discussed in detail in PART IV.

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[12] OLS Regression results mirror those of SEM models, though they over-estimate effects by failing to incorporate degree of covariance between control variables.

PART IV.   Research Findings and Their Implications

The main argument of this dissertation is upheld by the results of the structural

equation model – an increase in carcerality predicts an increase in the exploitation of

children on the commercial sex market. All things considered, more arrests, longer

sentences, more disenfranchisement, more criminal bodies, more deportations and more

legislation to enforce these realities mean more vulnerable children. Both the carcerality

of criminal justice and of immigration control systems are significantly and positively

related, lending credence to the duality of the "crimmigration" regime (Stumpf 2006).

Results from the analysis of mediator variables were provocative. Although the

hypothesized relationships between CSEC and anti-runaway/anti-trafficking legislation

(H_3 and H_4) were bi-directional, with cogent theoretical arguments for this legislation

both reducing the presence of CSEC and increasing it, analysis showed that increased

stringency in the prosecution of trafficking offenders and the control of runaway bodies

exacerbates the problem that this legislation is trying to solve. In more criminalized

environments, there is more exploitation, and the more criminalizing legislation passed to

mitigate this, the worse the problem appears to become.

Here, findings must be interpreted in relation to theory.[13] Therefore, in the next

chapter, I place the results of quantitative models in our larger existing knowledge of the

structural causes of the commercial sexual exploitation of children. I then further

contextualize these findings, postulating their implications for minority groups after the

welfare state.

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[13] I do not delve into the results of clustering variables, automatically generated to estimate the effects of
state and regional grouping on effects. Though they are presented in results tables, they are not theorized.

Chapter 6.   Structural Contributions to CSEC, and to Bare Life

A. The Commercial Sexual Exploitation of Children

In this section, I interpret the results of the full model. Here, I delve into the ramifications of findings, looking for the ways in which we can understand not only criminalization's effect on the vulnerability of children to exploitation, but those variables posited to be salient within existing sociological and criminological theories. Because the control variables are each theoretically important in their own right, I explore them in the context of this research.

The results from this dissertation suggest that at the level of the urban metropolitan area, an increase in criminalization predicts an increase in the exploitation of children on the commercial sex market. This relationship holds whether the carcerality is administered through the criminal justice or immigration control system, and whether it falls disproportionately on the bodies of poor African Americans or those of Latino immigrants. The predicted effect of criminal justice is smaller than that of immigration control, with a one standard deviation increase in the former predicting a 0.165 standard deviation increase in the CSEC measure and the latter predicting a 0.209 increase. These findings confirm the key hypotheses of this research – H_1 and H_2.

Although existing data regarding CSEC is insufficient to establish the racial composition or household incomes of CSEC victims individually, controlling for these variables at the local level is instructive. Having established that more arrests, longer sentences, more disenfranchisement, more criminal bodies, more deportations and more legislation to enforce these realities mean more vulnerable girls – that carcerality works to create more bare life – I then note that these results are amplified by the presence of

the targeted, at-risk group. This research does not plot individual causal pathways – but rather focuses on larger structural forces and their social outcomes.

B. Economic Marginalization

Economic marginalization does not have a statistically significant relationship with the presence of the commercial sexual exploitation of children in the full SEM model. More economic marginalization, as operationalized by poverty rates and high levels of inequality, though it must certainly increase the amount of strain to which individuals and caretakers are subjected and, therefore, presumably lessen the supervision on which children can depend, has not predictive power in the full regression system.

The fact that Economic Marginalization does not have significance in the full model is suggestive. Irrespective of relative or absolute material resources, members of the polity may have productive and inclusive relationships with the state – relationships that give individuals and groups the protection they need to retain their personhood. Although Marshall (1950) notes that absolute poverty can work *ipso facto* to exclude from the national community, poverty that does not threaten survival does not, in this research's formulation of bare life, appear to effect this exclusion. Importantly, caretakers and communities can continue to care for their vulnerable members despite extremely limited material resources. They cannot do so, however, once having to work outside of the rubric of the nation. Once made targets, I argue that poor communities are not fundamentally distinguished by their economic limitations – but rather by their functional statelessness.

While Economic Marginalization is not significant in the full CSEC model, the variable is significant in the Criminal Justice and Immigration Control models. When

considering the importance of *solely* the criminalization of bodies through either system, the existence of higher levels of poverty and inequality works to predict an increase in CSEC, as theory would anticipate. The reality that these findings do not hold up with the inclusion of all the variables in the system does not preclude mentioning the positive relationship between these two measures.

C. Family Instability

Across racial and ethnic lines, immigration statuses, and socio-economic class, children born out of wedlock and/or raised in single parent homes experience reduced outcomes in comparison to their dual-parented counterparts. Specifically, models within strain theory (Reid 2012, Reid and Piquero 2013) predict that these typical manifestations of reduced male involvement in child-rearing should increase caregiver strain by increasing both emotional and financial hardship for the remaining parent. Thus, they posit female-headed households and out of wedlock births should predict greater exploitation of children. Similarly, grandparents raising their dependent grandchildren are under disproportionate strains and should be related to increased prevalence of CSEC.

Family insecurity, as operationalized by female householding, out of wedlock births, and grandparent child-rearing, does significantly increase the prevalence of CSEC at the local level. This finding should be contextualized within the gendered nature of the criminal justice and immigration control systems. Because both modes of carcerality focus on male bodies, they leave behind communities with missing men – destabilizing families and amplifying the negative consequences of carcerality.

D. Presence of the At-Risk, Ascriptive Groups

Analysis considered the salience of the percent of a given case area that identifies as African American and the percent that are foreign-born within the rubric of general strain. Because the institutionalized systems of discrimination against members of these groups create barriers to the realization of life goals, and because criminalization disproportionately affects them, amplifying the structures of discrimination, this percentage is an important component of overall strain (Reid and Piquero 2013). Certainly, analyses confirm the salience of the presence of the at-risk group in both constrained models and the full model. As would be expected given this existing literature, an increase in the presence of the targeted group does predict a sizeable and significant increase in the presence of CSEC in the case area.

It is possible, however, that the positive relationship between the percentage of the jurisdiction that is a member of the targeted group and the commercial sexual exploitation of children, is about more that existing strain theory would imply. Criminalization directed at a specific group should be felt more heavily in a given space when the targeted group represents a larger proportion of the residents of that area. Conceptually, if 1% of the population is subjected to particularly high rates of arrest, detention, or deportation this leads to a very different landscape in terms of marginalization than if 50% is. Simply, beyond the strain that in theorized to accompany membership in an oppressed minority group, as greater percentages of the jurisdiction are criminalized groups, greater proportions will be marginalized through system avoidance, and greater proportions of children will be vulnerable and, ultimately, exploited.

E. Transience in the Nation and the Home

Two variables were added to control for existing literature positing that greater degrees of transience, as operationalized by recent (within the last year) relocation to the United States and recent movement of primary residence, would be associated with greater prevalence of the commercial sexual exploitation of children. In the controlled criminalization and immigrant criminalization models, measures of transience are not significantly related to the presence of the dependent variable. Similarly, in the full model, these measurements are not significantly associated to the prevalence of the commercial sexual exploitation of children.

F. Proportion with Fewer than Nine Years of Education

Challenging to understand, however, is the negative relationship between the percentage of residents with fewer than nine years of education – people who did not attend even some high school – and CSEC. Because the presence of residents with fewer than nine years of schooling is an element of social disorganization, I anticipated that this control would be positively related to CSEC. The negative relationship was present in Immigrant Criminalization and full models, but the variable is insignificantly positive in models testing the importance of the criminalization of poor, African-American communities.

It is in immigrant communities specifically that the presence of less educated people is somehow effective at rendering children less vulnerable to exploitation. Perhaps, in this case, under-education is a proxy for nearness to the experience of immigration in the community. Because of the compulsory nature of formal schooling in the United States, in combination with the historic availability of public schooling to

children of all immigration statuses (Gonzales 2011), we can expect that immigrants that come to the US as children would be more likely to have completed at least some high school. Conversely, more recent and adult arrivals from developing nations in Latin America often have only an elementary school-level education (Feliciano 2005). This suggests there may be a relationship between mean age at immigration in a given community and the prevalence of CSEC. These findings may be a fertile site for future inquiry that exceeds the scope of this dissertation.

G. Anti-Trafficking and Anti-Runaway Law

Results from the analysis of mediator variables were clear in their sign – positive – and statistical significance, if not in their causal direction. Although the hypothesized relationship between CSEC and anti-runaway/anti-trafficking legislation was bi-directional, with cogent theoretical arguments for this legislation both reducing the presence of CSEC and increasing it, analysis showed that increased stringency in the prosecution of trafficking offenders and the control of runaway bodies is associated with the presence of the problem that the legislation is ostensibly trying to solve. This pattern is significant in both controlled models, as well as the full model. Hypotheses H_{13} and H_{14} were both confirmed in that these types of legislation are significantly related to the prevalence of CSEC.

Assuming that the causal relationship between criminalization and CSEC extends to the increased criminalization of traffickers and runaways, then the positive relationship between these types of legislation and CSEC could be interpreted as an example of increasing criminalization resulting in increased avoidance of systems, resulting in increasingly prevalent CSEC. This is the argument that I make in this dissertation.

The potential that the causal relationship between criminalization specific to underage status offenders and those who would traffic them and the prevalence of CSEC should be reversed, however, should be addressed. There is no element of the structural equation modeling procedure that specifies the causal direction. It is therefore impossible to exclude the possibility that levels of CSEC predict stringency of anti-trafficking and anti-runaway legislation and the possibility that more underage sex trafficking propels more stringent anti-trafficking laws cannot be discounted.

This having been acknowledged, the increasing attention being paid to the problem of coerced labor in the developed world (Bales 2000), also described as the moral panic around human trafficking (Weitzer 2005, 2007), has meant that anti-trafficking legislation has increased throughout the United States. World polity theory elaborates on the processes through which, irrespective of local context, global concerns fuel the passage of legislation in individual jurisdictions (Meyer, et al. 1997, Mathias 2013) and I argue the use of anti-trafficking legislation as an independent variable is best understood under this rubric – with almost all jurisdictions having similar legislation by 2012. Similarly, anti-runaway legislation became salient at the national level as a function of increased concerns about juvenile prostitution in the 1970s (Staller 2003). Although an investigation of the genesis of these laws is beyond the purview of this dissertation, this type of research would significantly add to the scholarly understanding of the role of international concerns in generating local law.

Chapter 7.   Discussion and Conclusion

A. Research Mandate and Contributions

I began the dissertation by elaborating upon the theories of carcerality in the neoliberal state that frame my research, explaining how scholars have built a rich conceptual schema through which to understand the state's role in the commercial sex market for underage girls. I developed an original measure of CSEC at the level of the police precinct and used this measure in a comprehensive analysis of whether and to what extent criminalizing policies and actions of the state work to, in tandem with other variables, increase the incidence of CSEC. I used this model to answer four important questions regarding the realities of life in the United States in the current period.

1. How prolific is the commercial sexual exploitation of children in the United States today?

In the case areas studied, which represented the populous urban areas in which approximately 42% of the US population lived, just under 0.1% of the juvenile population was estimated to have been exploited in the commercial sex market for some period of time in 2012. This figure is lower than, but still in line with, Estes and Wiener's (2001) earlier work, which estimated 300,000 children engaged in sex work at the national level.

2. Do community CSEC rates differ in response to the degree of carcerality experienced through the criminal justice and immigration control systems?

This research finds a significant, positive relationship between the degree to which individuals in at-risk groups – and minority communities – are criminalized and the

prevalence of the commercial sexual exploitation of children. As criminalization differs widely across local areas, CSEC prevalence differs widely as well.

