

THE NATIONAL REPORT ON

DOMESTIC MINOR SEX TRAFFICKING

America's Prostituted Children

BY:

LINDA A. SMITH

SAMANTHA HEALY VARDAMAN

MELISSA A. SNOW





**The National Report on Domestic
Minor Sex Trafficking:
America's Prostituted Children**

M a y 2 0 0 9

All rights reserved. No part of this book may be reproduced in any manner without the written permission of Shared Hope International, except in the case of brief quotations used in connection with critical articles and reviews.

Cover and text art by J. David Ford & Associates, Hurst, TX

© 2009 Shared Hope International

Printed in the United States of America.

Shared Hope International
P.O. Box 65337
Vancouver, WA 98665

Shared Hope International
1501 Lee Highway, Suite 101
Arlington, VA 22209



T A B L E O F C O N T E N T S

| | |
|---|----|
| Executive Summary..... | iv |
| Introduction..... | 1 |
| Chapter 1 | |
| Domestic Minor Sex Trafficking | 4 |
| Chapter 2 | |
| The Business of Domestic Minor Sex Trafficking..... | 16 |
| Chapter 3 | |
| Vulnerability | 30 |
| Chapter 4 | |
| Recruitment and Pimp Control..... | 37 |
| Chapter 5 | |
| Identification of Domestic Minor Sex Trafficking Victims and Trauma Bonds..... | 41 |
| Chapter 6 | |
| Lack of Justice for the Victims of Domestic Minor Sex Trafficking | 50 |
| Chapter 7 | |
| Shelter and Services..... | 67 |
| Chapter 8 | |
| Next Steps..... | 74 |

Executive Summary

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of American children within U.S. borders. It is the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” where the person is a U.S. citizen or lawful permanent resident under the age of 18 years.¹ The age of the victim is the critical issue — there is no requirement to prove force, fraud, or coercion was used to secure the victim’s actions. In fact, the law recognizes the effect of psychological manipulation by the trafficker, as well as the effect of threat of harm which traffickers/pimps use to maintain control over their young victims.¹¹ DMST includes but is not limited to the commercial sexual exploitation of children through prostitution, pornography, and/or stripping. Experts estimate at least 100,000 American juveniles are victimized through prostitution in America each year. Domestic minor sex trafficking is child sex slavery, child sex trafficking, prostitution of children, commercial sexual exploitation of children (CSEC), and rape of a child.

Shared Hope International first actively addressed the sex trafficking of American children through research on the markets that create demand for commercial sex and which result in the commercial sexual exploitation of women and girls. The DEMAND. Project investigated buyers, facilitators, and traffickers in four countries: Jamaica, Japan, the Netherlands, and the United States. The startling findings highlighted the fact that sex trafficking is demand-driven and the product for sale is most commonly local (domestic) children. Dedicated to ending the human rights violation of sex trafficking internationally and domestically, Shared Hope International received a grant from the U.S. Department of Justice to perform field research on domestic minor sex trafficking — the commercial sexual exploitation of American children in the United States.

Acknowledging that strategic responses to sex trafficking require comprehensive understanding of the local situation, Shared Hope International aligned with the U.S. Department of Justice-funded human trafficking task forces to assess domestic minor sex trafficking and the access to victim services in ten U.S. locations:

1. Dallas, TX
2. San Antonio, TX
3. Fort Worth, TX
4. Salt Lake City, UT
5. Buffalo, NY
6. Baton Rouge and New Orleans, LA
7. Independence, MO
8. Las Vegas, NV
9. Clearwater, FL
10. The Commonwealth of the Northern Mariana Islands (U.S. Territory)

The assessment process investigated the three areas of Prevention, Prosecution, and Protection (“three Ps”) as the key components necessary to effectively combat trafficking in persons. The assessments involved qualitative interviews of professionals likely to come into contact with victims of domestic minor sex trafficking, as well as quantitative data collection when available. Seven professional groups were identified as likely to come into contact with victims of domestic minor sex trafficking and targeted for interviews: Federal, State, and Local Law Enforcement; Federal and State Prosecutors; Juvenile Court; Juvenile Probation and Detention; Public Defenders; Child Protective Services; and Social Services/Non-Governmental Organizations. A total of 297 interviews were conducted. Statistics were requested but were not always available. In many cases, statistics

¹ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), (9), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8), (9). http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ386.106. Accessed on April 8, 2009.

¹¹ Id. at §1591(b)(2).

provided did not disaggregate data on domestic minor sex trafficking — a term and crime most interviewees were not familiar with yet; in these cases the statistics were reviewed for extrapolation in determining numbers of suspected domestic minor sex trafficking victims. For example, juvenile detention facility statistics reflecting numbers of youth detained under charges of prostitution could be properly counted toward the number of domestic minor sex trafficking victims in that facility as juveniles in prostitution are victims of sex trafficking under the federal Trafficking Victims Protection Act of 2000 (TVPA). The reliance on extrapolated data reflects the glaring lack of identification of domestic minor sex trafficking victims and highlights the need for training as well as data collection on this victim population.

Each assessed location produced information that was documented in an area-specific report, including information on the scope of the problem, how victims of domestic minor sex trafficking were accessing the system, how they were being labeled, and, as a result of that label, how victims of domestic minor sex trafficking were accessing or being barred from accessing services as victims of a violent crime. The findings from the 10 site assessments, research studies, and field work are the foundation for this National Report on the Identification and Response to America's Trafficked Youth. Substantiation of the findings was gained through Shared Hope International's National Training Conference on the Sex Trafficking of America's Youth held September 15-16, 2008, in Dallas, Texas, which brought together nearly 200 first responders from across the nation to share their experiences and best practices for responding to domestic minor sex trafficking. Also, experts on the trauma and services required to counteract the trauma endured provided guidance in forming best practices in this field.

The key findings of the study can be grouped into four components of domestic minor sex trafficking: identifying the victims; prosecuting the traffickers; combating demand; and providing protection, access to services, and shelter for victims.

1. Misidentification

Shared Hope International found misidentification of the victims to be the primary barrier to the rescue and response to domestic minor sex trafficking victims. This misidentification occurs at all levels of first responses from law enforcement arrest on the streets to homeless and runaway youth shelters' intake process, to court adjudication of the victim as a delinquent for habitual runaway or drug possession, or other offense occurring as a result of the prostitution of the child. Misidentification causes a chain reaction of negative outcomes. It is responsible for the failure to deliver the necessary services to interrupt and treat the trauma they have endured. It is often the cause of their adjudication as delinquents or criminalization as adult offenders of prostitution, leading to detention and/or a criminal record with resulting lack of access to victim of crime funds. Misidentification can be remedied only through awareness and education of first responders and the community at large to properly identify the indicators of domestic minor sex trafficking and to respond with the appropriate treatment and approach developed by experts in the specific trauma caused by trafficking.

2. Criminalization of the Victim through Misidentification

Victims of domestic minor sex trafficking are frequently processed as juvenile delinquents or adult prostitutes. Prostituted juveniles are trained by their trafficker/pimp to lie to authorities and are provided with excellent fraudulent identification resulting in their registration in the arrest records as an adult — an identification that follows them through their years as a minor unless and until it is corrected by the insight of a law enforcement officer who recognizes the victim is a minor and pursues a correct identification. Law enforcement cited this problem as a barrier to identifying a child sex trafficking victim. Those victims who are identified as minors are frequently charged with a delinquent act either for prostitution-related activities or for a related offense, such as drug possession or habitual runaway. These children are found in detention facilities across the country, as well as in juvenile justice rehabilitative programs. Due to the unique trauma bonding that occurs between a victim and her trafficker, these children often run from juvenile facilities right back to the person that exploited them.

