

Research on John School as a policy to prevent recidivism of online sex trafficking

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Abstract

Recently, President Donald Trump signed FOSTA (Fight Online Sex Trafficking Act) in April 11, 2018, which makes online service no more immune from civil liability for the action of third party facilitating sex trafficking content.

Although it is also important to enhance security regulations and cognition on law, but it will be economically more effective to put more energy on preventing recidivism. For John School in Korea, it should increase implementation rate by putting core manpower and budget for preventing needs of sex purchase and then, check operation method and efficacy to improve the actual program. One way is first, empirical analysis and data is required on efficacy of John School program. Second, should have clear definition in Special Sex Trade Law. Third, more strick regulation for selecting participant is required. Fourth, more manpower and budget is required. Fifth, charging the participant for educational fee shall be reviewed. Sixth, educational program should be reviewed. The most important point of education is to make those criminals feel guilty about financially purchasing the sex, basically making them to recognize that it is ethically wrong. However, the current education system contains no clear explanation about the ethical issue of such problem but focusing more on other factors such as sexual disease and structural problem of sexual business. Therefore, this failed to deliver the right psychological training to those criminals without any ethical control. Knowing why women feel hurt when having unwanted sexual relationship by being paid is required part in terms of education for preventing sex trafficking.

▶ Keyword: Online Sex Trafficking, John School in Korea, Fight Online Sex Trafficking Act, Online Inspector in Seoul City, Special Sex Trade Law

I . Introduction

To eradicate sex trafficking, the priority point is to implement policy which blocks fundamental needs of sex trafficking based on the those looking for it. This is because increase in the needs of sex trafficking is linked to the growth of such market based on sex exploitation and agencies. What is more, commercialized sexual trafficking market considers women as a ‘product’ and this again, becomes the beginning point of the link causing a rapid increase in sex trafficking. As this is the

case, the needs for sex trafficking plays a core role in expanding such market. Therefore, we should focus more on the needs for this sex trafficking and find various strategies and practices to prevent such demand.

Recently, President Donald Trump signed FOSTA (Fight Online Sex Trafficking Act) in April 11, 2018, which makes online service no more immune from civil liability for the action of third party facilitating sex trafficking content. There was some issues rising in concern to

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shrinking in IT business and violation of one's freedom of expression during legislation, however, it is finally signed by President Donald Trump. As America, having the world's major online companies, has begun a 'war with online sex trafficking' it is curious that whether 186 billion Dollar (based in year 2016) global sex trafficking business will be reduced greatly or not. This will also affect Korea having social problems due to sex trafficking. As business organized by local government is made to promote participation and activity of residence, similar to online inspector in Seoul city, this will continuously help achieve a great result that could not be done with limited manpower. This is a good example implying that the continuation of a certain activity and high achievement rely on link between civil and government as well as its level of revitalization.

Not only in Korea but in various countries, those anti-sex trafficking organization and organizations are trying different approach to prevent needs of sex trafficking. In this research, it will introduce John School which is a good example of policy preventing recidivism of sex trafficking and make devotion to developing an appropriate and realistic policy.

II. Meaning and features of online sex trafficking

1. Concept

Agreed online sex trafficking means purchasing and selling prostitution in 'real space' around the 'mediation' called online. Extended online sex trafficking means including various activities happening on online to directly and indirectly promote sex trafficking on top of the agreed one. The reason for dividing online sex trafficking into agreed and extended is because law applied to these two factors are different and it maybe easier to increase accuracy of policy development if foundation of these two problems are separated. That is, in terms of agreed sex trafficking, this applies to standard criminal penalty related to sex trafficking but for extended one, regulations on both information communication and crime are applied. Furthermore, post-punishment is more important for the first one but preliminary regulation can be also applied to the latter one.

2. Types of online sex trafficking

2.1 Agreed and extended sex trafficking

The agreed sex trafficking means trading between purchaser and seller based on prostitution in real space and on the other hand, extended online sex trafficking also includes various promoting activities online to trigger online sex trafficking.

2.2 Direct and indirect trading

Direct trading means the persons making prostitution negotiation through online website and indirect means selecting the partner by sharing one's information on a certain website.