3. How are these relationships influenced by the relative stringency of legislation to decrease sex trafficking and the presence of presumably vulnerable runaway youth.

This research demonstrates a clear, positive relationship between the stringency of anti-runaway and anti-trafficking legislation and the incidence of CSEC. By making victims and their exploiters a greater focus and priority for law enforcement agencies, this research suggests that they are pushed further from the rubric of the state – and further from the protection that the state represents.

4. Does any relationship between criminalization and CSEC remain once the effects of those dynamics posited to affect the prevalence of CSEC in general strain and social disorganization theories are considered?

While the relationships posited by general strain and social disorganization theories remain salient in many cases, the addition of criminalization measures meaningfully adds to our understanding of the complex phenomenon of CSEC specifically and, I argue, bare life broadly.

Though the empirical work in this dissertation focused on the criminalization of minority communities and its relationship to the commercial sexual exploitation of children, CSEC is a proxy measure through which to understand the prevalence and persistence of bare life in a given space. This project investigated the mechanisms through which exclusion from the rule of law may lead to the exploitation of the most

vulnerable members of criminalized communities – children. Broadly, to what extent does the criminalization of black and brown bodies fulfill not just the implementation of coercive law and order, but the marginalization and commodification of bodies where labor has little value?

In addressing the mandate of this research, the dissertation used a tool developed to statistically extrapolate the likely extent of underage sex trafficking in a given area in order to estimate the presence of the commercial sexual exploitation of children (CSEC). This tool represents one of the most ambitious efforts completed to date to estimate the appearance of domestic minor sex trafficking at the sub-national level. The measurement, and its future iterations and refinements, represents an important contribution to policy makers' ability to understand and react to the extent of a social problem in a given jurisdiction.

In addition to the real contribution represented in an estimate of the commercial sexual exploitation of children at the local level, this research also represents a significant extension of our empirical understanding of the presentation of Agamben's (1998) theory of bare life. Existing research has succeeded in comprehensively describing the plight of underage sex trafficking victims – allowing us to effectively describe their position in the national community as one of the complete marginalization, one of bare life. The operationalization of this complex concept through the prevalence of CSEC – and the estimation of CSEC through measurements of missing children and HIV diagnoses – represents one of the central contributions of this dissertation.

Additionally, this dissertation builds on an extensive extant literature on crime, criminal justice, immigration enforcement, and criminalization to investigate the extent to

which legislation criminalizing poor, minority and immigrant bodies – and the active enforcement of this legislation – affects the prevalence of underage sex trafficking in various jurisdictions. By engaging with the potential sociological implications of not just incarceration, but a carceral regime, this dissertation brings to light the relationship between penality and exclusion. The ramifications of this demonstrated correlation between criminalization and marginalization lends substantial legitimacy to existing research on system avoidance. By confirming hypotheses positing a relationship between criminal policy and victimization, this dissertation propels forward research in this area of sociological theory. During a moment in which Americans are critically engaging with the ramifications of prisons, policing, and criminalization – with many policy makers publically questioning the institutionalization of safety for some at the expense of freedom for others (Clinton 2016, Geier 2016, Gingrich and Nolan 2011) – this research adds an important component to the larger conversation.

B. Broader Implications and Directions for Future Research

This research also represents a first step in understanding the relationship between carcerality in the nation- state and the generation of bare life at the subnational level. In the United States, over 1,200 young black men were killed by the police between 2010 and 2012 (Gabrielson, Grocjowski Jones and Sagara 2014). Between 1,500 and 2,000 migrants drowned in the Mediterranean attempting to enter the EU countries in 2011 (Sunderland 2012), while 368 bodies were recovered by US Border Patrol in the desert abutting the Mexican border in the same year. Incarceration rates have risen throughout Western Europe and North America (Barker 2012), though nowhere as spectacularly as in the United States, where just under 1% of the adult population is behind bars (Miller

2013). Two million people, primarily of Latin American origin, have been forcibly deported from the United States since 2008 (Thompson and Cohen 2014), while 7% of school-age US citizens had at least one parent who was "illegal" as of 2014 – with all of the stigma and precarity that status implies (Suro, Suárez-Orozco and Canizales 2015). These facts, while ostensibly unrelated, speak to a larger shift in the locus of belonging in a neoliberal world, and to the growing presence of bare life both within and between nation-states (Agamben 1998). This dissertation brings these facts into sharp relief, interrogating the state contributions to the prevalence of bare life – and unregistered lives and deaths.

Human rights are a function of the political realities of a given time, but only humans recognized as political bodies are able to make claims on any rights at all – including the right to live (Agamben 1998). Drawing on Aristotle, Arendt (1959) argues that, without political rights, humans are essentially "speaking animals" (Schaap 2011, 23), biologically alive but quit of agency and vulnerable to the infinite prerogatives of other, more powerful, interests (Agamben 1998). Without citizenship, humans may be confined, relocated, and even allowed to die without the intervention of the organized power of a nation-state (Arendt 1958, Agamben 1998). In the aftermath of the Second World War, the United Nations moved to regularize all actors – irrespective of legal citizenship – as entitled to human rights through accords on the rights of refugees, the stateless, migrants. Concurrently, the establishment of common standards of due process and rights within the state made the achievement of universal personhood seem possible.

Historically, the civil, political and social rights that separate full human life from its stateless counterpart are gained through national membership - membership

determined by ethnicity, right of birth, or formal naturalization. The acknowledgement of the importance of social rights, "the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society" (Marshall 1950, 8), in constituting real inclusion led to the development of welfare states in the West (Esping-Andersen 2013, Hicks 1999). Within this model of the state, nationals are entitled to a level of security by virtue solely of their citizenship, and this security was enforced by the nation-state.

For native-born and naturalized citizens in middle and high income countries, there has been no burgeoning in a commonality of rights grounded in personhood or simple humanity. Rather, a desire for national competitiveness in global markets has been used to justify programs of government austerity (Rieger and Leibfried 1998, Buti and Pench 2012, Korpi and Palme 2003, Tanzi 2002). Democratic rights once seen as secure, including the right to material sustenance (Shapiro 2007), the right to organize (Davies and Vadlamannati 2013), and even the right to vote (Bentele and O'Brien 2013; Phillips and Deckard 2015) have been limited by legislatures and judiciaries. Stagnant minimum wages (Manning 2013) have eroded the quality of life experienced by low-skill workers, while poverty has become increasingly stigmatized, relegating former members to the margins of their national communities (Walker and Bantebya-Kyomuhendo 2014). Success in market participation, rather than legal membership in the nation-state, is increasingly the agent through which security is delivered in an increasingly globalized society, even for native-born citizens.

McMichael (2011, 15) defines neoliberalism as "a philosophy positing an individual instinct for economic self-interest, justifying elevation of market principles as the organizing principle of society, where private interest trumps the public good." Neoliberal conceptualizations of the role of the state revolve around the maintenance of calculable law (Birch 2015), which Weber (1981) deems necessary to ensure private property rights and legally protected markets. Social welfare programs come under particular fire from neoliberals, who believe them to distort labor markets by setting artificial floors on wages (Somers 2008). In the neoliberal view, labor laws, including minimum wages and maximum work hours, environmental protection laws, and even public education and healthcare schemes, are all unwelcome government intrusions into rightfully private spheres that only cause inefficiencies and, ultimately, economic stagnation (Bourdieu 1998). Tariffs, which aim to protect nascent industries in developing economies until they are able to better compete in the international arena, mean that domestic demand is artificially stifled by inflated prices for consumer goods (Chang 2002, McMichael 2011).Though the "free market" is the professed goal, in practice neoliberals may seek "regimes of market-driven big government," as noted by Somers (2008, 74).

The market narrative endemic to neoliberalism has become ubiquitous in discussions of citizenship, citizenship rights, and belonging (Fudge 2005; Somers 2008). Rather than the traditional citizenship model, in which the rights of membership, participation and equality are anchored in birthright and present as claims made to the nation-state, neoliberal citizenship regimes locate the nexus of rights in successful individual participation in national markets (Root 2007). In this way, the role of

government in equalizing the status of citizen is reduced, and the market is left to ensure basic levels of social and material well-being (Somers 2008). This reduction in these rights has left citizens at the disposal of the neoliberal marketplace for survival (Somers 2008), with decommodification through the welfare state no longer a realistic option.

According to Somers (2008), and others less explicitly (Fudge 2005, Jenson 1997, Mooers 1998), the transition from a citizenship based on the theoretical moral equality of nationals to one in which moral equality derives from economic viability has led to the creation of a philosophy of "market citizenship." In this system, highly influenced by the growth of globalization and the neoliberal marketplace, the state's role is to "help citizens to help themselves" (Fudge 1997: 645) and the citizen's largest obligation, ultimately, is to be self-reliant – or at least to appear to be so. Good market citizens are economically successful and pay more into the society than they cost. They do not compete for scarce jobs or positions in institutions of higher learning, but rather create jobs and maximize their returns on what may be a sub-standard education. Good market citizens support families and provide for children without depending on any of the social rights of citizenship. Individuals who appear to succeed in these obligations actually succeed in fulfilling the new obligations of citizenship and are therefore, exclusively, accorded the full benefits of inclusion in the polity. Those who do not, however, are stigmatized (Walker and Bantebya-Kyomuhendo 2014), economically and socially marginalized (Giroux 2006), and increasingly transitioned to the supervision of the criminal justice and immigration control systems under the growing umbrella of the carceral neoliberal state (Wacquant 2009; 2011).

This change has widely disparate ramifications for different groups with different historical and institutionalized relationships with the nation-state, citizenship and belonging. A long-established literature on disparate life outcomes, spearheaded by Ogbu (1998), posits the salience of a bifurcation of minority groups within the nation: historically disenfranchised involuntary minorities groups and voluntary groups made up of immigrants and their descendants. Involuntary minorities are the descendants of slave populations – African Americans in the United States – as well as indigenous groups in settler colonies and ethnic minorities that could potentially join their territory with that of a co-ethnic neighboring state. Voluntary groups are comprised of both migrant laborers and members of so-called model minority groups, as well as transnational global elites. Members of all groups were, in earlier citizenship regimes, allocated membership within the state as part of the legal process of naturalization or through birthright. With the advent of market citizenship, however, group members' status of belonging is mediated by the perception of its market viability (Somers 2008).

Involuntary minority groups are, upon arrival to the nation, disenfranchised – a tautological statement because disenfranchisement was a prerequisite to their involuntary migration. The overwhelming majority of African Americans, for example, were without even basic citizenship rights until their emancipation from slavery, and legislatively second-class citizens until the Civil Rights Act included them democratically under the rubric of full citizenship. With this incorporation came social rights – and the entitlement to be included in the national community with all of the material, intellectual and security implications of that belonging. Indeed, many African Americans have risen to membership in the nation's middle classes, enjoying extensive market viability (Pattillo

2013). A disproportionate number, however, have remained mired in residual poverty (Conley 1999). This poverty, we argue, has left them vulnerable to exclusion from the polity in an increasingly neoliberal nation (Somers 2008).

For these African Americans, the turn towards market citizenship has been challenging in terms of powerful claims-making (Somers 2008; Soss, Fording and Schram 2011). To the extent that inclusion comes from market success, then the poor have no "right to have rights," and African Americans are disproportionately poor. This reality has led to the effective creeping disenfranchisement of poor African Americans from the full protection of the state – with their abandonment in the face of natural disaster (Somers 2008, Giroux 2006), their violent victimization at the hands of a law enforcement apparatus intent on subduing them (Wacquant 2009; 2011), their relegation to the status of children in the management of poverty (Soss, Fording and Schram 2011), and their political exclusion from the democratic process (Phillips and Deckard 2015).