3. Criminalization as a Response to No Options for Placement

Law enforcement officers report they are often compelled to charge a victim of domestic minor sex trafficking with a delinquency offense in order to detain her in a secured facility to keep her safe from the trafficker/pimp and the trauma-driven response of flight. The frustration of first responders with this maneuver was widely expressed; however, in the absence of better options, this stop-gap measure continues. The results are detrimental for the victim who rarely receives any services in detention, much less services specific to the trauma endured through sex trafficking. Also, the entry of the juvenile into the delinquency system can disqualify her from accessing victim of crime funds for services in some states.

4. Inappropriate or Inaccessible Services for Domestic Minor Sex Trafficking Trauma

Experts speak of the trauma suffered by child sex trafficking victims as more severe than most sexually-based trauma given the chronic nature coupled with the reinforced victimization from the community at large of buyers. Therefore, the services required for a child sex trafficking victim are unique and rarely available. Many victims cannot access the services due to their detention and resulting label of juvenile delinquent. In some cases, the victim's access to services can be contingent on cooperation with law enforcement in an investigation into the trafficking crime. Sex trafficking is the only sex crime in which the victim is threatened with incarceration or denial of services to elicit facts about the crime.

5. Burden on the Victim to Build the Case Against the Trafficker/Pimp

Arrest and prosecution of the traffickers is too frequently based solely on the victim's cooperation and testimony. This approach places the burden on the victim rather than on the investigators — a burden that is most often too heavy for these traumatized children who typically require a lengthy amount of time before they will disclose the facts of their victimization and only if approached with advanced interview techniques to help them with this disclosure. For these reasons, it is critical in cases of domestic minor sex trafficking that law enforcement pursue innovative or alternative investigation to corroborate the victim's allegations. Currently, law enforcement agencies typically are not trained in alternative investigative approaches and/or are not provided with adequate resources to develop and initiate these alternative techniques.

6. Lack of Protective, Therapeutic Shelters for Domestic Minor Sex Trafficking Victims

Only five residential facilities specific to this population exist across the country. These include the Girls Educational and Mentoring Services (GEMS) Transition to Independent Living (TIL) in New York City, Standing Against Global Exploitation (SAGE) Safe House in San Francisco, Children of the Night in Los Angeles, Angela's House in Atlanta, and the Letot Center in Dallas. There are initiative groups striving to establish these unique shelters for the population of domestic minor sex trafficking victims in their areas, but the need outpaces the development. The New York State Safe Harbor for Exploited Children Act passed in 2008 calls for the establishment of such shelters, as will future safe harbor legislation in states already considering it — establishing these protective shelters is critical for an effective strategy to combat domestic minor sex trafficking.

7. Insufficient Priority on Combating Demand

Buyers are not being recognized as a critical component in the sex trafficking of children, yet demand is the primary driver of the commercial sex industry within which children are being exploited for commercial sex activities and performance. Buyers of sex with children can be preferential (pedophiles), opportunistic (thrill-seekers), or situational (do not care how old the person being prostituted is) — they are all committing a crime. Frequently, arrests of buyers are pursued in the traditional investigative technique of decoys which is limited to targeting "johns" in general and cannot specifically target a buyer of child sex given the decoy's age. Innovative investigative techniques that shift the burden of making the case against a perpetrator away from the juvenile victim and focus instead on arresting all parties to the crime of the sexual exploitation of a child are required.



Introduction

Shared Hope International was founded with the mission to rescue and restore women and children exploited through sex trafficking and works to prevent the trafficking of new victims. Since 1998, Shared Hope International has accomplished this charge through research, human rights investigations, and programmatic and operational support to service providers in order to prevent, rescue, and restore victims of sex trafficking.

Following the implementation of successful restoration initiatives internationally, Shared Hope International first actively addressed the sex trafficking of American children through research on the markets that create demand for commercial sex and which result in the commercial sexual exploitation of women and girls. Through an award from the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, the DEMAND. Project investigated buyers, facilitators, and traffickers in four countries: Jamaica, Japan, the Netherlands, and the United States. The startling findings highlighted the fact that sex trafficking is demand-driven, and the product for sale is most commonly local (domestic) children.

Dedicated to ending the human rights violation of sex trafficking internationally and domestically, Shared Hope International proposed and received a grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to perform field research on domestic minor sex trafficking — the commercial sexual exploitation of American children in the United States.

Acknowledging that strategic responses to sex trafficking require comprehensive understanding of the local situation, in 2006 Shared Hope International aligned with 10 of the 42 U.S. Department of Justice-funded human trafficking task forces and the larger communities to assess domestic minor sex trafficking and the access to victim services in the following U.S. locations:

1. Dallas, TX
2. San Antonio, TX
3. Fort Worth, TX
4. Salt Lake City, UT
5. Buffalo, NY
6. Baton Rouge and New Orleans, LA
7. Independence, MO
8. Las Vegas, NV
9. Clearwater, FL
10. The Commonwealth of the Northern Mariana Islands (U.S. Territory)

The assessment process investigated the three areas of Prevention, Prosecution, and Protection (“three Ps”) outlined by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (G/TIP) as key areas necessary to effectively combat trafficking in persons. The “three Ps” are a recommended holistic approach to evaluating measures to address trafficking in persons and are used to organize the annual Trafficking in Persons Report issued by G/TIP.

The assessments involved qualitative interviews of professionals likely to come into contact with victims of domestic minor sex trafficking, as well as quantitative data collection when available. Seven professional

groups were identified as likely to come into contact with victims and targeted for interviews:

1. Federal, State, and Local Law Enforcement
2. Federal and State Prosecutors
3. Juvenile Court
4. Juvenile Probation and Detention
5. Public Defenders
6. Child Protective Services
7. Social Services/Non-Governmental Organizations

A total of 297 interviews were conducted following the protocol questionnaire. Statistics were requested from interviewees but were not always available. In many cases, statistics provided did not disaggregate data on domestic minor sex trafficking — a term most interviewees were not familiar with yet; in these cases the statistics were reviewed for extrapolation in determining numbers of suspected domestic minor sex trafficking victims. For example, juvenile detention facility statistics reflecting numbers of youth detained under charges of prostitution could be properly counted toward the number of domestic minor sex trafficking victims in that facility as juveniles in prostitution are victims of sex trafficking under the federal and many state human trafficking laws. The reliance on extrapolated data reflect the glaring lack of identification of domestic minor sex trafficking victims and highlights the need for training as well as record keeping on this victim population.

Each assessed location produced information that was documented in an area-specific report, including information on the scope of the problem, how victims of domestic minor sex trafficking were accessing the system, how they were being labeled, and, as a result of that label, how victims of domestic minor sex trafficking were accessing or being barred from accessing services as victims of a violent crime. Reports and fact sheets for each location were published and provided to the task force, other stake holders, the community, and the larger public in an effort to increase awareness and facilitate increased services for victims of domestic minor sex trafficking.

Shared Hope International found misidentification to be the primary barrier to the rescue and response to domestic minor sex trafficking victims. Also, proper and regular documentation of promising practices in responding to the complex issues of domestic minor sex trafficking is lacking. In response, Shared Hope International organized and hosted the National Training Conference on the Sex Trafficking of America's Youth on September 15 and 16, 2008, in Dallas, Texas. The National Training Conference brought together nearly 200 professionals from across the U.S. with the purpose of sharing data, information, and promising practices to effectively respond to this nationwide problem.

Additionally, a four-part, 40-minute training video was crafted to educate and train on the situation and dynamics of domestic minor sex trafficking. A Video Viewing Guide builds in a Training of Trainers (ToT) component enabling individuals to use the training video to teach other groups, thereby expanding the dissemination of the materials and the awareness. First responders to domestic minor sex trafficking, composed of the seven professions listed above, were specifically targeted as the audience for this training. Entitled "Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth," the training video covers four foundational themes:

- Domestic Minor Sex Trafficking and the Law
- Domestic Minor Sex Trafficking and the Role of Vulnerability

- Domestic Minor Sex Trafficking and Pimp Control
- Domestic Minor Sex Trafficking and Effective Response

The findings from the National Training Conference, the 10 site assessments, research studies, and field work are the foundation for this National Report on Domestic Minor Sex Trafficking: America's Prostituted Children.