2.3 Individual and group

Individual type does not belong to any organization but doing trafficking individually by personal contract and group type means belong to a certain organization for sex trafficking.

2.4 Connected and non-connected type

The connected type means implicitly looking for sex trafficking by introducing one's business offline and non-connected type means making sex trafficking without actual space but through information exchange or certain mediation.

3. Features of online sex trafficking

3.1 Expansion of exposure to sex trafficking

As there is no legal control to restrict sex trafficking online its main feature is that it can take place anywhere anytime[1].

3.2 Variation of types of sex trafficking

In online space, various types of sexual trading is taking place based on the online feature that any kinds of person can be connected regardless of the time and location. That is, those people from different condition, desire, and situation are making their own ways of sexual trading[2].

3.3 Exchange of information in advance

Those taking a part in this activity tends to worry about their identity exposed to others, hence, they prefer personal messages or private talk rather than using public areas. What is more, to avoid seeing unwanted partner in

the real space, they tend to check the person in advance by online video call[3].

3.4 Considering sex as a play

The sex exposed in cyber space for sex trafficking or to teenagers are described as a play. Those teenagers involved here tend to spend most of their money sustaining living, drinking, and buying unnecessary goods, which finally making them to be involved in sex trafficking again later[4].

3.5 Expansion of teenager sex trafficking

Compare to the grown ups, teenagers can easily access to cyber space through one's own computer or public game room. Such rapid development of internet culture is accelerating sex trafficking of teenagers.

countries, it is difficult to be controlled by Korean law. One of the example is 'Yahoo Tumblr' where sex trafficking content is spreading out without any control but rejected the request of Korea Communications Standards Commission to have control by saying that "it follows the Federal law." With President Donald Trump signing FOSTA, this will naturally influence online ecosystem here in Korea as well[5].

Table 1. Comparison of punishment on sex trafficking content in Korea and America

America	Korea
<ul style="list-style-type: none"> o Not only content creator and deliverer as well as person in charge of the website with such inappropriate content o Subject to various person managing website as well as social network service 	<ul style="list-style-type: none"> o Only creator and deliverer o Manager of the website with such inappropriate content is exempt from punishment o But website with content involving child or teenager can be punished

III. Major policies for preventing online sex trafficking in America and Korea

1. Fight Online Sex Trafficking Act(FOSTA)

Recently, President Donald Trump signed Fight Online Sex Trafficking Act (FOSTA) which makes online service no more immune from civil liability for the action of third party facilitating sex trafficking content. This will also bring a great effect to Korea as well. President Donald Trump signed this FOASTA in April 11 2018 in front of victim families and congressman. This legislation allows prosecution of social media, research engine, and website which has sex trafficking related content of the third person for promoting such crime or the actual victim to directly litigate the case. So far, there was no law that could call the third party having sex trafficking content online to hold legal responsibility. At this point, America having many major online companies such as Google, Facebook, Twitter is trying to fight against this by signing a new Act and surely this will bring a direct and indirect effect to Korea. In Korea, inappropriate online content is filtered by monitoring and Artificial Intelligence (AI) to remove such posting or to block the user. According to a person working in the field, "most of online posting is regularly monitored" and "those inappropriate posting or against copyright are monitored by AI or get reports from other uses." Especially for those website based on other

2. Protection policy for online sex trafficking in Korea

2.1 Seoul city online civil inspector

In year 2011, Seoul City launched 'online civil inspector' and promoting inspection system related to online sex trafficking. Every year 1000 residence is participating for 10 months and their main role is to report illegal website and posting such as sex promoting and advertising sex trafficking. Then, this goes through verification of Seoul City and sent to Korea Communications Standards Commission and Korea Internet Self-Governance Organization for removal. Depending on the case, it may be requested for inspection to a legal organization. [6] In accordance to data released by Seoul City, this online civil inspectors achieved around 40,436 cases related to sex trafficking in 2015. It was found out that the number of cases reported and received legal control has been rising, 53.5% in 2013, 74/6% in 2014, and 79.6% in 2015[7]. There is more women ratio in this inspector system but more men are participating, 10% in 2013, 28% in 2014, and 36% in 2015[8].