Tellingly, middle-class African-Americans are, to some degree, not only shielded from many of these insecurities by virtue of their participation in national markets, but are in many cases perceived to be not African American at all – by either themselves or others around them (Saperstein and Penner 2012). Relative wealth, and the concordant inclusion in the national community, renders middle-class Blacks whiter in their own and the collective construction (Saperstein and Penner 2012). In the neoliberal citizenship regime, economically successful African Americans are able to access as a function of their personal relative wealth the elements of social citizenship – adequate healthcare, shelter, higher education, and meaningful work (Pattillo 2013) – that denote full personhood. Structural discrimination makes it far more difficult for African Americans

to achieve middle class status and, once having achieved it, to reproduce that class position in subsequent generations. When successful, however, African Americans may be considered within the rubric of the national community (Conley 1999; Pager, Western and Bonikowski 2009).

Similar trends may be seen in the interaction of neoliberalism and involuntary migrant groups worldwide. In Brazil, for example, Schwartzman (2007) finds that, with economic success, Brazilians are less likely to identify, or be identified, as being of African descent. With market viability, indigenous Andean men are said to whiten and, indeed, are more readily accepted in the urban sphere (Radcliffe 2014). In the United States, Native Americans who experience comparative wealth through tribal participation in casino gaming are looked upon as members of the national community in a way that poor Native Americans are not (Gotham and Haubert 2007).

This process of masking the legacies of racial policies under the framework of the market economy correlates low income with low work ethic, thereby classifying historically disenfranchised groups as failing to fulfill their role as citizens by successfully participating in the market economy (Deckard and Heslin forthcoming, Somers 2008, Teeger 2015). On the other hand, when ostensibly universal rights are defined by the market, it is possible for certain non-citizen groups to "claim rights and benefits associated with citizenship, even as many citizens come to have limited or contingent protections within their own countries" (Ong 2006: 500). This differential in the capacity to claim belonging, again, becomes tied to market participation rather than legal citizenship in the nation-state. For involuntary migrant groups, this has meant that

economic success brings with it a "whitening" and greater acceptance into the national community – while poverty implies effective expulsion (Gans 2012).

The prioritization of participation in the labor market as grounds for basic rights is exemplified in rhetoric surrounding the inclusion of migrant laborers into societies. Whereas postnational citizenship would expect the basis of rights and acceptance to lie in the migrant laborer as a human being, endowed with certain unalienable rights, conversations regarding immigrant laborers primarily revolve around their capacity to contribute to the health and success of the local economy without detracting from local employment (Deckard and Browne 2015, Deckard and Heslin forthcoming). "The claims of a healthy and unharmed migrant body are articulated not in terms of a common humanity, but of the dependency of the host society on foreign workers to sustain a high standard of living… Where citizenship does not provide protection for the migrant worker, the joining of a healthy body and dependency on foreign workers produces a kind of bio-legitimacy that is perhaps a first step toward the recognition of their moral status, but short of human rights" (Ong 2006: 504).

The transition from the welfare state to the neoliberal one has impacted all citizens, but there are particular challenges associated with being a woman in this new state paradigm. Brodie (1997) notes the increasing reliance on unpaid, gendered labor in the neoliberal state ensures that women work harder towards tasks that are not accorded a market value – thus devaluing the feminine sphere. Others have written on the consequences of neoliberal deregulation for the gender wage gap, family and maternity leave, and other traditionally gendered social policy issues (Browne and Misra 2003, Duggan 2012, Fraser 1993).

But the welfare state was premised upon very specific, patriarchal goals the neoliberal state has questioned and often sought to do away with. Ample literature elaborates on the patriarchal forms in which welfare states present – assuming moral stewardship over women's bodies, creating women as inherently subordinate to men in their citizenship and limiting their public roles to the private, domestic sphere (Nelson 1990, Fraser and Gordon 1994, Orloff 1996). In contrast to this explicitly reduced citizenship within the welfare state (Kerber 1998), the neoliberal state has espoused gender equality – and thus exposed women and their children to free market citizenship.

In the United States, immigrants of Hispanic and Latino origin represent a significant source of migrant labor to the nation – and are associated with cheap, unskilled labor in the national discourse (Romero 2006). The inclusion of these migrants is metered by the degree to which they are seen as contributing to the national economy (Deckard and Browne 2015). This reality has become so ensconced that a criminality has been constructed around migrant bodies suspected of being surplus – the imagined legal-illegal status dichotomy (Gunkel and González Wahl 2012). To the degree to which migrants are seen as costing money in terms of social benefits or use of public goods, they are viewed as members of an out-group. Conversely, to the extent that they are perceived to work effectively and contribute to the general economic well-being, they are seen as deserving of inclusion in national communities (Deckard and Browne 2015). Both pro- and anti-immigration activists espouse these market terms to argue for, and against, the inclusion of immigrants in the national community (Fetzer 2000).

The discourse around migrant labor is similar in other wealthy nations – especially in regards to the construction of the African in Western Europe. Treating the

status of the French *sans papiers* – undocumented migrants to France who exist in the familiar interstices of surplus labor and criminal – Krause (2008) argues that these migrants have come to embody the role of conscious pariah (Schaap 2011). In sharp contrast to the extensive positive attention given to methods of incorporation for legal migrants – those who have been given permission to reside in the nation only so long as they perform work explicitly required in order to meet national economic goals – any need to integrate the economically surplus has, apparently, been addressed with their widespread criminalization.

The marginalized status of the neoliberal citizenship regime's newly stateless – the economically disempowered – can be seen in various contexts. With their increasing relegation to the margins of the nation, poor African Americans are subjected to extra-judicial killings and incarceration at rates that belie their inclusion in the democratic community. Migrant workers who, by virtue of their irregular status, may be considered surplus to the immediate labor needs of the receiving country, perish at the borders or exist in the shadows – inherently criminal and completely vulnerable to forced repatriation at any time. In common is the degree to which these former citizens are rendered rightless, and indeed voiceless, as they languish in a condition akin to bare life. In this dissertation, I argue that the children of these communities share a fate similar to that of adults. Despite possessing full legal citizenship in the nation-state, they must avoid its systems. In doing so, they are quit of the benefits of inclusion and become vulnerable to exploitation.

C. In Conclusion

Speaking to the experience of the poor in the developing world, Haugen and

Boutros (2014) make a powerful empirical case that living outside of the rule of law

makes people vulnerable to the worst sorts of violence and exploitation. This dissertation

bears their argument out, teasing out the relationship they posit in the case of the

exploitation of children on the commercial sex markets. Anchored in Arendtian (1951)

citizenship theory, elaborated upon most extensively by Agamben (1998) and Somers

(2008), this dissertation presents one ramification of the rampant growth in criminal

justice and immigrant control systems in the West broadly and the United States

specifically. Using the state of being victimized in the commercial sex markets as an

operationalization of what, building on Arendt (1951), Ranciéré characterizes as the life

of a "speaking animal" (Schaap 2011) and Agamben refers to as "bare life," this

dissertation demonstrates the relationship between this state and criminal policies and

realities at the sub-national level.

In defining citizenship as "the right to have rights," Somers (2008) follows Arendt

(1951) when presenting the stateless as without the security of belonging. Without the

ability to make claims on a functioning system of law, they are shuttled across borders,

rejected at every turn, with no recourse or access to state apparatuses of security – law

enforcement, education, property protection, or social rights – living biologically but

lacking personhood (Haugen and Boutros 2014, Somers 2008). This dissertation presents

some of the first systemic, empirical evaluation of the premise that, without inclusion in

the state, we are stateless. Rather than understanding citizenship as a legal status, a binary

that, once achieved through birth or naturalization, can only be taken away through

extensive formal due process, this dissertation posits a spectrum of belonging within which carceral policies act.

PART V. **Appendices**

Appendix 1: Case Locations

Area	State	County/Counties	Total Police	2010 Population
New York City	NY	Manhattan, Queens, Kings, Richmond, Bronx	36,023	8,175,136
Los Angeles - Long Beach	CA	Los Angeles	19,294	9,818,605
Chicago	IL	Cook	15,581	5,194,675
Baltimore	MD	Baltimore	6,881	805,029
Philadelphia	PA	Philadelphia	6,624	1,526,006
Houston	TX	Harris	5,114	4,092,459
Atlanta	GA	DeKalb and Fulton	4,464	1,612,473
Washington	DC	Washington DC	4,262	601,767
San Diego - Chula Vista	CA	San Diego	4,212	3,095,313
Phoenix - Chandler - Glendale - Gilbert - Scottsdale	AZ	Maricopa	4,134	3,817,117
Honolulu	HI	Honolulu	4,068	953,207
Dallas - Garland - Irving	TX	Dallas	3,410	2,368,139

Detroit	MI	Wayne	3,149	1,820,584
Miami	FL	Dade	3,117	2,496,457
Las Vegas - Henderson	NV	Clark	2,954	1,951,269
Suffolk Co.	NY	Suffolk	2,890	1,493,350
Nassau Co.	NY	Nassau	2,879	1,339,532
San Francisco	CA	San Francisco	2,865	805,235
Fairfax Co.	VA	Fairfax	2,841	1,081,726
Fort Worth - Arlington	TX	Tarrant	2,729	1,809,034
San Antonio	TX	Bexar	2,557	1,714,773
Orlando	FL	Orange	2,507	3,010,232
Riverside	CA	Riverside	2,458	2,189,641
Boston	MA	Suffolk	2,449	1,493,350
Milwaukee	WI	Milwaukee	2,436	947,735
Alameda - Oakland - Fremont	CA	Alameda	2,344	1,510,271

Anaheim - Irvine - Santa Ana	CA	Orange	2,234	3,010,232
Austin	TX	Travis	2,210	1,024,266
Tampa	FL	Hillsborough	2,152	1,229,226
San Bernardino	CA	San Bernardino	2,102	2,035,210
Denver	CO	Jefferson	2,043	741,096
Sacramento	CA	Sacramento	2,028	1,418,788
Charlotte	NC	Mecklenburg	1,966	919,628
Palm Beach	FL	Palm Beach	1,949	1,320,134
Indianapolis-Marion Co.	IN	Marion	1,932	903,393
Ft. Lauderdale	FL	Broward	1,899	1,748,066
Columbus	OH	Franklin	1,895	1,163,414
San Jose	CA	Santa Clara	1,886	1,781,642
Upper Marlboro	MD	Prince George's	1,812	863,420
Kansas City	MO	Jackson, Clay, Cass, Platte	1,768	1,084,897

Newark	NJ	Essex	1,725	783,969
Louisville	KY	Jefferson	1,715	741,096
Memphis	TN	Shelby	1,669	927,644
Jacksonville	FL	Duval	1,662	864,263
Fresno	CA	Fresno	1,635	930,450
Cleveland	OH	Cuyahoga	1,616	1,280,122
Clearwater - St. Petersburg	FL	Pinellas	1,594	916,542
Tucson	AZ	Pima	1,557	980,263
El Paso	TX	El Paso	1,545	800,647
New Orleans	LA	Orleans	1,451	343,829
Baton Rouge	LA	East Baton Rouge	1,373	422,300
St. Louis	MO	none	1,351	319,356
Tulsa	OK	Tulsa	1,334	583,125
Germantown	MD	Montgomery	1,333	971,777

Nashville-Davidson Co.	TN	Davidson	1,315	626,681
Albuquerque	NM	Bernalillo	1,292	662,564
Seattle	WA	King	1,283	1,931,249
Oklahoma City	OK	Oklahoma City	1,249	718,630
Bakersfield	CA	Kern	1,177	839,631
Cincinnati	OH	Hamilton	1,147	802,374
Minneapolis	MN	Hennepin	1,130	1,125,347
Cincinnati	OH	Hamilton	1,122	802,038
Birmingham	AL	Jefferson	1,118	741,096
Pittsburgh	PA	Allegheny	1,107	1,167,871
Omaha	NE	Douglas	1,107	283,304
Colorado Springs	CO	El Paso	1,100	800,647
Raleigh	NC	Wake	1,078	904,543
Portland	OR	Multnomah	1,075	721,293