Acknowledgments

Shared Hope International extends appreciation to the many people who gave their time and efforts to accomplishing the assessments in the ten site locations. Our hope is that the information compiled here assists with efforts to combat child sex trafficking going forward.

Shared Hope International staff contributed to the success of this research, especially Kelsey Buchanan and Katie Boothroyd. Field-based researchers Joan Reid, Kris Wade, Dr. Alexis Kennedy, Joey Pucci, Karen Andolina Scott, Linda Struble, Nicole Hay, Jennifer Bayhi-Gennaro, Kelli Stevens, Dr. Raymond Eve, Brittany Smith, and Dr. Robert Bing were instrumental in performing the assessments.

To those who identify the young victims of domestic minor sex trafficking and commit to delivering the services they need, thank you. Your tireless efforts are making a difference one life at a time.

Chapter 1: Domestic Minor Sex Trafficking

What is Domestic Minor Sex Trafficking?

The federal Trafficking Victims Protection Act defines the crime of human trafficking as:

“A. The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where such an act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age, **or**

B. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”¹

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of American children within U.S. borders. It is the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” where the person is a U.S. citizen or lawful permanent resident under the age of 18 years.² The age of the victim is the critical issue — there is no requirement to prove force, fraud, or coercion was used to secure the victim’s actions. In fact, the law recognizes the effect of psychological manipulation by the trafficker, as well as the effect of threat of harm which traffickers/pimps use to maintain control over their young victims.³ Children can be commercially sexually exploited through prostitution, pornography, and/or erotic entertainment.

“The best estimates, the best data, suggests that we at least have 100,000 American kids a year are victimized through the practice of child prostitution; that number ranges as high as 300,000.”⁴

— Ernie Allen, National Center for Missing and Exploited Children

Trafficking Victims Protection Act of 2000

Slavery was abolished in the United States in 1863 with the Emancipation Proclamation and in 1865 under the Thirteenth Amendment of the United States Constitution. However, modern-day slavery continues in America in the form of human trafficking. The Trafficking Victims Protection Act of 2000 (TVPA), passed on October 28, 2000, is the first federal law specifically enacted to prevent victimization, protect victims, and prosecute perpetrators of human trafficking.⁵

¹ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8). http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ386.106. Accessed on April 8, 2009.

² Id. at §103(8), (9).

³ Id. at §1591(b)(2).

⁴ *Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth, Seg. 1*. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

⁵ TVPA, 22 USC §7101, et seq.

The TVPA criminalizes human trafficking and defines the crime of “severe form of trafficking in persons” as:

- “1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, **or** in which the person induced to perform such an act has not attained 18 years of age;
 2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”
- (Emphasis added.)

The sex trafficking of children occurs when minors (under the age of 18) are commercially sexually exploited. The commercial aspect of the sexual exploitation act is critical to separating the crime of trafficking from sexual assault, rape, or molestation crimes against children. The term “commercial sex act” is defined in the TVPA as the giving or receiving of anything of value (money, drugs, shelter, food, clothes, etc.) to any person in exchange for a sex act. Importantly, the money or item of value provided for the sex act can be “given to or received by any person.”⁶ This means that the child can be the direct recipient of the money, food, and/or shelter, and the situation is defined as sex trafficking and, most importantly, the child is defined as a victim of domestic minor sex trafficking. This issue arises frequently in cases of homeless youth engaging in “survival sex” to secure food, housing, transportation, and other items of survival. In the absence of a trafficker/pimp selling the youth, the perpetrator paying for the sex act with food, a bed, or a ride can become the trafficker.

“I would sell myself for the smallest things and sometimes it was the most important things, like just to get a place to sleep at night.”⁷

— “Jessica,” Survivor of domestic minor sex trafficking

Under federal law trafficking, despite the connotations of the word, does not require proof of physical movement of the person. There are several ways to prove the trafficking crime, including proof of “recruitment, harboring, transportation, provision, obtaining or maintaining a person for sexual exploitation.” Notably, the transportation of a person is just one way to prove the human trafficking — it can be proven by any of the other elements independently. Further, under federal law, prosecutors must prove that the crime was “in or affecting interstate or foreign commerce.” Proving an affect on interstate commerce does not require proof that the victim crossed state lines. Thus, a person can be a victim of sex trafficking without ever leaving his/her home. The TVPA further outlines the requirements to prove a “severe form of trafficking,” including proof of force, fraud, or coercion exercised by the trafficker in the sex trafficking of an adult and proof of age in the sex trafficking of a minor under age 18. Of key importance to understanding domestic minor sex trafficking is the understanding that a child under 18 years of age is automatically considered a victim of “severe forms of trafficking” due to the age alone. No proof of force, fraud, or coercion in the case of sex trafficking of a minor is required. Trafficking is a crime of *exploitation*.

⁶ TVPA, 22 USC 7101 §103(3).

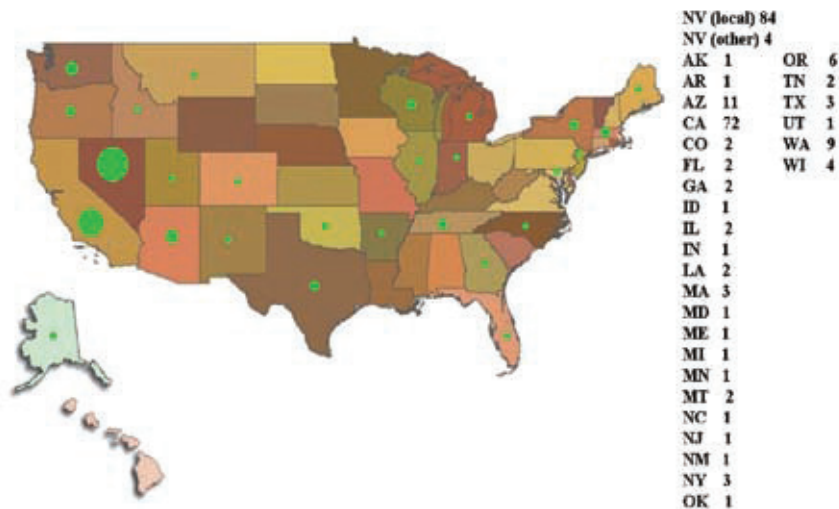
⁷ Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth, Seg. 2. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

The TVPA goes on to establish a framework of rights that a victim of domestic minor sex trafficking is entitled to, including:

- The right not to be detained in facilities inappropriate to their status as crime victims;
- The right to receive necessary medical care and other assistance;
- The right to be provided protection if a victim's safety is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker.⁸

These rights are not being provided uniformly across the United States as first responders and juvenile justice struggles to identify the victims and respond within a system ill-equipped to protect the victims of domestic minor sex trafficking. When the victim of trafficking is a U.S. citizen or lawful permanent resident minor they often are placed in juvenile detention facilities or sent back to a home from which they are easily found and re-trafficked by their trafficker. In Clark County, Nevada (includes Las Vegas), an entire court docket is scheduled one day each week to hear the cases of juveniles charged with prostitution; in 20 months, 226 juveniles from across the country were adjudicated by the court for prostitution/prostitution-related offenses committed in Las Vegas. In the first half of 2007, 12.8% of the females committed to Caliente Youth Center had been adjudicated for the offense of solicitation for prostitution, a misdemeanor offense.⁹

**Clark County juvenile prostitution court (Aug 24, 2005 through May 31, 2007)
226 Juveniles adjudicated on prostitution/prostitution-related offenses**



In Kansas City, Missouri law enforcement were pushed to utilize mental health holds to place victims in a domestic minor sex trafficking case in a psychiatric unit as a means of preventing their return to their trafficker.¹⁰ This placement is not ideal and represents the lengths law enforcement must go to in the absence of an appropriate, protective facility for the victims of domestic minor sex trafficking. A preferable process with a similar outcome would be the use of a protective hold for the victims which

⁸ TVPA, 221 USC 7105 §107(c)(1)(a), (b), (c).