The main role of Seoul City online civil inspector as follows; a. reporting online website promoting and advertizing sex trafficking b. offline handout promoting and advertizing sex trafficking c. reporting smartphone application promoting sex trafficking d. website and smartphone application promoting sexually inappropriate content e. intensive monitoring (verifying and examining

reported information). Since 2015, smartphone chatting applications have become the subject for main inspection. What is more, good inspectors have been selected as intensive inspectors to review information firsthand and report inappropriate information to the responsible organization.

2.2 Korea Communications Standards Commission

Korea Communications Standards Commission (KCSC) announced on the 9th that it will block 187 'commercial website' which promoted sex trafficking. Also, it has requested for prosecution to find website managers. It has opened a meeting on the 9th to make a report on 'conclusion of inspection on online illegal sex trafficking.' This inspection result is obtained from KCSC monitoring illegal online sex trafficking website from May 16 2018 to June 8, It mentioned that those blocked sites had inappropriate information such as direct and indirect sex trafficking wording, price, contact number, picture, age, and other information related to this, and user review. There was also a website which used total 15 domains at the same time to run away from inspection. It also announced that "those blocked website is commercial sex trafficking website based on nationwide network around the main cities." Also, "it will send detailed information about each online website to the police and request prosecution as those main person has to be found to eradicate such crime." [9]

IV. Status of John School in America and Korea and their improvement

1. First Offender Prostitution Program (FOPP) in America

First Offender Prostitution Program (FOPP) is a program subject to offenders arrested for soliciting prostitution and is also known as John School. This first began in 1995 in San Francisco by Police Department, District Attorney's Office, and Standing Against Global Exploitation Project (SAGE) to eradicate sex buying and purchasing. Norma Hotaling, one of the supporters of creation of John School is the founder of SAGE in 1992. The purpose of this program is to prevent sex purchasing and change cognition for first offenders through academic

education instead of prosecution. FOPP is subject to not only street sex purchasing but ones solicited online as well. Also, those offenders sent for education instead of being prosecuted by police or court. If they are not arrested for two years for the same crime, they can request for sealing of any document related to education in John School[10].

This John School system first started in year 1995 and total 58 schools are operated in cities and counties around the USA. Considering that over two schools are operated at the same time or some cities and counties running at the same time, it is expected that around 40 schools are active now. Most schools carry FOPP curriculum but there are various programs. FOPP curriculum consists of 8-hour per day, total 6 subjects.

2. Status of John School in Korea

The first education for preventing recidivism of sex purchasing in Korea was adopted in year 2005, being executed in 13 Protection and Custody Centers. Presently, 42 centers around the nation are operating the program. Only first offenders of sex purchasing are subject to the education and teenagers are excluded. The characteristic of John School program here in Korea is having standardized program from the beginning. From February 2006, 8 hours a day 'standard program for sex trafficking criminals' is applied in accordance to "Regulation on education of sex purchasers with suspended indictment (January 13 2006)." This standard program is extended and upgraded to 16 hours for 2 days in year 2012. Such program is composed of 15 times of total 6 modules, and operated for 2 consecutive days. Programs include program introduction, viewing sex trafficking from the eye of human right, correcting distorted concept of sex, understanding women involved in sex trafficking, development of plan on preventing sex purchasing, evaluation, and wrap up.

Looking at the changes in educational program, before the revision (March 2012) it was based on original program from FOPP but during the revision process, content on sex purchasing and physical health have been removed. Instead, programs on changing distorted concept of sex, understanding women involved in sex trafficking, and self control and prevention of recidivism have been intensified. The number of participants are decreasing from 8 936 in 2011 to 5 954 in 2013, 3 223 in 2014, and

3,464 in 2015. This increase can be interpreted from various ways [11]. Also, number of implementation of this education program is also decreasing. This is due to lack of manpower, budget, and educational space. The rate of participants completing education compared to number of person in charge is sustaining a similar number of 94.4% every year [12].

3. Improvement of John School in Korea

First, it is necessary to have positive analysis and accumulation of data on efficacy of John School program. The rate of recidivism of those offenders completed John School program should be tracked and calculated every year. Also, related law should be revised so that those who failed to fully complete the program should be punished and ordered to complete the program again.