Aurora	CO	Arapahoe, Adams, Douglas	986	1,285,691
Toledo	OH	Lucas	881	437,998
Lakeland	FL	Polk	864	602,095
Wichita	KS	Sedgwick	852	503,889
Winston-Salem	NC	Forsyth	846	178,532
Saint Paul	MN	Ramsey	843	494,144
Virginia Beach	VA	City of Virginia Beach	840	424,670
Pontiac	MI	Oakland	829	1,202,362
Chatanooga	TN	Knox	822	432,234
Reno	NV	Washoe	775	408,413
Norfolk	VA	City of Norfolk	757	233,493
Ventura	CA	Ventura	731	823,318
Madison	WI	Dane	710	488,073
Lexington	KY	Fayette	680	305,489

Lawrenceville	GA	Gwinnett	677	805,321
Durham	NC	Durham	673	265,659
Stockton	CA	San Joaquin	668	667,481
Sarasota	FL	Manatee	667	322,833
Contra Costa	CA	Contra Costa	640	1,049,025
Naples	FL	Collier	609	321,520
Laredo	TX	Webb	598	246,213
Richmond	VA	Henrico	585	299,185
Fort Wayne	IN	Allen	584	342,391
Patterson	NJ	Passaic	547	501,616
New Port Richey	FL	Pasco	534	464,699
Gretna	LA	Jefferson	518	741,096
Melbourne	FL	Brevard	496	543,376
Plano	TX	Collin		

			491	792,910
Visalia	CA	Tulare	485	442,179
Columbia	SC	Richland	446	384,507
Boise	ID	Ada	437	388,607
Lake Charles	LA	Calcasieu	424	192,768
Jersey Shore	NJ	Monmouth	403	630,380
Lincoln	NE	Lancaster	382	278,737
Chesapeake	VA	City of Chesapeake	365	216,996
Anchorage	AK	Anchorage	362	283,680
Overland Park	KS	Johnson	361	544,179
Greensboro	NC	Guilford	252	475,835
Jersey City	NJ	Hudson	225	619,687
Corpus Christi	TX	Nueces, Aransas, Kleberg, San Patricio	162	445,677
Buffalo	NY	Erie	147	873,132
Lubbock	TX	Lubbock		

			139	271,472
Fort Myers	FL	Lee	67	618,754

Appendix 2: Missing Children Clearinghouses

State	Phone	Website
Alabama	(800) 228-7688	http://www.gsiweb.net
Alaska	(907) 269-5497	http://dps.alaska.gov/AST/abi/missingpersons.aspx
Arizona	(602) 223-2158	
California	(916) 227-3290	www.ag.ca.gov/missing/
Colorado	(303) 239-4251	https://www.colorado.gov/pacific/cbi/missing-children
District of Columbia	(202) 576-6768	
Florida	(850) 410-8585	http://fdle.state.fl.us
Georgia	(404) 244-2554	http://gbi.georgia.gov/cases/missing-persons
Hawaii	(808) 586-1449	http://www.hgea.org/HSC/
Idaho	(208) 884-7130	http://www.state.id.us/idle/idmpch/htmlsrc/mcpage.htm
Illinois	(217) 785-4341	http://www.state.il.us/isp
Indiana	(317) 232-8310	http://www.ai.org/isp/html/mcc
Kansas	(785) 296-8200	http://www.ink.org/public/kbi
Kentucky	(502) 227-8799	http://www.state.ky.US/agencies/KSP/mchild.htm

State	Phone	Website
Louisiana	(225) 342-8631	http://dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&nid=189&pnid=184&pid=237
Maryland	(410) 290-1620	http://mdsp.org/utility/404.aspx?oldUrl=http%3A%2F%2Fmdsp%2Eorg%2FOrganization%2FMissingPersons%2Easpx&k=MissingPersons.aspx
Massachussetts	(508) 820-2130	http://www.mass.gov/eopss/law-enforce-and-cj/law-enforce/missing-and-wanted/mmcc/
Michigan	(517) 333-4006	http://www.michigan.gov/msp/0,4643,7-123-1878_57995_71886-353627--,00.html
Minnesota	(651) 642-0660	https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/missing-unidentified-persons.aspx
Missouri	(573) 751-3452	http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/DDCC/Units/MissingPersonsJuvenileUnit/index.html
Nebraska	(402) 479-4019	https://statepatrol.nebraska.gov/missingpersonsclearinghouse.aspx
Nevada	(702) 486-3539	http://www.state.nv/ag/missing_children/
New Jersey	(609) 882-2000	http://www.njsp.org/divorg/invest/mpce-unit.html
New Mexico	(505) 827-9191	http://missingpersons.dps.state.nm.us/
New York	(518) 457-6326	http://www.criminaljustice.state.ny.us
North Carolina	(919) 733-3914	https://www.ncdps.gov/index2.cfm?a=000003,000014,000081
Ohio	(614) 644-8066	http://www.ag.state.oh.us/juvenile/mcc/missing.htm
Oklahoma	(405) 879-2645	http://www.ok.gov/osbi/Investigative/Oklahoma's_Missing_Children/index.html

Oregon	(503) 378-3720	http://www.oregon.gov/OSP/MCC/pages/index.aspx
Pennsylvania	(717) 783-5524	http://pamissing.com/links.html
South Carolina	(803) 737-9000	http://www.scag.gov/south-carolina-registry-missing-children
Tennessee	(615) 744-4000	http://www.tbi.tn.gov/missing_children/miss_child.shtml
Texas	(512) 424-2810	http://www.gan.net/mpch
Virginia	(804) 674-2026	http://www.vsp.state.va.us/CJIS_VMEC.shtm
Washington	(800) 543-5678	http://www.wsp.wa.gov/crime/mpu.htm
Wisconsin	(608) 266-1671	http://www.missingpersons.doj.wi.gov/

Appendix 3: Missing Children-Driven Calculations and Estimates

Metro	State	County	*MC*	*ER*_{*REG*}	*HR*_{*REG*}	*SEMC*_{*it*}
Anchorage	AK	Anchorage	234.42	0.20	0.99	47.3576
Birmingham	AL	Jefferson	351	0.20	0.99	70.9091
Phoenix - Chandler - Glendale - Gilbert – Scottsdale	AZ	Maricopa	341.04	0.20	0.99	68.897
Tucson	AZ	Pima	201.15	0.20	0.99	40.6364
Alameda - Oakland – Fremont	CA	Alameda	275.05	0.20	0.99	55.5657
Contra Costa	CA	Contra Costa	239.37	0.20	0.99	48.3576
Fresno	CA	Fresno	642.7	0.20	0.99	129.838
Bakersfield	CA	Kern	571.56	0.20	0.99	115.467
Los Angeles - Long Beach	CA	Los Angeles	250.11	0.20	0.99	50.5273
Anaheim - Irvine - Santa Ana	CA	Orange	206.73	0.20	0.99	41.7636
Riverside	CA	Riverside	322.75	0.20	0.99	65.202
Sacramento	CA	Sacramento	406.61	0.20	0.99	82.1434
San Bernardino	CA	San Bernardino	332.84	0.20	0.99	67.2404
San Diego - Chula Vista	CA	San Diego	252.06	0.20	0.99	50.9212
San Francisco	CA	San Francisco	256.2	0.20	0.99	51.7576
Stockton	CA	San Joaquin	483.61	0.20	0.99	97.699

San Jose	CA	Santa Clara	385.66	0.20	0.99	77.9111
Visalia	CA	Tulare	642.27	0.20	0.99	129.752
Ventura	CA	Ventura	284.82	0.20	0.99	57.5394
Aurora	CO	Arapahoe, Adams, Douglas	494.25	0.28	0.99	139.788
Colorado Springs	CO	El Paso	137.46	0.28	0.99	38.8776
Denver	CO	Jefferson	120.24	0.28	0.99	34.0073
Melbourne	FL	Brevard	411.51	0.20	0.99	83.1333
Ft. Lauderdale	FL	Broward	440.48	0.20	0.99	88.9859
Naples	FL	Collier	673.78	0.20	0.99	136.117
Miami	FL	Dade	340.76	0.20	0.99	68.8404
Jacksonville	FL	Duval	882.55	0.20	0.99	178.293
Tampa	FL	Hillsborough	440.72	0.20	0.99	89.0343
Fort Myers	FL	Lee	410.8	0.20	0.99	82.9899
Sarasota	FL	Manatee	837.42	0.20	0.99	169.176
Orlando	FL	Orange	169.59	0.20	0.99	34.2606
Palm Beach	FL	Palm Beach	475.79	0.20	0.99	96.1192
New Port Richey	FL	Pasco	240.91	0.20	0.99	48.6687
Clearwater - St. Petersburg	FL	Pinellas	376.04	0.20	0.99	75.9677
Lakeland	FL	Polk	497.47	0.20	0.99	100.499

Atlanta	GA	DeKalb and Fulton	1036	0.20	0.99	209.293
Lawrenceville	GA	Gwinnett	305.67	0.20	0.99	61.752
Honolulu	HI	Honolulu	166.14	0.20	0.99	33.5636
Boise	ID	Ada	10.04	0.21	0.99	2.1297
Chicago	IL	Cook	326.74	0.18	0.99	59.4073
Fort Wayne	IN	Allen	241.45	0.18	0.99	43.9
Indianapolis-Marion Co.	IN	Marion	737.2	0.18	0.99	134.036
Overland Park	KS	Johnson	157.1	0.21	0.99	33.3242
Wichita	KS	Sedgwick	235	0.21	0.99	49.8485
Lexington	KY	Fayette	14.4	0.20	0.99	2.90909
Louisville	KY	Jefferson	11.87	0.20	0.99	2.39798
Lake Charles	LA	Calcasieu	779.4	0.20	0.99	157.455
Baton Rouge	LA	East Baton Rouge	1651	0.20	0.99	333.535
Gretna	LA	Jefferson	775.65	0.20	0.99	156.697
New Orleans	LA	Orleans	2785.98	0.20	0.99	562.824
Boston	MA	Suffolk	661.5	0.20	0.99	133.636
Baltimore	MD	Baltimore	944.88	0.20	0.99	190.885
Germantown	MD	Montgomery	545.46	0.20	0.99	110.194
Upper Marlboro	MD	Prince George's	1415.2	0.20	0.99	285.899

Pontiac	MI	Oakland	255.85	0.21	0.99	54.2712
Detroit	MI	Wayne	953.8	0.21	0.99	202.321
Minneapolis	MN	Hennepin	493.35	0.20	0.99	99.6667
Saint Paul	MN	Ramsey	382.86	0.20	0.99	77.3455
Kansas City	MO	Jackson, Clay, Cass, Platte	456.9	0.21	0.99	96.9182
St. Louis	MO	None	2131.86	0.21	0.99	452.213
Durham	NC	Durham	181.44	0.20	0.99	36.6545
Winston-Salem	NC	Forsyth	499.07	0.20	0.99	100.822
Greensboro	NC	Guilford	71.24	0.20	0.99	14.3919
Charlotte	NC	Mecklenburg	250.86	0.20	0.99	50.6788
Raleigh	NC	Wake	636.66	0.20	0.99	128.618
Omaha	NE	Douglas	295.38	0.21	0.99	62.6564
Lincoln	NE	Lancaster	139.05	0.21	0.99	29.4955
Newark	NJ	Essex	1948.45	0.20	0.99	393.626
Jersey City	NJ	Hudson	988.65	0.20	0.99	199.727
Jersey Shore	NJ	Monmouth	452.5	0.20	0.99	91.4141
Patterson	NJ	Passaic	835.14	0.20	0.99	168.715
Albuquerque	NM	Bernalillo	194.5	0.20	0.99	39.2929
Las Vegas – Henderson	NV	Clark	495.24	0.20	0.99	100.048