⁹ Kennedy, M. Alexis, Ph.D. and Nicole Joey Pucci, M.A. Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada (Shared Hope International: August 2007), pgs. 63, 132.

¹⁰ Wade, Kris. Domestic Minor Sex Trafficking Assessment Report — Independence, Missouri (Shared Hope International: April 2008), pg. 95.

would ensure the classification as victim for the child.

The pervasive misunderstanding of the definition of human trafficking at critical leadership levels of first responder organizations and agencies across the nation is preventing progress in enforcement of the federal and state laws criminalizing the sex trafficking of domestic minors. Furthermore, the general public has not yet come to understand that U.S. citizen and lawful permanent residents under age 18 who are engaged in commercial sex acts are victims of trafficking. With vast misperception that human trafficking requires movement of the victims across a border or a state line, many cases of domestic minor sex trafficking are going unrecognized and therefore undocumented as trafficking. This misperception is perpetuated by the continuing failure of the U.S. Congress to appropriate the funds authorized for services and shelter for domestic sex trafficking victims, though funding for victim services has been appropriated for services for the foreign-born human trafficking victims.

Who are the Traffickers?

Traffickers, also known as pimps,¹¹ are those persons who profit by receiving cash or other benefits in exchange for the sexual use of a minor by another person. Shared Hope International found family members, friends, and “boyfriends,” as well as strangers who befriend juveniles and come to dominate them, operating as traffickers/pimps of minors in every location researched. Notably, minors in prostitution nearly always have a pimp — someone who they view as their protector but who in fact is managing and benefitting from the sexual exploitation of the child.

The FBI apprehended a Missouri man at a Niagara Falls, New York, shopping center. He was wanted by authorities for sexually exploiting a girl through various means, including training her to become a dominatrix, over the course of more than five years starting when the girl was just 12 years old. Authorities charged the man with seven felony counts of commercial sex trafficking of a minor in Missouri. The mother of the girl was also charged as actively complicit in the sex trafficking of her daughter. U.S. Attorney John F. Wood of Missouri noted that this case was unprecedented because the mother was charged with sex trafficking her own child.¹²

A staff member at WestCare Nevada, a shelter for at-risk youth in Las Vegas, suggests that statistics underestimate the number of familial traffickers; potentially as many as 30% of domestically trafficked minors who receive services through WestCare Nevada are exploited by family members.¹³ Interviewees from all 10 assessed locations recounted cases in which parents or guardians have acted as traffickers/pimps; however, there was a stated reluctance and/or lack of awareness to view such exploitation as sex trafficking. This was particularly true when there was a non-monetary exchange as part of the transaction, such as a mother allowing a person to have sex with her daughter for drugs.¹⁴

¹¹ These two terms are used interchangeably when discussing the commercial sexual exploitation of children as, under federal law, any person profiting through the commercial sexual exploitation of a child (under the age of 18) is defined as a human trafficker.

¹² U.S. Department of Justice Office of the United States Attorney Western District of Missouri Press Release, May 12, 2008. <http://www.usdoj.gov/usao/mow/news2008/barkau.ind.htm>. Accessed on April 9, 2009. Also, Charlton, B. “Man, woman indicted in sale of child for sex acts.” The Associated Press. May 13, 2008.

¹³ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg.106.

¹⁴ Struble, Linda. Domestic Minor Sex Trafficking Assessment Report — San Antonio, Texas, (Shared Hope International: May 2008), pg. 42.

In 2006, the mother of a 14-year-old girl in Louisiana, allowed a 39-year-old crack dealer, Henry Lee Bass, to have sex with her daughter in exchange for drugs. The mother was arrested and charged with cruelty to a juvenile. Upon the mother's arrest, she allowed her daughter to remain in Bass' custody, who continued to supply the juvenile with crack and sexually abuse her. Bass, a registered sex offender, introduced the minor to another man who also provided the minor with crack and sexually exploited her. The two men then made an arrangement with Roy Myers to purchase sex with the juvenile for \$300. Myers was later arrested.¹⁵

Another manifestation of DMST involves a trafficker/pimp who poses as a “boyfriend” who builds a romantic relationship with the youth. Through a series of calculated and methodical stages, the trafficker establishes trust, and psychologically and physically bonds with the victim through a web of deceit and lies, securing her allegiance — even after the relationship changes drastically into one of violence, torture, and abuse. According to a survey completed by the Clark County Public Defenders Office-Juvenile Division, of the 103 juveniles arrested for prostitution-related offenses, 59 indicated that they were currently under control of a pimp, and another 30 stated that they had “boyfriends.”¹⁶

“I was 14 years old, and the way the pimp came at me was that at first I didn’t even know he was a pimp. He came at me like a boyfriend. Yes, he was an older boyfriend but he cared about me.... Six months later he told me ‘Let’s run away together. We can have a beautiful house and family.’ And I did believe him, and we ran away, and then the story changed and I met the other girls that he had in his stable. And I had to go out every night and work the streets — the alternative was being gang-raped by a group of pimps while everyone watched.”¹⁷

— Tina Frundt, Founder of Courtney’s House,
and Survivor of domestic minor sex trafficking

U.S. Citizen and Lawful Permanent Resident Children are the Victims of Sex Trafficking

American children are victims of sex trafficking within the United States. Domestic child victims tend to be easy targets and carry less risk for the traffickers and buyers than adults and foreign nationals. For example, in San Antonio, Texas, a human trafficker named Timothy Gereb had an order for 10 female sex slaves to sell to a brothel in Louisiana.¹⁸ Gereb and his accomplices were only able to traffic two girls from Mexico, so he began to recruit local girls from San Antonio to fill his quota. He was apprehended, pled guilty, and was sentenced to 10 years.¹⁹ This case demonstrates a potential trend of traffickers to view local youth as viable product in the criminal market of commercial sexual exploitation as the recruitment and

¹⁵ Bayhi-Gennaro, Jennifer. Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana (Shared Hope International: April 2008), pg.14, citing Fitch, E. “Grand Jury Indicts Murder Suspect,” *The News-Star*. June 14, 2006.

¹⁶ Clark County Public Defender — Juvenile Division. Unpublished Survey of Girls Arrested for Prostitution Related Offenses (July 2007 — November 2008). Clark County, Nevada. Data on file with authors.

¹⁷ Tina Frundt, Personal Interview. Shared Hope International, February 15, 2006.

¹⁸ Struble, Domestic Minor Sex Trafficking Assessment Report — San Antonio, Texas, pg. 63-4.

¹⁹ U.S. Department of Justice Press Release, “Man Sentenced to 10 Years For Role in San Antonio Sex-trafficking Ring,” March 12, 2008. http://www.usdoj.gov/opa/pr/2008/March/08_crt_202.html. Accessed on April 8, 2009. Also, *San Antonio Express-News*, “Man pleads guilty in sex trafficking case,” February 25, 2008. http://www.mysanantonio.com/news/MYSA022508_pleadeal_en_29c247ef_html30618.html. Accessed on April 8, 2009.

transportation of human trafficking victims across borders becomes increasingly difficult and dangerous.