Second, it is related to improvement of the law. Special law on sex trade should include a clear definition to enhance illegality of sex trade and at the same time, obtain educational and legal efficacy as well as ethical and systematic justification of John School program. It will be feasible to have a new law, Article 21.2 of Special law on sex trade to have 'optional prosecution' based on the decision of the offender [13]. Actually, such regulation exists in "Juvenile Law." Therefore, similar to optional prosecution in "Juvenile Law" it should also have a clearer legal foundation.

Third, although there is no law saying that the first offender be prosecuted but for sex trafficking, suspending prosecution in replacement to receiving education has been settled as generous cognition. Offenders to participate in the program should be selected thoroughly, in case of Canada, its condition is to have no criminal record before 18 years old, no past record of sex trafficking, and reflection on one's wrong behavior. What is more, for San Francisco Police Department, its condition is that 'one should have no criminal record' and 'no history of contact with criminal regulations.' Although the person has criminal record but it should not be crime of violence for the last 5 years. Here, all types of crime of violence or family violence, and armed violence is applicable to John School [14]. In Korea, it should strictly limit the person applicable to John School education so that those who should be prosecuted shall be so and as a result, criminal punishment for sex purchasing can be intensified.

Fourth, more manpower and budget is required. Around

the nation, around 1500 staff is dealing with approximately 180 000 tasks around 56 Protection and Custody Centers. In terms of the task, in year 1989, it has expanded to adult criminal protection, social responsibility, and education from juvenile criminals in 1997. Furthermore, after year 2008, they have to deal with electronic inspection of sexual criminals, social responsibility for those economically unaffordable to pay fine in 2009, and medication treatment for sex drive offenders in 2011, which means that their task boundary has expanded greatly. The range of criminals have also widened from minor to major criminals. In fact, after the adoption of ankle monitor, their job has increased by 18 times but the number of person in charge has increased by 5 times only. The number of education orders is about 40 000 per year. However, only 176 people are focusing on this job and thus, it is difficult to implement effective education. Looking at the budget side, of course, the actual lecture is important for the effective education but having a good lecturer also affects the efficacy of this education.

Fifth, we should review on beneficiary taking responsibility for education fee. In USA and Canada, they are looking at this education from two different paradigm, local social law and recovery law. Hence, they are charging beneficiary for education fee. For America, they are charging around US\$ 400 to the education participant (US\$0 to US\$ 1,500 depending on the organization) and about 44% of this payment (17 areas out of 39) is used as supporting budget for those sex purchasers [15]. There were some suggestions that charging sex purchasers for the financial fee may increase the efficacy of education but on the other hand, there were also some saying that this is not appropriate with Korean law. In 2011, "Law related to medication treatment of sex drive for sexual criminals" there are some cases where treatment fee is charged to the actual criminal and thus, this shall also be considered to be adopted to John School system.

Sixth, educational program should be reviewed. The most important point of education is to make those criminals feel guilty about financially purchasing the sex, basically making them to recognize that it is ethically wrong. However, the current education system contains no clear explanation about the ethical issue of such problem but focusing more on other factors such as sexual disease and structural problem of sexual business. Therefore, this failed to deliver the right psychological

training to those criminals without any ethical control. Knowing why women feel hurt when having unwanted sexual relationship by being paid is required part in terms of education for preventing sex trafficking [16].

V. Conclusion

Regulating sex trafficking should focus on sex purchaser and agency rather than those minorities. As such crime is expanding quickly through internet or smartphone application, prosecution should develop as well. Although it is also important to enhance security regulations and cognition on law, but it will be economically more effective to put more energy on preventing recidivism. For John School in Korea, it should increase implementation rate by putting core manpower and budget for preventing needs of sex purchase and then, check operation method and efficacy to improve the actual program. One way is first, empirical analysis and data is required on efficacy of John School program. Second, should have clear definition in Special Sex Trade Law to enhance illegality of sex purchase and at the same time, obtain justification and efficacy of John School education. Third, more strick regulation for selecting participant is required. Fourth, more manpower and budget is required. Fifth, charging the participant for educational fee shall be reviewed. Sixth, the actual educational program should be reviewed. That is, explaining why women feel psychologically hurt when having unwanted sexual relationship although being paid is required and should be persuasive to prevent farther sex trafficking.

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