Reno	NV	Washoe	171	0.20	0.99	34.5455
Buffalo	NY	Erie	147.4	0.20	0.99	29.7778
New York City	NY	Manhattan, Queens, Kings, Richmond, Bronx	70.95	0.20	0.99	14.3333
Nassau Co.	NY	Nassau	71.67	0.20	0.99	14.4788
Suffolk Co.	NY	Suffolk	114.11	0.20	0.99	23.0525
Cleveland	OH	Cuyahoga	688.08	0.20	0.99	139.006
Columbus	OH	Franklin	652.4	0.20	0.99	131.798
Cincinnati	OH	Hamilton	800.88	0.20	0.99	161.794
Toledo	OH	Lucas	220	0.20	0.99	44.4444
Oklahoma City	OK	Oklahoma City	422.22	0.20	0.99	85.297
Tulsa	OK	Tulsa	351.66	0.20	0.99	71.0424
Portland	OR	Multnomah	388.2	0.20	0.99	78.4242
Pittsburgh	PA	Allegheny	471.78	0.20	0.99	95.3091
Philadelphia	PA	Philadelphia	1423.72	0.20	0.99	287.62
Columbia	SC	Richland	1277.76	0.20	0.99	258.133
Nashville-Davidson Co.	TN	Davidson	944.76	0.20	0.99	190.861
Chatanooga	TN	Knox	182.88	0.20	0.99	36.9455
Memphis	TN	Shelby	1408.45	0.20	0.99	284.535
San Antonio	TX	Bexar	473.05	0.22	0.99	105.122

Plano	TX	Collin	262.62	0.22	0.99	58.36
Dallas - Garland – Irving	TX	Dallas	1381.62	0.22	0.99	307.027
El Paso	TX	El Paso	282.65	0.22	0.99	62.8111
Houston	TX	Harris	817.42	0.22	0.99	181.649
Lubbock	TX	Lubbock	213.48	0.22	0.99	47.44
Corpus Christi	TX	Nueces, Aransas, Kleberg, San Patricio	611.1	0.22	0.99	135.8
Fort Worth – Arlington	TX	Tarrant	439.25	0.22	0.99	97.6111
Austin	TX	Travis	418.65	0.22	0.99	93.0333
Laredo	TX	Webb	254.76	0.22	0.99	56.6133
Chesapeake	VA	City of Chesapeake	571.45	0.20	0.99	115.444
Norfolk	VA	City of Norfolk	1284.72	0.20	0.99	259.539
Virginia Beach	VA	City of Virginia Beach	531.84	0.20	0.99	107.442
Fairfax Co.	VA	Fairfax	226.05	0.20	0.99	45.6667
Richmond	VA	Henrico	681.06	0.20	0.99	137.588
Seattle	WA	King	255.55	0.20	0.99	51.6263
Madison	WI	Dane	272.71	0.20	0.99	55.0929
Milwaukee	WI	Milwaukee	106.57	0.20	0.99	21.5293

Appendix 4: HIV-Driven Calculations and Estimates

City/County	State	County 1	HIV_{IT}	HA_{IT}	$SEHIV_{IT}$
Anchorage	AK	Anchorage	100	11.9	113.51
Birmingham	AL	Jefferson	171	15	201.18
Phoenix - Chandler - Glendale - Gilbert – Scottsdale	AZ	Maricopa	49	13.8	56.84
Tucson	AZ	Pima	35	13	40.23
Alameda - Oakland – Fremont	CA	Alameda	62	12.5	70.86
Contra Costa	CA	Contra Costa	48	9.2	52.86
Fresno	CA	Fresno	32	19.7	39.85
Bakersfield	CA	Kern	28	18.4	34.31
Los Angeles - Long Beach	CA	Los Angeles	76	18.2	92.91
Anaheim - Irvine - Santa Ana	CA	Orange	35	12.5	40.00
Riverside	CA	Riverside	22	17.2	26.57
Sacramento	CA	Sacramento	55	14.8	64.55
San Bernardino	CA	San Bernardino	35	18.5	42.94
San Diego - Chula Vista	CA	San Diego	57	13.8	66.13
San Francisco	CA	San Francisco	161	10.8	180.49
Stockton	CA	San Joaquin	42	17.7	51.03
San Jose	CA	Santa Clara	23	10.9	25.81
Visalia	CA	Tulare	6	17.4	7.26
Ventura	CA	Ventura	18	12.8	20.64
Aurora	CO	Arapahoe, Adams, Douglas	86	13	98.85
Colorado Springs	CO	El Paso	20	12.7	22.91
Denver	CO	Jefferson	18	10.2	20.04
Washington	DC	Washington DC	75		
Melbourne	FL	Brevard	63	17.8	76.64

Ft. Lauderdale	FL	Broward	223	15.5	263.91
Naples	FL	Collier	62	16.5	74.25
Miami	FL	Dade	242	17	291.57
Jacksonville	FL	Duval	223	14.7	261.43
Tampa	FL	Hillsborough	153	17.6	185.68
Fort Myers	FL	Lee	71	18.5	87.12
Sarasota	FL	Manatee	77	16.9	92.66
Orlando	FL	Orange	144	17.7	174.97
Palm Beach	FL	Palm Beach	186	13.6	215.28
New Port Richey	FL	Pasco	31	19.2	38.37
Clearwater - St. Petersburg	FL	Pinellas	101	14.5	118.13
Lakeland	FL	Polk	81	21.1	102.66
Atlanta	GA	DeKalb and Fulton	276	13.8	320.19
Lawrenceville	GA	Gwinnett	205	13.9	176.10
Honolulu	HI	Honolulu	26	6.1	27.69
Boise	ID	Ada	30	13.4	34.64
Chicago	IL	Cook	149	14.7	174.68
Fort Wayne	IN	Allen	41	15.1	48.29
Indianapolis-Marion Co.	IN	Marion	124	15.9	147.44
Overland Park	KS	Johnson	29	7.7	31.42
Wichita	KS	Sedgwick	47	0	47.00
Lexington	KY	Fayette	36	16.4	43.06
Louisville	KY	Jefferson	103	14	119.77
Lake Charles	LA	Calcasieu	130	16.6	155.88
Baton Rouge	LA	East Baton Rouge	281	14.9	330.20
Gretna	LA	Jefferson	130	16.2	155.13
New Orleans	LA	Orleans	384	17.3	464.33
Boston	MA	Suffolk	100	9.3	110.25

Baltimore	MD	Baltimore	140	11.1	157.48
Germantown	MD	Montgomery	82	9.8	90.91
Upper Marlboro	MD	Prince George's	242	14.5	283.04
Pontiac	MI	Oakland	46	10.1	51.17
Detroit	MI	Wayne	161	15.6	190.76
Minneapolis	MN	Hennepin	89	9.8	98.67
Saint Paul	MN	Ramsey	58	9.1	63.81
Kansas City	MO	Jackson, Clay, Cass, Platte	80	12.45	91.38
St. Louis	MO	none	291	18	355.31
Durham	NC	Durham	161	15.5	190.53
Winston-Salem	NC	Forsyth	106	9.5	117.13
Greensboro	NC	Guilford	134	13.9	155.63
Charlotte	NC	Mecklenburg	193	16.4	230.86
Raleigh	NC	Wake	92	13.3	106.11
Omaha	NE	Douglas	45	8.6	49.23
Lincoln	NE	Lancaster	25	10.1	27.81
Newark	NJ	Essex	325	16.6	389.69
Jersey City	NJ	Hudson	157	20.6	197.73
Jersey Shore	NJ	Monmouth	81	10.5	90.50
Patterson	NJ	Passaic	114	18.1	139.19
Albuquerque	NM	Bernalillo	34	12.6	38.90
Las Vegas – Henderson	NV	Clark	69	16.4	82.54
Reno	NV	Washoe	29	15.2	34.20
Buffalo	NY	Erie	58	8.8	63.60
New York City	NY	Manhattan, Kings, Bronx, Queens, Richmond	308	14.08	358.47
Nassau Co.	NY	Nassau	70	10.4	78.13
Suffolk Co.	NY	Suffolk	66	11.6	74.66

Cleveland	OH	Cuyahoga	100	12.8	114.68
Columbus	OH	Franklin	113	13.4	130.48
Cincinnati	OH	Hamilton	118	11.6	133.48
Toledo	OH	Lucas	44	0	44.00
Oklahoma City	OK	Oklahoma City	57	19	70.37
Tulsa	OK	Tulsa	48	18.1	58.61
Portland	OR	Multnomah	57	11.9	64.70
Pittsburgh	PA	Allegheny	71	9.7	78.63
Philadelphia	PA	Philadelphia	311	15.7	368.92
Columbia	SC	Richland	184	13.6	212.96
Nashville-Davidson Co.	TN	Davidson	134	14.9	157.46
Chatanooga	TN	Knox	26	14.7	30.48
Memphis	TN	Shelby	240	14.8	281.69
San Antonio	TX	Bexar	79	16.5	94.61
Plano	TX	Collin	39	10.9	43.77
Dallas - Garland – Irving	TX	Dallas	178	22.7	230.27
El Paso	TX	El Paso	42	25.7	56.53
Houston	TX	Harris	146	20.4	183.42
Lubbock	TX	Lubbock	29	18.5	35.58
Corpus Christi	TX	Nueces, Aransas, Kleberg, San Patricio	99	19	122.22
Fort Worth – Arlington	TX	Tarrant	73	16.9	87.85
Austin	TX	Travis	71	15.2	83.73
Laredo	TX	Webb	29	31.7	42.46
Chesapeake	VA	City of Chesapeake	104	9	114.29
Norfolk	VA	City of Norfolk	182	15	214.12
Virginia Beach	VA	City of Virginia Beach	78	12	88.64
Fairfax Co.	VA	Fairfax	42	7.1	45.21

Richmond	VA	Henrico	100	11.9	113.51
Seattle	WA	King	46	10	51.11
Madison	WI	Dane	33	8.7	36.14
Milwaukee	WI	Milwaukee	92	11	103.37

Appendix 5: Commercial Sexual Exploitation of Children Measuement

Metro	State	County	Constant	β1	SEMC$_{it}$	β2	Adjusted HIV Rates	CSEC$_{st}$
Anchorage	AK	Anchorage	53.46	-0.719	47.36	1.024	113.51	135.64
Birmingham	AL	Jefferson	53.46	-0.719	70.91	1.024	201.18	208.48
Phoenix - Chandler - Glendale - Gilbert - Scottsdale	AZ	Maricopa	53.46	-0.719	68.90	1.024	56.84	62.13
Tucson	AZ	Pima	53.46	-0.719	40.64	1.024	40.23	65.44
Alameda - Oakland - Fremont	CA	Alameda	53.46	-0.719	55.57	1.024	70.86	86.07
Contra Costa	CA	Contra Costa	53.46	-0.719	48.36	1.024	52.86	72.82
Fresno	CA	Fresno	53.46	-0.719	129.84	1.024	39.85	0.91
Bakersfield	CA	Kern	53.46	-0.719	115.47	1.024	34.31	5.58
Los Angeles - Long Beach	CA	Los Angeles	53.46	-0.719	50.53	1.024	92.91	112.27
Anaheim - Irvine - Santa Ana	CA	Orange	53.46	-0.719	41.76	1.024	40.00	64.39
Riverside	CA	Riverside	53.46	-0.719	65.20	1.024	26.57	33.79
Sacramento	CA	Sacramento	53.46	-0.719	82.14	1.024	64.55	60.50
San Bernardino	CA	San Bernardino	53.46	-0.719	67.24	1.024	42.94	49.09
San Diego - Chula Vista	CA	San Diego	53.46	-0.719	50.92	1.024	66.13	84.56
San Francisco	CA	San Francisco	53.46	-0.719	51.76	1.024	180.49	201.07
Stockton	CA	San Joaquin	53.46	-0.719	97.70	1.024	51.03	35.47