Domestic child victims of sex trafficking come from a variety of socio-economic backgrounds, geographic areas, and ethnicities. A 2007 New York State Office of Children and Family Services report states that in New York City, sexually exploited youth tended to be “female and black, having sex with strangers in hotel rooms or outside.” In contrast, “Upstate, the youth were younger, more likely to be white, and were often exploited at home by adult friends or acquaintances.”²⁰ In the Midwest, a child protection services officer in Kansas City related that approximately 84 child victims of prostitution had been identified since 2000 in Jackson County, Missouri. Of those 84 victims, 10 were local to Jackson County. Ages ranged from 12 to 16 years old.²¹

Many victims are youth in the child welfare system and/or runaways, but some are recruited from middle-class homes as well. A common factor is the history of child physical and sexual abuse in the home or the extended family. In Las Vegas, Nevada, statistics indicate that from January 2004 through December 2006, nearly 41% of juveniles suspected of being involved in prostitution-related offenses had been victims of sexual assault. Additionally, 21% were victims of familial molestation.²² However, the one single vulnerability factor making domestic youth targets for sex trafficking is simple: *their age*.

Terminology as a guide.

“Domestic minor sex trafficking” is the term coined by Shared Hope International to identify the commercial sexual exploitation of children under 18 years of age who are U.S. citizens or lawful permanent residents. The importance of the term “domestic minor sex trafficking” (DMST) is multi-dimensional. Language is a vital element to the human experience. It allows people to communicate a range of thoughts, emotions, and images in a single word; therefore, the labels placed on victims can have a profound impact on how society views the victims and how the victims view themselves. Use of a term that accurately defines the nature of the crime and the victim status is critical to direct attention to the victim; rather than calling the crime “child prostitution,” the application of the term “domestic minor sex trafficking” refers to the real crime being committed in which a child is sexually exploited for an exchange of value and clarifies this child’s status as a victim of a crime.

In using the term “domestic minor sex trafficking victim” to describe America’s most vulnerable victims of sex trafficking, Shared Hope International has sought to remove these children from their perceived and often assigned delinquent status. Research has shown that these are complex victims who require specialized care; while they do not often act like traditional sex abuse victims, they are not “bad kids” and they have not chosen this lifestyle. Instead, they are a complex victim group that requires specialized treatment, shelter, and understanding.

²⁰ Gragg, Frances and Ian Petta, Haidee Bernstein, Karla Eisen, Liz Quinn. “New York Prevalence Study of Commercially Sexually Exploited Children Final Report” (New York State Office of Children and Family Services: WESTAT), April 18, 2007, pg. 87.

²¹ Wade, Domestic Minor Sex Trafficking Assessment Report — Independence, Missouri, pg. 37.

²² Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment — Las Vegas, Nevada, pg. 97, citing STOP statistics, Vice Section, Las Vegas Metropolitan Police Department (LVMPD) STOP Program (January 1994 — July 2007).

*“I always felt like a criminal. I never felt like a victim at all. Victims don’t do time in jail, they work on the healing process. I was a criminal because I spent time in jail. I definitely felt like nothing more than a criminal.”*²³

— “Tonya,” Survivor of domestic minor sex trafficking

Labels also allow us to communicate a situation or series of experiences. Encapsulating the crime of domestic minor sex trafficking in a single label — Domestic Minor Sex Trafficking — provides a way to communicate that situation through the numerous agencies, persons, and organizations that will inevitably be part of obtaining restoration and justice on behalf of the victim. Currently, child victims of sex trafficking are misidentified through the use of a variety of labels, such as “child prostitutes,” “juvenile prostitutes,” or “juvenile delinquents.” At best, the child may be labeled a victim of sex abuse or molestation. However, none of these labels capture the truth of the child’s victimization through commercial sexual exploitation. Utilizing a single term will allow the victims and the crime to be systematically tracked in the United States resulting in the proper identification and status as a victim of crime.

The Problem with the Term “Child Prostitution”

The term “child prostitution” implies a concept of choice. It evokes a preconceived notion of what happens to these youth and the circumstances surrounding a situation of commercial sex acts. Thus, when the term “prostitute” is used in conjunction with a child and a violent crime, those same elements are conveyed inappropriately to the victim, the buyer, the trafficker, and the community. Prostitution also conveys a stigma that victims of domestic minor sex trafficking are fully aware of and experience. Minors exploited through prostitution report severe stigma emanating from first responders as well as from other children. In fact, this stigma has resulted in child sex trafficking victims being preyed upon in shelters, juvenile justice facilities, and group homes by other children and even staff as the minors are viewed as “promiscuous” or simply “just prostitutes.” In Dallas, this stigmatization is confronted directly by the law enforcement officers who train the officers in proper identification of prostituted youth as victims.²⁴

Front line responders have found domestic minor sex trafficking victims more readily disclosing about their exploitation when they are addressed as victims of a crime. Furthermore, having a single label for the crime allows multiple agencies, communities, and regions to effectively track, research, and intervene in a single coordinated effort.

*“We should be setting the standard for how we talk about this issue, and if we continue as a field to talk about this as an issue of child prostitution, if we continue to call children who are victimized, who can’t legally give consent, who are under the control of adults — if we continue to call them prostitutes ... we continue to perpetuate this message, right? This message of, ‘Well, you’re kind of a victim, but there’s a level of choice involved.’”*²⁵

— Rachel Lloyd, Founder and Executive Director, GEMS

²³ “Tonya,” Personal Interview. Shared Hope International, December 13, 2007.

²⁴ Hay, Nicole, M.A. Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas (Shared Hope International: July 2008), pg. 16.

²⁵ Remarks by Rachel Lloyd, M.A., Founder and Executive Director, GEMS. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

Scope of the problem.

The Number of Youth who fit the Definition of a Domestic Minor Sex Trafficking Victim

Starting in October 2006, Shared Hope International embarked on a study seeking to assess the scope of domestic minor sex trafficking, the identification of victims, and how these victims were gaining access to services. The assessments took place in ten U.S. locations and were funded through a grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The study was concluded in September 2008 with ten location-specific assessments released. The assessments strived to determine credible numbers of minors who qualify as domestic minor sex trafficking victims, whether or not they are or were identified as such, especially prostituted children. Subsequent assessments have been undertaken in other locations in the U.S adding further evidence that domestic minor sex trafficking is widespread. However, an accurate count of the number of victims of domestic minor sex trafficking was not available — the lack of tracking, the common misidentification, the frequent plea agreements or declined prosecutions, and the stove-piped communications among and within law enforcement, juvenile justice, and service providers prevented the capture of the complete picture.

The inability to obtain a true count of the numbers of victims of child sex trafficking stymies advocates in pursuing funding and policy improvements to protect the children. Unfortunately, due to a uniform lack of awareness, identification measures, and tracking protocol found in all locations, the numbers collected do not reflect the true numbers of domestic minor sex trafficking victims in each location. Rather, the numbers demonstrate with certainty that domestic minor sex trafficking is occurring and in sufficiently sizable numbers to merit the public's and the community leadership's prioritization in fighting the crime of domestic minor sex trafficking.

Table 1: Number of Suspected Child Sex Trafficking Victims by Location

| Research Site | State | Number of suspected DMST Victims | Time Period |
|-------------------------------|-----------|----------------------------------|-------------|
| Dallas | Texas | 150 | 2007 |
| San Antonio/Bexar County | Texas | 3-4 | 2005-2008 |
| Fort Worth/Tarrant County | Texas | 29 | 2000-2008 |
| Las Vegas | Nevada | 5,122 | 1994-2007 |
| Independence/Kansas City area | Missouri | 227 | 2000-2008 |
| Baton Rouge/New Orleans area | Louisiana | 105 | 2000-2007 |
| Saipan/Rota/Tinian | | 1 | 2008 |
| Salt Lake City | Utah | 83 | 1996-2008 |
| Buffalo/Erie County | New York | 74-84 | 2000-2008 |
| Clearwater/Tampa Bay area | Florida | 36 | 2000-2008 |

*Due to a lack of formal tracking protocols between agencies, some DMST victims may be duplicated within a city and some may have not been included in this count. These numbers were obtained through an interview process in addition to official government records when available.