San Jose	CA	Santa Clara	53.46	-0.719	77.91	1.024	25.81	23.88
Visalia	CA	Tulare	53.46	-0.719	129.75	1.024	7.26	-32.39
Ventura	CA	Ventura	53.46	-0.719	57.54	1.024	20.64	33.23
Aurora	CO	Arapahoe, Adams, Douglas	53.46	-0.719	139.79	1.024	98.85	54.18
Colorado Springs	CO	El Paso	53.46	-0.719	38.88	1.024	22.91	48.97
Denver	CO	Jefferson	53.46	-0.719	34.01	1.024	20.04	49.53
Melbourne	FL	Brevard	53.46	-0.719	83.13	1.024	76.64	72.17
Ft. Lauderdale	FL	Broward	53.46	-0.719	88.99	1.024	263.91	259.72
Naples	FL	Collier	53.46	-0.719	136.12	1.024	74.25	31.63
Miami	FL	Dade	53.46	-0.719	68.84	1.024	291.57	302.53
Jacksonville	FL	Duval	53.46	-0.719	178.29	1.024	261.43	192.97
Tampa	FL	Hillsborough	53.46	-0.719	89.03	1.024	185.68	179.58
Fort Myers	FL	Lee	53.46	-0.719	82.99	1.024	87.12	83.00
Sarasota	FL	Manatee	53.46	-0.719	169.18	1.024	92.66	26.71
Orlando	FL	Orange	53.46	-0.719	34.26	1.024	174.97	208.00
Palm Beach	FL	Palm Beach	53.46	-0.719	96.12	1.024	215.28	204.79
New Port Richey	FL	Pasco	53.46	-0.719	48.67	1.024	38.37	57.75
Clearwater - St. Petersburg	FL	Pinellas	53.46	-0.719	75.97	1.024	118.13	119.80
Lakeland	FL	Polk	53.46	-0.719	100.50	1.024	102.66	86.33

Atlanta	GA	DeKalb and Fulton	53.46	-0.719	209.29	1.024	320.19	230.85
Lawrenceville	GA	Gwinnett	53.46	-0.719	61.75	1.024	176.10	189.21
Honolulu	HI	Honolulu	53.46	-0.719	33.56	1.024	27.69	57.68
Boise	ID	Ada	53.46	-0.719	2.13	1.024	34.64	87.40
Chicago	IL	Cook	53.46	-0.719	59.41	1.024	174.68	189.62
Fort Wayne	IN	Allen	53.46	-0.719	43.90	1.024	48.29	71.35
Indianapolis-Marion Co.	IN	Marion	53.46	-0.719	134.04	1.024	147.44	108.07
Overland Park	KS	Johnson	53.46	-0.719	33.32	1.024	31.42	61.67
Wichita	KS	Sedgwick	53.46	-0.719	49.85	1.024	47.00	65.75
Lexington	KY	Fayette	53.46	-0.719	2.91	1.024	43.06	95.46
Louisville	KY	Jefferson	53.46	-0.719	2.40	1.024	119.77	174.38
Lake Charles	LA	Calcasieu	53.46	-0.719	157.45	1.024	155.88	99.87
Baton Rouge	LA	East Baton Rouge	53.46	-0.719	333.54	1.024	330.20	151.77
Gretna	LA	Jefferson	53.46	-0.719	156.70	1.024	155.13	99.65
New Orleans	LA	Orleans	53.46	-0.719	562.82	1.024	464.33	124.26
Boston	MA	Suffolk	53.46	-0.719	133.64	1.024	110.25	70.28
Baltimore	MD	Baltimore	53.46	-0.719	190.88	1.024	157.48	77.47
Germantown	MD	Montgomery	53.46	-0.719	110.19	1.024	90.91	67.32
Upper Marlboro	MD	Prince George's	53.46	-0.719	285.90	1.024	283.04	137.73

Pontiac	MI	Oakland	53.46	-0.719	54.27	1.024	51.17	66.83
Detroit	MI	Wayne	53.46	-0.719	202.32	1.024	190.76	103.33
Minneapolis	MN	Hennepin	53.46	-0.719	99.67	1.024	98.67	82.84
Saint Paul	MN	Ramsey	53.46	-0.719	77.35	1.024	63.81	63.19
Kansas City	MO	Jackson, Clay, Cass, Platte	53.46	-0.719	96.92	1.024	91.38	77.35
St. Louis	MO	none	53.46	-0.719	452.21	1.024	355.31	92.16
Durham	NC	Durham	53.46	-0.719	36.65	1.024	190.53	222.21
Winston-Salem	NC	Forsyth	53.46	-0.719	100.82	1.024	117.13	100.91
Greensboro	NC	Guilford	53.46	-0.719	14.39	1.024	155.63	202.48
Charlotte	NC	Mecklenburg	53.46	-0.719	50.68	1.024	230.86	253.42
Raleigh	NC	Wake	53.46	-0.719	128.62	1.024	106.11	69.64
Omaha	NE	Douglas	53.46	-0.719	62.66	1.024	49.23	58.83
Lincoln	NE	Lancaster	53.46	-0.719	29.50	1.024	27.81	60.73
Newark	NJ	Essex	53.46	-0.719	393.63	1.024	389.69	169.48
Jersey City	NJ	Hudson	53.46	-0.719	199.73	1.024	197.73	112.33
Jersey Shore	NJ	Monmouth	53.46	-0.719	91.41	1.024	90.50	80.41
Patterson	NJ	Passaic	53.46	-0.719	168.72	1.024	139.19	74.69
Albuquerque	NM	Bernalillo	53.46	-0.719	39.29	1.024	38.90	65.04
Las Vegas - Henderson	NV	Clark	53.46	-0.719	100.05	1.024	82.54	66.04

Reno	NV	Washoe	53.46	-0.719	34.55	1.024	34.20	63.64
Buffalo	NY	Erie	53.46	-0.719	29.78	1.024	63.60	97.17
New York City	NY	Manhattan, Queens, Kings, Richmond, Bronx	53.46	-0.719	14.33	1.024	358.47	410.23
Nassau Co.	NY	Nassau	53.46	-0.719	14.48	1.024	78.13	123.05
Suffolk Co.	NY	Suffolk	53.46	-0.719	23.05	1.024	74.66	113.34
Cleveland	OH	Cuyahoga	53.46	-0.719	139.01	1.024	114.68	70.95
Columbus	OH	Franklin	53.46	-0.719	131.80	1.024	130.48	92.31
Cincinnati	OH	Hamilton	53.46	-0.719	161.79	1.024	133.48	73.82
Toledo	OH	Lucas	53.46	-0.719	44.44	1.024	44.00	66.56
Oklahoma City	OK	Oklahoma City	53.46	-0.719	85.30	1.024	70.37	64.19
Tulsa	OK	Tulsa	53.46	-0.719	71.04	1.024	58.61	62.40
Portland	OR	Multnomah	53.46	-0.719	78.42	1.024	64.70	63.32
Pittsburgh	PA	Allegheny	53.46	-0.719	95.31	1.024	78.63	65.45
Philadelphia	PA	Philadelphia	53.46	-0.719	287.62	1.024	368.92	224.44
Columbia	SC	Richland	53.46	-0.719	258.13	1.024	212.96	85.94
Nashville-Davidson Co.	TN	Davidson	53.46	-0.719	190.86	1.024	157.46	77.47
Chatanooga	TN	Knox	53.46	-0.719	36.95	1.024	30.48	58.11
Memphis	TN	Shelby	53.46	-0.719	284.54	1.024	281.69	137.33

San Antonio	TX	Bexar	53.46	-0.719	105.12	1.024	94.61	74.76
Plano	TX	Collin	53.46	-0.719	58.36	1.024	43.77	56.32
Dallas - Garland - Irving	TX	Dallas	53.46	-0.719	307.03	1.024	230.27	68.51
El Paso	TX	El Paso	53.46	-0.719	62.81	1.024	56.53	66.18
Houston	TX	Harris	53.46	-0.719	181.65	1.024	183.42	110.67
Lubbock	TX	Lubbock	53.46	-0.719	47.44	1.024	35.58	55.79
Corpus Christi	TX	Nueces, Aransas, Kleberg, San Patricio	53.46	-0.719	135.80	1.024	122.22	80.98
Fort Worth - Arlington	TX	Tarrant	53.46	-0.719	97.61	1.024	87.85	73.23
Austin	TX	Travis	53.46	-0.719	93.03	1.024	83.73	72.30
Laredo	TX	Webb	53.46	-0.719	56.61	1.024	42.46	56.23
Chesapeake	VA	City of Chesapeake	53.46	-0.719	115.44	1.024	114.29	87.48
Norfolk	VA	City of Norfolk	53.46	-0.719	259.54	1.024	214.12	86.11
Virginia Beach	VA	City of Virginia Beach	53.46	-0.719	107.44	1.024	88.64	66.97
Fairfax Co.	VA	Fairfax	53.46	-0.719	45.67	1.024	45.21	66.92
Richmond	VA	Henrico	53.46	-0.719	137.59	1.024	113.51	70.77
Seattle	WA	King	53.46	-0.719	51.63	1.024	51.11	68.68
Madison	WI	Dane	53.46	-0.719	55.09	1.024	36.14	50.86
Milwaukee	WI	Milwaukee	53.46	-0.719	21.53	1.024	103.37	143.83

Appendix 6: Criminal Justice Measure

City/county	St	Felony Disenfran chisement	Police per 100000	Police Budget	Drug Possession Per Capita	Arrest Rate 2008	Incarcerat ion Rate	Probation Rate	Crim Measure
Anchorage	AK	2.8	127.61	302.21	490	7122	386.78	1007.28	0.622
Birmingham	AL	7.2	150.86	302.21	610	4726	972.79	1304.84	-0.225
Phoenix - Chandler - Glendale - Gilbert - Scottsdale	AZ	4.2	108.3	68.78	420	4556	853.27	1133.48	-0.526
Tucson	AZ	4.2	158.83	134	1100	6941	853.27	1133.48	0.694
Alameda - Oakland - Fremont	CA	1	155.2	86.78	540	3961	585.49	791.84	0.181
Contra Costa	CA	1	61.01	89.5	460	3152	585.49	791.84	-0.204
Fresno	CA	1	175.72	302.21	780	6190	585.49	791.84	0.905
Bakersfield	CA	1	140.18	302.21	970	6022	585.49	791.84	1.028
Los Angeles - Long Beach	CA	1	196.5	1212.58	770	4044	585.49	791.84	1.128
Anaheim - Irvine - Santa Ana	CA	1	74.21	282.16	680	3298	585.49	791.84	0.195
Riverside	CA	1	112.26	265.14	520	3187	585.49	791.84	0.061
Sacramento	CA	1	142.94	223.52	640	4044	585.49	791.84	0.352
San Bernardino	CA	1	103.28	242.46	820	4895	585.49	791.84	0.598
San Diego - Chula Vista	CA	1	136.08	207.4	640	3921	585.49	791.84	0.315
San Francisco	CA	1	355.8	317	1250	4138	585.49	791.84	1.512