The targeted timeframe for data collected by Shared Hope International was set at 2000 to present to correlate with the passage of the TVPA. Some agencies provided numbers that began before the timeframe of the TVPA but the numbers could not be separated out by year. The numbers are substantiated by other efforts across the country. For example, the Innocence Lost Initiative founded in 2003 as a joint effort of the FBI, the Department of Justice Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children has recovered 670 children from its inception through February 2009 with 36 special agents focused on the issue and 32 task forces involving federal, state, and local law enforcement agencies working together with U.S. Attorney's Offices.²⁶ Though the number is low when compared to the scope of the problem, it is a dramatic increase from previous attempts to address the issue.²⁷

Additionally, WestCare Nevada, a homeless youth shelter and rehabilitation center in Las Vegas, identified 400 domestic sex trafficked minors through outreach in May 2007 alone,²⁸ and the New York State Office of Children and Family Services reported in 2007 that an estimated 2,253 domestically sex trafficked youth are in New York City on an annual basis and 399 in the upstate counties.²⁹ Veronica's Voice in Kansas City, Missouri, has provided assistance to a total of 799 clients exploited in the commercial sex industry since 2000 — of whom 140 were identified as either former or current victims of child sex trafficking. Currently, Veronica's Voice is providing services to four DMST victims, the youngest of whom is 12 and the oldest 16 years old.³⁰

“The stark reality is that the supply is never-ending ... I mean, that little girl who started as a runaway on the streets in Washington State and ended up on the streets of Miami Beach as a prostitute is way too typical ... There is an endless supply — and it is almost surreal to have these words leave my mouth — endless supply of victims. But that's the stark reality.”³¹

— Andrew Oosterbaan, Chief of the Child Exploitation and Obscenity Section,
U.S. Department of Justice

Arrest and Prosecution of Traffickers

The federal human trafficking crime carries heavy penalties. If a trafficking crime results in a victim's death or if the crime includes kidnapping, an attempted kidnapping, aggravated sexual abuse, attempted aggravated sexual abuse, or an attempt to kill, the trafficker could be sentenced to life in prison. Traffickers of children under the age of 14 or of any minor through force, fraud, or coercion for the purposes of commercial sex acts can be imprisoned for not less than 15 years, up to life. If the victim was a child between the age of 14 and 18 and the sex trafficking did not involve force, fraud, or coercion, the trafficker can be sentenced to not less than 10 years, up to life in prison.³²

²⁶ FBI website. <http://www.fbi.gov/innolost/innolost.htm>. Federal Bureau of Investigation Press Release, “Forty-Eight Children Recovered in Operation Cross Country III,” February 23, 2009. http://www.fbi.gov/pressrel/pressrel09/crosscountry_022309.htm. Accessed on April 13, 2009.

²⁷ Remarks by Special Agent Chris Johnson, FBI. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

²⁸ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pgs.2, 7.

²⁹ Gragg, Petta, Bernstein, Eisen, and Quinn. “New York Prevalence Study of Commercially Sexually Exploited Children Final Report,” pgs. 23-4.

³⁰ Wade, Domestic Minor Sex Trafficking Assessment Report, pg. 41.

³¹ Remarks by Andrew Oosterbaan. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

³² 18 USC §1591(b).

These federal sentences surpass most state sentences for sexual servitude, commercial sexual exploitation, human trafficking, or other state laws under which a trafficker of children could be charged. However, the deterrence value of the TVPA's heavy sentences is not being fully utilized as state law enforcement and prosecutors continue to apply more familiar laws — commercial sexual exploitation of children (CSEC) and other sexual abuse laws — many of which carry lesser penalties.

Nonetheless, the deterrence of the harsh sentencing guidelines may not be enough alone to overcome the lucrative and low-risk nature of the crime. The sex trafficking of American children is still considered by some criminals to be low risk, as first responders are not receiving the training and awareness needed to identify a situation of sex trafficking. As a result, a trafficker of domestic minors is often not identified as such or may plead to lesser charges. Interviews with prosecutors revealed that child victim-friendly trial mechanisms, such as using closed circuit television for testimony to avoid the in-court confrontation of a child and her trafficker, are not being utilized. One reason is tactical: prosecutors feel the jury will connect with the victim better if they see her in person. In addition, the constitutionality of this mechanism is an open question in light of the decision in *Crawford v. Washington*, a federal court decision holding that testimonial statements made outside of court proceedings are not admissible unless the person who made the statement is unavailable for testimony at the trial and the defense has had a prior opportunity to cross-examine the declarant.³³ One study done on child sexual exploitation cases from 1998 to 2005 found prosecutors tended to plea bargain the CSEC cases to avoid putting the child victim through the trial. While the plea bargain tendencies may be intended to protect the child victim, some argue that this may also in fact not be beneficial for the child victim who can be empowered through the trial process if done with the proper support and counseling.³⁴

Further complicating the situation, when cases of domestic minor sex trafficking are mislabeled as prostitution of minors, then traditional state pimping and pandering laws are often used. These laws can have significantly lower punishments. For example, in Salt Lake City, plea deals with traffickers/pimps of minors varied but the average length of a sentence was just six months.³⁵

Lastly, a recent study of federal prosecutions of commercial sexual exploitation of children cases across the country from 1998 to 2005 disturbingly revealed nearly 60% of CSEC cases involving prostitution of a minor presented to the U.S. Attorney's Offices were declined for prosecution. Admittedly, the caseload of federal prosecutors more than doubled in the eight-year timeframe of the study; however the 60% declination rate is still high when compared to other federal offenses, such as drug trafficking (15% declined) and weapons charges (26% declined).³⁶ Though this number has been reportedly cut in recent years with the increased involvement of several entities within the U.S. Department of Justice, state law enforcement in most assessed locations reported frustration with investigating the cases of domestic minor sex trafficking which were subsequently declined.

³³ Wade, Domestic Minor Sex Trafficking Assessment Report — Independence, Missouri, pg. 55, citing *Crawford v. Washington*, 541 U.S. 36 (2004).

³⁴ Small, Kevonne and William Adams, Colleen Owens, Kevin Roland. "An Analysis of Federally Prosecuted Commercial Sexual Exploitation of Children (CSEC) Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000: Final Report" (Washington, DC: Urban Institute, February 2008), pg. 57.

³⁵ Snow, Melissa. Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah (Shared Hope International: August 2008), pg. 79.

³⁶ Small and Adams, Owens, Roland. "Final Report," pg. 22.

There are many laws covering the prostitution, pornography, and sexual exploitation and abuse which can be applied in a relevant case of domestic minor sex trafficking. The federal laws that are applicable to prosecuting perpetrators can carry penalties which are substantially greater than state laws. Under the TVPA, trafficking of a minor carries a maximum life imprisonment sentence and a mandatory minimum sentence of 15 years if the child was younger than 14, and 10 years if the child was 14 to 17 years old. Therefore, it is critical that these cases are charged under the federal laws and prosecuted by the federal prosecutors more regularly to achieve the greatest deterrence.

Table 2: Federal Laws Related to Domestic Minor Sex Trafficking

| Federal Law | Minimum Sentence | Maximum Sentence |
|--|--|---|
| 18 U.S.C. § 2423(a) — Transportation of a minor with intent for minor to engage in criminal sexual activity | 10 years | Life |
| 18 U.S.C. § 2422 — Coercion and enticement (transportation for prostitution or other criminal sexual activity) | 10 years | Life |
| TVPA 18 U.S.C. § 1591 — Sex trafficking of children or by force, fraud, or coercion | 15 years (child is under 14) 10 years (between 14-17) | Life (child under 14 or under 18 with force, fraud, or coercion) Life (child between 14-17 and no force, fraud, or coercion used) |
| 18 U.S.C. § 2251 — Sexual exploitation of children | 15 years 25 years 35 years 30 years | 30 years (first offense) 50 years (one prior conviction) Life (two or more prior convictions) Life (if caused the death of the victim in the course of the crime) or sentence of death |
| 18 U.S.C. § 2251A — Selling or buying of children | 30 years | Life |
| 18 U.S.C. § 2252 — Certain activities related to material involved involving the sexual exploitation of minors | 5 years 15 years None 10 years | 20 years 40 years (if prior conviction) 10 years (possession of pornography) 20 years (if prior convictions) |
| 18 U.S.C. § 2252A — Certain activities related to material constituting or containing child pornography | 5 years 15 years None 10 years | 20 years 40 years (if prior conviction) 10 years (possession of pornography) 20 years (if prior conviction) |
| 18 U.S.C. § 1466A — Obscene visual representations of sexual abuse of children | None 10 years | 10 years 20 years (if prior conviction) |

While state laws may vary, federal laws are consistent across states. As such, law enforcement officers and prosecutors report a preference for taking cases of domestic minor sex trafficking to the federal

level when possible.³⁷ Several landmark cases have been tried through U.S. Attorney's Offices. In the Southern District of Florida, defendant Justin Evans pled guilty in 2006 to trafficking local girls in the Miami area for commercial sexual exploitation, namely prostitution.³⁸ This was the first federal conviction of intrastate domestic minor sex trafficking — meaning the trafficking never took the young victims outside of their home area and the victims did not cross a state line. The conviction of Don L. Elbert II, in Kansas City, Missouri, followed shortly on May 14, 2007.³⁹ This case also involved the sex trafficking of juveniles within their home area. A Jesse Herd transported his 14-year-old stepdaughter from Kansas to Kansas City, Missouri, where he sold her to adult men for sex, operating from the Exotic City strip club in Kansas City. In his guilty plea, Herd admitted that the abuse started in 2004 when he began driving around with the 14-year-old looking for men who wanted to have sex with her. Herd was prosecuted in federal court in Kansas.⁴⁰

Prosecutors reported that when considering whether to pursue charges of domestic minor sex trafficking against a perpetrator, they consider the level of victim cooperation as well as the seriousness of the crime, including the length/duration of the abuse, the number of occurrences of the abuse, the number of victims, the degree of threat or coercion used, whether alcohol or drugs were used in the coercion of the victim(s), and other aggravating factors.

³⁷ Remarks by Assistant U.S. Attorney Cynthia Cordes. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

³⁸ U.S. v. Evans, 476 F.3d 1176 (2007).

³⁹ U.S. Department of Justice, Office of the United States Attorney Western District of Missouri Press Release, "KC Man Sentenced for Recruiting Minors for Prostitution," January 10, 2008. <http://www.usdoj.gov/usao/mow/news2008/elbert.sen.htm>. Accessed on April 14, 2009.

⁴⁰ U.S. Department of Justice, Federal Bureau of Investigation for the District of Kansas Press Release, "Kansas City Man Pleads Guilty, Agrees to 18-Year Sentence for Sexual Acts Involving Teenaged Girl." Nov. 5, 2007. <http://kansascity.fbi.gov/dojpressrel/pressrel07/sexacts110507.htm>. Accessed on April 18, 2008.

Chapter 2: The Business of Domestic Minor Sex Trafficking

The marketplace of victimization operates according to the economic laws of supply and demand, much like any legitimate market. As in any market, supply and demand for commercial sexual services are correlated; supply, while it can and will affect the market structure, increases to meet a growing demand for sexual services throughout the world. Evidence suggests that supply is becoming younger in response to buyers' demands for youth due to perceptions of healthiness and vulnerability.⁴¹

The sex trafficking of U.S. children is driven by demand for the commercial sex acts they perform. The supply of women and children in the sex industry serves as the fuel for this criminal slave trade. Buyers of commercial sex services present the demand, traffickers move victims like products to the markets to satisfy the demand, and facilitators allow the trade to occur in a myriad of ways. As the demand increases, traffickers must increase the supply of victims.⁴² The buyer views the victim as a dehumanized product for immediate consumption and disposal. If buyers were not seeking commercial sexual services, then sex trafficking would cease to be a profitable venture.

“I was watching the stock market last night, and I thought, you know, just from a purely cost-benefit analysis, investing in child sexual exploitation, as an exploiter, is just an incredible investment ... It costs nothing to do it ... and they’ll [the victims] just keep bringing in the money ... It’s sickening really.”⁴³

— Sharmin Bock, Deputy District Attorney and head of Human Exploitation and Trafficking (HEAT) Unit, Alameda County, California

In a sexually charged society that both encourages promiscuity and covets the innocence of youth, it follows that the demand for young victims will rise to meet the cultural glorification of underage sexuality. An example of the demand effect created by buyers can be found in the activities surrounding large events, such as the Sundance Film Festival held in Salt Lake City, the Ultimate Fighting Championships held in Las Vegas each year, and the Super Bowl held in different cities each year. Law enforcement noted that during these events traffickers move victims into the city in response to the expected increased demand resulting in a higher incidence rate of adults and minors arrested for prostitution in both locations.⁴⁴

In Atlanta, Georgia, a study was completed in 2005 on the incidence of domestic minor sex trafficking in the city.⁴⁵ The study mapped geographic locations where the sex trafficking of minors was taking place.

⁴¹ DEMAND.: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States, (Shared Hope International: July 2007), pg. 15.

⁴² Id. at pg. 1.

⁴³ Remarks by Sharmin Bock. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁴⁴ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 71; DEMAND., (Shared Hope International: July 2007), pg. 71.

⁴⁵ Priebe, Alexandra and Cristen Suhr, “Hidden in Plain View: the Commercial Sexual Exploitation Of Girls in Atlanta.” (Atlanta, Georgia: Atlanta Office of the Mayor, 2005).

The results showed high concentrations of commercial sexual activity in areas where youth are present, such as malls and schools, but an extraordinarily high number of identified commercial sex activity was situated around adult entertainment venues, which includes strip clubs, adult video stores, etc. This study demonstrates the power that demand has in the business of domestic minor sex trafficking.⁴⁶

Who are the buyers?

The buyers of sex from juveniles can be anyone — professionals, students, tourists, military personnel, a family member. Predators can be individuals that interact with children in the regular course of a day. Many predators are created or encouraged through online solicitations, temptations, and exploitation, leading them ultimately to act out the visual exploitation through physical sexual exploitation of children. This diversity of the buyer makes it particularly difficult to identify perpetrators. For example, Hillsborough Kids, Inc., a private foster care service in Florida, has been involved with several cases involving caregivers producing pornography of their child, mothers being paid for the sexual abuse of their child, and one case of a mother selling her child to another trafficker.⁴⁷

The diversity of buyers allows them to blend into communities, making them difficult to identify. In the Commonwealth of the Northern Mariana Islands (CNMI), Larry Hillblom, one of the founders of DHL Worldwide Express, would locate and pay mothers of prepubescent girls in several countries to contact him after their daughters' first menstruation so he could return to deflower them. The victims were known as "Cherry Girls," and the practice allegedly was not limited to Hillblom. The mothers were paid for the sexual exploitation of their daughters; the mothers fit the definition of a trafficker/pimp, accepting money for sex with their young daughters. Allegedly some of the "Cherry Girls" were CNMI residents.⁴⁸

Buyers can also be situational in that they believe, assume, do not ask or simply do not care whether a prostituted female is an adult or a minor. They can find themselves in an environment offering commercial sex and they avail themselves of it. This may be the case with U.S. military troops, such as those in Saipan which serves as a rest and recreation spot due to its proximity to military bases in Guam and surrounding areas. In addition, military contractors providing equipment storage and readiness positioning just off the Saipan coast make regular shore visits to Saipan. Both are reported buyers of commercial sex. Participants in the CNMI assessment stated, however, that "military is not the problem," and that they have "the prostitution problem 24/7 without the ships ... the buyers are mostly tourists and some locals."⁴⁹ Exploitation crimes cannot be linked solely to sex tourism, or visiting troops; what makes these crimes so disturbing is that the buyers can be within communities, from any background, and can go relatively unnoticed by those around them.