Stockton	CA	1	100.08	302.21	490	5568	585.49	791.84	0.351
San Jose	CA	1	105.86	104.71	600	3554	585.49	791.84	0.099
Visalia	CA	1	109.68	302.21	1130	5843	585.49	791.84	1.125
Ventura	CA	1	88.79	302.21	900	4809	585.49	791.84	0.690
Aurora	CO	0.9	76.69	302.21	490	4854	676.23	1546.83	-0.017
Colorado Springs	CO	0.9	137.39	302.21	260	6261	676.23	1546.83	0.036
Denver	CO	0.9	275.67	124	330	5583	676.23	1546.83	0.195
Melbourne	FL	10.4	91.28	302.21	0	0	886.36	1279.74	-1.587
Ft. Lauderdale	FL	10.4	108.63	352.73	0	0	886.36	1279.74	-1.526
Naples	FL	10.4	189.41	302.21	0	0	886.36	1279.74	-1.397
Miami	FL	10.4	124.86	424.75	0	0	886.36	1279.74	-1.456
Jacksonville	FL	10.4	192.3	302.21	0	0	886.36	1279.74	-1.392
Tampa	FL	10.4	175.07	165.36	0	0	886.36	1279.74	-1.499
Fort Myers	FL	10.4	10.83	302.21	0	0	886.36	1279.74	-1.742
Sarasota	FL	10.4	206.61	302.21	0	0	886.36	1279.74	-1.364
Orlando	FL	10.4	83.28	141.8	0	0	886.36	1279.74	-1.689
Palm Beach	FL	10.4	147.64	215.64	0	0	886.36	1279.74	-1.525
New Port Richey	FL	10.4	114.91	302.21	0	0	886.36	1279.74	-1.541
Clearwater - St. Petersburg	FL	10.4	173.91	302.21	0	0	886.36	1279.74	-1.427
Lakeland	FL	10.4	143.5	302.21	0	0	886.36	1279.74	-1.486
Atlanta	GA	3.8	276.84	217	770	6008	1016.17	5325.29	-0.358
Lawrenceville	GA	3.8	84.07	302.21	320	2474	1016.17	5325.29	-1.672

Honolulu	HI	0.6	426.77	180	120	4338	265.97	1632.8	0.577
Boise	ID	2.2	112.45	302.21	490	5151	723.15	1976.16	-0.158
Chicago	IL	0.5	299.94	84.56	0	0	535.59	970.39	-0.556
Fort Wayne	IN	0.6	170.57	302.21	490	3245	732.16	1900.89	-0.047
Indianapolis-Marion Co.	IN	0.6	213.86	188	630	7631	732.16	1900.89	0.732
Overland Park	KS	0.9	66.34	302.21	0	0	575.16	596.58	-1.105
Wichita	KS	0.9	169.08	302.21	490	3503	575.16	596.58	0.124
Lexington	KY	7.4	222.59	302.21	490	0	854.76	1330.15	-0.763
Louisville	KY	7.4	231.41	130	1140	5453	854.76	1330.15	0.635
Lake Charles	LA	3.3	219.95	302.21	0	0	1569.8	943.07	-1.744
Baton Rouge	LA	3.3	325.12	302.21	490	8176	1569.8	943.07	0.126
Gretna	LA	3.3	69.9	302.21	380	5454	1569.8	943.07	-0.861
New Orleans	LA	3.3	422.01	302.21	0	0	1569.8	943.07	-1.353
Boston	MA	0.3	163.99	279	310	3202	340	1048.82	0.353
Baltimore	MD	1.4	854.75	348	630	5239	578.05	712.27	1.842
Germantown	MD	1.4	137.17	302.21	310	2236	578.05	712.27	-0.339
Upper Marlboro	MD	1.4	209.86	302.21	500	3185	578.05	712.27	0.148
Pontiac	MI	0.6	68.95	52.12	290	2459	625.5	1851.86	-0.605
Detroit	MI	0.6	172.97	35.05	470	3394	625.5	1851.86	-0.082
Minneapolis	MN	1.5	100.41	302.21	490	5118	326.4	1997.07	0.031
Saint Paul	MN	1.5	170.6	302.21	490	4955	326.4	1997.07	0.144
Kansas City	MO	2.3	162.96	302.21	770	5848	701.26	930.05	0.571

St. Louis	MO	2.3	423.04	302.21	2360	14866	701.26	930.05	4.092
Durham	NC	1.1	253.33	302.21	490	5168	549.02	1007.5	0.457
Winston-Salem	NC	1.1	473.87	302.21	490	6933	549.02	1007.5	1.124
Greensboro	NC	1.1	52.96	302.21	490	8950	549.02	1007.5	0.585
Charlotte	NC	1.1	213.78	151	500	3991	549.02	1007.5	0.143
Raleigh	NC	1.1	119.18	302.21	490	4997	549.02	1007.5	0.174
Omaha	NE	1.3	390.75	302.21	490	5861	439.51	716.02	0.843
Lincoln	NE	1.3	137.05	302.21	490	7698	439.51	716.02	0.603
Newark	NJ	1.5	220.03	302.21	1290	6362	455.79	1303.41	1.475
Jersey City	NJ	1.5	36.31	302.21	490	4729	455.79	1303.41	0.002
Jersey Shore	NJ	1.5	63.93	302.21	640	5083	455.79	1303.41	0.273
Patterson	NJ	1.5	109.05	302.21	710	4405	455.79	1303.41	0.343
Albuquerque	NM	1.8	195	122	390	5023	738.21	821.93	-0.017
Las Vegas - Henderson	NV	4.2	151.39	467.07	620	6537	741.52	419.21	0.499
Reno	NV	4.2	189.76	302.21	490	7324	741.52	419.21	0.448
Buffalo	NY	0.7	16.84	302.21	490	4210	428.13	568.7	0.186
New York City	NY	0.7	440.64	3971	1330	5421	428.13	568.7	4.084
Nassau Co.	NY	0.7	214.93	688.19	250	1430	428.13	568.7	0.127
Suffolk Co.	NY	0.7	193.52	430.74	550	2430	428.13	568.7	0.422
Cleveland	OH	0.6	126.24	25.93	0	0	620.48	2228.21	-1.242
Columbus	OH	0.6	162.88	241.64	230	2538	620.48	2228.21	-0.450
Cincinnati	OH	0.6	142.95	302.21	0	0	620.48	2228.21	-0.061

Toledo	OH	0.6	201.14	302.21	490	0	620.48	2228.21	-0.396
Oklahoma City	OK	1.8	173.8	125	660	4182	935.16	0	0.123
Tulsa	OK	1.8	228.77	302.21	490	4498	935.16	0	0.176
Portland	OR	0.5	149.04	302.21	490	4345	567.18	965.53	0.387
Pittsburgh	PA	0.6	94.79	302.21	490	4205	665.53	1277.12	0.117
Philadelphia	PA	0.6	434.07	510	1290	6591	665.53	1277.12	2.104
Columbia	SC	1.2	115.99	302.21	440	3065	727.92	748.59	-0.257
Nashville-Davidson Co.	TN	7.1	209.84	158	910	6282	831.28	1010.53	0.540
Chatanooga	TN	7.1	190.17	302.21	630	6325	831.28	1010.53	0.270
Memphis	TN	7.1	179.92	180	730	5965	831.28	1010.53	0.256
San Antonio	TX	2.9	149.12	42.34	870	4816	902.06	1613.22	0.071
Plano	TX	2.9	61.92	302.21	490	2896	902.06	1613.22	-0.649
Dallas - Garland - Irving	TX	2.9	143.99	32.27	510	4846	902.06	1613.22	-0.352
El Paso	TX	2.9	192.97	81	610	4621	902.06	1613.22	-0.147
Houston	TX	2.9	124.96	364.05	770	5018	902.06	1613.22	0.107
Lubbock	TX	2.9	51.2	302.21	490	5191	902.06	1613.22	-0.357
Corpus Christi	TX	2.9	36.35	302.21	490	7810	902.06	1613.22	-0.028
Fort Worth - Arlington	TX	2.9	150.85	33.57	460	5525	902.06	1613.22	-0.298
Austin	TX	2.9	215.76	176	290	7606	902.06	1613.22	-0.002
Laredo	TX	2.9	242.88	302.21	490	3203	902.06	1613.22	-0.257
Chesapeake	VA	7.3	168.21	302.21	490	4911	792.47	670	-0.016

Norfolk	VA	7.3	324.21	302.21	490	6189	792.47	670	0.460
Virginia Beach	VA	7.3	197.8	302.21	490	7098	792.47	670	0.339
Fairfax Co.	VA	7.3	262.64	195.5	110	750	792.47	670	-0.892
Richmond	VA	7.3	195.53	302.21	490	5728	792.47	670	0.148
Seattle	WA	1	66.43	120.73	0	0	455.64	1268.04	-1.228
Madison	WI	1.5	145.47	302.21	360	7371	625.8	804.94	0.375
Milwaukee	WI	1.5	257.03	218	740	8892	625.8	804.94	1.174

Appendix 7: Immigration Criminalization Measure

City/county	State	County 1	Immigration Legislation	Complies with ICE Detainers	Standardized Deportation Rates	Immigration Criminalization Measure
Anchorage	AK	Anchorage	1	1	0	3.56
Birmingham	AL	Jefferson	3	1	0	10.48
Phoenix - Chandler - Glendale - Gilbert - Scottsdale	AZ	Maricopa	3	1	8.11	10.96
Tucson	AZ	Pima	3	0	1.1	10.46
Alameda - Oakland - Fremont	CA	Alameda	1	0	0	3.46
Contra Costa	CA	Contra Costa	1	1	0.07	3.56
Fresno	CA	Fresno	1	0	0.18	3.47
Bakersfield	CA	Kern	1	1	0	3.56
Los Angeles - Long Beach	CA	Los Angeles	1	0	1.57	3.56
Anaheim - Irvine - Santa Ana	CA	Orange	1	0	0.16	3.47
Riverside	CA	Riverside	1	0	0	3.46
Sacramento	CA	Sacramento	1	0	0.23	3.48
San Bernardino	CA	San Bernardino	1	1	0.07	3.56
San Diego - Chula Vista	CA	San Diego	1	0	3.62	3.68
San Francisco	CA	San Francisco	1	0	0	3.46
Stockton	CA	San Joaquin	1	0	0	3.46
San Jose	CA	Santa Clara	1	0	0	3.46

Visalia	CA	Tulare	1	1	0	3.56
Ventura	CA	Ventura	1	0	2.28	3.60
Aurora	CO	Arapahoe, Adams, Douglas	1	1	0	3.56
Colorado Springs	CO	El Paso	1	1	0	3.56
Denver	CO	Jefferson	2	0	0	6.93
Melbourne	FL	Brevard	2	1	0.05	7.02
Ft. Lauderdale	FL	Broward	2	0	0.2	6.94
Naples	FL	Collier	2	1	0	7.02
Miami	FL	Dade	2	0	0	6.93
Jacksonville	FL	Duval	2	1	1.55	7.11
Tampa	FL	Hillsborough	2	1	1.11	7.08
Fort Myers	FL	Lee	2	1	0	7.02
Sarasota	FL	Manatee	2	1	0.58	7.05
Orlando	FL	Orange	2	1	0	7.02
Palm Beach	FL	Palm Beach	2	1	0.02	7.02
New Port Richey	FL	Pasco	2	1	0	7.02
Clearwater - St. Petersburg	FL	Pinellas	2	1	0.1	7.02
Lakeland	FL	Polk	2	1	0	7.02
Atlanta	GA	DeKalb and Fulton	3	0	0	10.39
Lawrenceville	GA	Gwinnett	3	1	0.59	10.52
Honolulu	HI	Honolulu	1	1	0	3.56
Boise	ID	Ada	1	1	0	0.09

Chicago	IL	Cook	2	1	0	7.02
Fort Wayne	IN	Allen	3	1	0	10.48
Indianapolis-Marion Co.	IN	Marion	3	1	0	10.48
Overland Park	KS	Johnson	2	1	0	7.02
Wichita	KS	Sedgwick	2	1	0	7.02
Lexington	KY	Fayette	2	1	0	7.02
Louisville	KY	Jefferson	2	1	0	7.02
Lake Charles	LA	Calcasieu	2	1	0	7.02
Baton Rouge	LA	East Baton Rouge	2	1	0	7.02
Gretna	LA	Jefferson	2	1	1.38	7.10
New Orleans	LA	Orleans	1	0	0	3.46
Boston	MA	Suffolk	1	0	0.71	3.51
Baltimore	MD	Baltimore	1	0	0	3.46
Germantown	MD	Montgomery	1	1	0	3.56
Upper Marlboro	MD	Prince George's	1	0	0.14	3.47
Pontiac	MI	Oakland	2	1	0	7.02
Detroit	MI	Wayne	2	1	0.35	7.04
Minneapolis	MN	Hennepin	1	0	0	0.00
Saint Paul	MN	Ramsey	1	1	0	0.09
Kansas City	MO	Jackson, Clay, Cass, Platte	2	1	0	7.02
St. Louis	MO	None	2	1	0	7.02
Durham	NC	Durham	2	1	0	7.02

Winston-Salem	NC	Forsyth	2	1	0	7.02
Greensboro	NC	Guilford	2	1	0	7.02
Charlotte	NC	Mecklenburg	2	1	0.85	7.07
Raleigh	NC	Wake	2	1	0	7.02
Omaha	NE	Douglas		1	0	0.09
Lincoln	NE	Lancaster		1	0	0.09
Newark	NJ	Essex	1	0	0	3.46
Jersey City	NJ	Hudson	1	1	0	3.56
Jersey Shore	NJ	Monmouth	1	1	0	3.56
Patterson	NJ	Passaic	1	1	0	3.56
Albuquerque	NM	Bernalillo	1	0	0.69	3.50
Las Vegas - Henderson	NV	Clark	1	0	0	3.46
Reno	NV	Washoe		1	0	0.09
Buffalo	NY	Erie	1	1	0	3.56
New York City	NY	Manhattan, Queens, Kings, Richmond, Bronx	1	0	0	3.46
Nassau Co.	NY	Nassau	1	1	0	3.56
Suffolk Co.	NY	Suffolk	1	0	0	3.46
Cleveland	OH	Cuyahoga	1	1	0.02	3.56
Columbus	OH	Franklin	2	1	0.38	7.04
Cincinnati	OH	Hamilton	1	1	0	3.56
Toledo	OH	Lucas	1	1	0	3.56

Oklahoma City	OK	Oklahoma City	2	1	1.08	7.08
Tulsa	OK	Tulsa	2	1	0	7.02
Portland	OR	Multnomah		0	0	0.00
Pittsburgh	PA	Allegheny	2	1	0	7.02
Philadelphia	PA	Philadelphia	2	0	0.21	6.94
Columbia	SC	Richland	3	1	0	10.48
Nashville-Davidson Co.	TN	Davidson	2	1	0	7.02
Chatanooga	TN	Knox	2	1	0	7.02
Memphis	TN	Shelby	2	1	0	7.02
San Antonio	TX	Bexar	2	1	0.93	7.07
Plano	TX	Collin	2	1	0	7.02
Dallas - Garland - Irving	TX	Dallas	2	1	2.21	7.15
El Paso	TX	El Paso	2	1	0.43	7.04
Houston	TX	Harris	2	1	0.81	7.07
Lubbock	TX	Lubbock	2	1	0	7.02
Corpus Christi	TX	Nueces, Aransas, Kleberg, San Patricio	2	1	0	7.02
Fort Worth - Arlington	TX	Tarrant	2	1	0.53	7.05
Austin	TX	Travis	2	1	3.48	7.22
Laredo	TX	Webb	2	1	0	7.02
Chesapeake	VA	City of Chesapeake	2	1	0	7.02
Norfolk	VA	City of Norfolk	2	1	0	7.02
Virginia Beach	VA	City of Virginia Beach	2	1	0	7.02

Fairfax Co.	VA	Fairfax	2	1	1.06	7.08
Richmond	VA	Henrico	2	1	1.06	7.08
Seattle	WA	King	1	0	0	3.46
Madison	WI	Dane	2	1	0	7.02
Milwaukee	WI	Milwaukee	2	0	0	6.93

Appendix 8: SEM Tables

8.1   Criminal Justice Constrained Model

Table 8.1   Criminal Justice Constrained Model – presented in Figure 7

Variable	B	Stan Error	Significance
Criminal Justice System	12.354*	5.116	0.016
Percent Living in Same House >1 year	165.886	174.102	0.341
Percent Less than 9th Grade	-266.268	171.741	0.121
Percent African American	238.161***	36.278	0.000
State Context Cluster	-33.532**	10.247	0.001
Homicide Rates	-0.315	1.811	0.862
Economic Marginalization	20.25**	6.432	0.002
Family Instability	15.234**	5.051	0.003
Criminal Justice System	12.354*	5.116	0.016
N	109		
RMSEA	0.066		

8.1a   Criminal Justice OLS Regression with Dummy Variables

Variable	B	SE	Significance
>-1 SD Carcerality	29.926	15.266	.056
>+1 SD Carcerality	31.994	20.087	.118
Economic Marginalization	21.358	10.890	.055
Family Insecurity	20.311*	9.455	.037
Percent Less than 9th Grade	-209.639	241.474	.389
Percent African American	270.541***	72.019	.000
Homicide Rates	-3.931	2.236	.085
N	109		
RMSEA	0.062		

8.2 Immigrant Control Constrained Model – presented in Figure 8

Variable	B	SE	Significance
Immigration Control Measure	5.902**	2.14	0.006
Economic Marginalization	22.766***	6.011	0.000
Percent Moving to US in Last Year	376.592	1665.877	0.821

Percent Less than 9th Grade	-1356.424***	139.371	0.000
Family Instability	18.159***	4.783	0.000
Homicide Rate	2.011	1.708	0.239
Percent Foreign Born	491.255***	75.924	0.000
State Context Cluster	-3.635	4.34	0.402
N	109		
RMSEA	0.072		

8.3 Criminal Justice Mediated Model – presented in Figure 9

Variable	B	SE	Significance
Criminalization Measure	12.428*	4.936	0.012
→ Anti-Runaway Legislation	-0.062	0.043	0.148
Anti-Runaway Legislation	32.347**	11	0.003
Economic Marginalization	-24.008***	6.144	0.000
Percent Living in House for >1 year	119.064	169.859	0.483
Percent Less than 9th Grade	-79.617	169.177	0.638
Family Instability	14.429**	4.888	0.003

Percent African American	242.574***	34.932	0.000
Homicide Rates	1.423	1.752	0.417
State Context Cluster	-29.02**	9.918	0.003
N	109		
RMSEA	0.062		

8.4   Immigration Control Mediated Model – presented in Figure 10

Variable	B	SE	Significance
Immigration Criminalization Measure	6.128**	2.84	0.005
→ Anti-Trafficking Legislation	-0.05	-1.215	0.224
Anti-Trafficking Legislation	4.902	0.887	0.375
Economic Marginalization	23.636***	3.937	0.000
Percent Moving to US in Last Year	783.243	0.47	0.638
Percent Less than 9th Grade	-1359.524***	-9.781	0.000
Family Insecurity	16.248***	3.401	0.000
Percent Foreign Born	458.032***	6.023	0.000

Homicide Rates	2.252	1.321	0.187
State Cluster Context	-2.79	-0.644	0.52
N	109		
RMSEA	0.079		

8.5 Complete Model – presented in Figure 11

Variable	B	SE	Sig.
Immigrant Criminalization	5.714**	2.904	0.004
→Anti-Trafficking Laws	-0.052	-1.251	0.211
Criminalization	9.29*	2.157	0.031
→Anti-Runaway Laws	-0.062	-1.447	0.148
Anti-Trafficking Laws	5.565	1.11	0.267
Anti-Runaway Laws	25.459**	2.669	0.008
Economic Marginalization	-5.355	-1.005	0.315
<1 in US	-244.935	-0.161	0.872
<9 years Schooling	-798.067***	-6.289	0.000

Family Instability	17.356***	4.094	0.000
Percent Foreign Born	382.743***	5.75	0.000
>1 year in Same House	127.076	0.953	0.34
Percent African American	205.149***	6.798	0.000
Out of Wedlock Birth Rate	1.345	0.886	0.376
Homicide Rate	-17.596*	-2.046	0.041
Criminalization Context Cluster	-2.747	-0.714	0.475
Immigrant Criminalization Context Cluster	5.714**	2.904	0.004
N	109		
RMSEA	0.067		

Appendix 9: Criminalization Measure

9.1   Correlation Matrix

	Felon Dis-enfran-chisement	Sworn Police Rate	Police Budget Rate	Arrest Rate	Drug Possession Arrest Rate	Incar-ceration Rate	Probation Rate
Correlations							
Felon Disenfranchisement	1.000	-.026	-.065	-.013	-.133	.366	-.108
Sworn Police Rate	-.026	1.000	.237	.206	.256	.015	-.103
Police Budget Rate	-.065	.237	1.000	.050	.237	-.138	-.133
Arrest Rate	-.013	.206	.050	1.000	.730	-.146	-.111
Drug Possession Arrest	-.133	.256	.237	.730	1.000	-.208	-.113
Incarceration Rate	.366	.015	-.138	-.146	-.208	1.000	.150
Probation Rate	-.108	-.103	-.133	-.111	-.113	.150	1.000
Significance – p-values							
Felon Disenfranchisement		.393	.249	.447	.084	.000	.133
Sworn Police Rate	.393		.007	.016	.004	.440	.144
Police Budget Rate	.249	.007		.303	.007	.076	.084
Arrest Rate	.447	.016	.303		.000	.065	.125
Drug Possession Arrest	.084	.004	.007	.000		.015	.120
Incarceration Rate	.000	.440	.076	.065	.015		.059
Probation Rate	.133	.144	.084	.125	.120	.059	

9.2   Covariance Matrix

	Felon Disenfran- chisement	Sworn Police Rate	Police Budget Rate	Drug Possession Arrest Rate	Arrest Rate	Incarceration Rate	Probation Rate
Felon Disenfranchisement	1.03	-3.07	-25.34	-2493.59	-35.36	90.05	-79.77
Sworn Police Rate	-3.07	13241.33	10363.79	249924.32	63892.33	408.85	-8620.49
Police Budget Rate	-25.34	10363.79	144852.64	4079924.14	51227.53	-12728.29	-36838.67
Arrest Rate	-2493.59	249924.32	4079924.14	171789527.26	6133031.77	-531515.13	-921171.42
Drug Possession Arrest Rate	-35.36	63892.33	51227.53	6133031.77	7288611.22	-95584.82	-218537.83
Incarceration Rate	90.05	408.85	-12728.29	-531515.13	-95584.82	58632.30	26559.25
Probation Rate	-79.77	-8620.49	-36838.67	-921171.42	-218537.83	26559.25	531996.94

9.3   OLS Regression on CSEC Measurement

	B	Std. Error	Beta	Significance
(Constant)	16.695	22.748		.465
Felon Disenfranchisement	4.934	1.975	.246	.014
Sworn Police Rate	.093	.049	.162	.059
Police Budget Rate	.079	.015	.455	.000
Arrest Rate	.002	.003	.086	.482
Drug Possession Arrest Rate	.151	.224	.084	.501
Incarceration Rate	.002	.025	.007	.942
Probation Rate	.021	.007	.238	.005
R-Squared	.353			

PART VI.   Works Cited

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