One justification made by buyers of commercial sex is that the exchange actually "helps" the victim by providing her income; however, this "help" leaves the victim with a lifetime of physical and psychological

⁴⁶ Remarks by Stephanie Davis, Policy Advisor on Women's Issues for Mayor of Atlanta, Georgia. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁴⁷ Reid, Joan, MHLC. Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida (Shared Hope International: January 2008), pg. 43.

⁴⁸ Vardaman, Samantha, J.D. Domestic Minor Sex Trafficking Assessment Report — The Commonwealth of the Northern Mariana Islands (Shared Hope International: May 2008), pg. 14.

⁴⁹ Id., pg. 67.

trauma. Furthermore, perpetrators are often systematic abusers of youth. For instance, at a homeless youth shelter in Salt Lake City, girls report regular solicitations by men at least 20 years their senior.⁵⁰

One form of domestic minor sex trafficking that is frequently overlooked is referred to as “survival sex.” This describes the situation of children exchanging sex acts for something the child needs to survive, such as food, water, or clothing. Runaway and homeless youth are at extremely high risk for this type of exploitation. Though some argue that there is a mutual benefit inherent in this type of commercial sexual exploitation, the fact that an adult is exercising control over a vulnerable youth to secure a sex act makes it a crime. In fact, a survey of runaway and homeless youth in Salt Lake City in February 2008 found that of the 32% of youth who had been victimized through “survival sex,” 50% indicated that they had been sought out and solicited by the adult perpetrator.⁵¹

In New Orleans, groups of nomadic homeless youths known as “gutter punks” gather regularly at “the wall” located at the end of Elysian Fields by the Mississippi River on Thursday through Saturday nights. In the winter, about 30 of the average 100 people at “the wall” include vulnerable runaway girls who have aligned with a gang of tough guys to feel protected. Reportedly, the gutter punk groups will sexually exploit these girls through prostitution for money and basic needs.

An added danger for the homeless youth at “the wall” is in the form of predators from outside the homeless population. The sexual exploitation is not limited to female victims, but also can include males. Interviewees recalled a man who frequented the food lines sponsored by the Homeless Assistance Unit of the New Orleans Police Department at “the wall.” He would recruit young boys to work for his construction business, providing some minors with shelter and a job. Later it was told by the other teens at the wall that the work would turn into “some kind of sex thing.” These boys had also received services at Covenant House, a service provider for homeless youth in New Orleans with which the Homeless Assistance Unit works in partnership, but were suspended from the shelter for repeatedly violating shelter rules. This man at “the wall” preyed on the population of teenage boys who were most vulnerable and had almost nowhere else to turn.⁵²

Closely related to survival sex is the situation of “couch surfing” which is the term used for a homeless or runaway youth’s temporary utilization of the apartment or home of a friend, family member, or acquaintance for a place to sleep. This occurs when the resident of the apartment or home requires the child to engage in a sex act in order to stay.⁵³ For instance, Buffalo assessment participants cited “couch surfing” as the most common situation in which minors are commercially sexually exploited.

⁵⁰ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 56.

⁵¹ Id., pg. 55.

⁵² Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, pg. 25-6.

⁵³ Andolina Scott, Karen, MSW. Domestic Minor Sex Trafficking Assessment Report — Buffalo, New York (Shared Hope International: July 2008), pg. 37.

The Role of Technology

“With the advent of the Internet, the problem with child pornography has exploded. Ten years ago, we thought that the problem had but disappeared. The Supreme Court of the United States in the early '80s said that child pornography is not protected speech, it's child abuse, and as a result it disappeared from the shelves of America's bookstores ... the adult bookstores. It was cracked down on, in terms of its distribution through the mail, so that it had all but disappeared. Then came the Internet, and with that sense of anonymity and the ability of people to connect with each other, like-minded individuals, and trade images, the problem with child pornography has exploded.”⁵⁴

— Ernie Allen, National Center for Missing and Exploited Children

The Internet and other technological advancements have opened an avenue to commercial sexual exploitation previously unattainable by most people. Individuals viewing child pornography have found comfort in the cyber-community which brought justification and normalcy to their thoughts and desires, bonding the group together. “Anyone can be exposed to child pornography online very, very easily ... we're growing sexual abusers. They're growing. They're being cultivated and nurtured and watered and fed on the Internet.”⁵⁵ This anonymity and community aspect to the Internet makes it a powerful tool for traffickers, buyers, and facilitators.

Before the Internet, buyers had to leave their homes to purchase pornographic materials, have photographs developed, or seek out other methods of indulging in their exploitative fantasies. Today, the widespread availability and affordability of digital cameras and video cameras, as well as the technology to develop film at home, makes the production and distribution of child pornography easy and inexpensive. Much of this homemade pornography is finding its way onto the Internet as well. With nearly 70% of Americans accessing the Internet, the accessibility to commercial sex markets on the Internet is staggering.⁵⁶

“65% of the johns [buyers] that go on the Internet are more responsive if the ads have age descriptors like “young” or “barely legal” attached to them — 65% are more responsive to that.”⁵⁷

— Kaffie McCullough, A Future. Not A Past/Juvenile Justice Fund

Furthermore, the resources buyers and traffickers have access to can expand the forms of exploitation to which youth are exposed, as reported in the Commonwealth of the Northern Mariana Islands where high-powered technology normally used for scuba diving and other tourist activities was purported to be used to make pornography of local youth.⁵⁸

⁵⁴ Remarks by Ernie Allen. Shared Hope International 10th Anniversary Event, November 15, 2008. Transcript on file with authors.

⁵⁵ Remarks by A. Oosterbaan. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

⁵⁶ DEMAND., (Shared Hope International: July 2007), pg. 108.

⁵⁷ Remarks by Kaffie McCullough, A Future. Not A Past/Juvenile Justice Fund, Atlanta, Georgia. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁵⁸ Vardaman, Domestic Minor Sex Trafficking Assessment Report — The Commonwealth of the Northern Mariana Islands, pg. 22.

Deterring demand.

Buyers of commercial sex acts from an adult or a minor typically receive little or no penalties. The prosecution of buyers is egregiously low and those engaged in the purchase of sex acts with minors face minimal risk of criminal repercussions. Children exploited through prostitution report they typically are given a quota by their trafficker/pimp of 10 to 15 buyers per night, though some service providers report girls having been sold to as many as 45 buyers in a night at peak demand times, such as during a sports event or convention. Utilizing a conservative estimate, a domestic minor sex trafficking victim who is rented for sex acts with five different men per night, for five nights per week, for an average of five years, would be raped by 6,000 buyers during the course of her victimization through prostitution. Most buyers of sexual services from minors receive little or no punishment, while many of the child victims are arrested and charged with the crime committed against them.

One story is particularly revealing. Police in Las Vegas approached a parked truck after observing it pick up a girl. The police report reflects that the 50-year-old man was observed with \$45 in cash hanging from his pocket and lotion on his hands. The 12-year-old girl stated that he was paying her for sexual services. The police arrested the girl for prostitution and sent the man on his way. Later the juvenile public defender pressed the issue with the prosecutor's office and an arrest warrant was issued for the man but he was not able to be located. This was a crime of domestic minor sex trafficking, though to date only a few cases against buyers ("johns") of commercial sex from a minor have been pursued under the federal law, and none have yet resulted in a conviction.⁵⁹

The demand for commercial sex acts with minors typically manifested through prostitution is not considered by the majority of law enforcement officers to be a main aspect of the problem of domestic minor sex trafficking. As a result, core strategies to investigate and pursue buyers of children are not in place. In addition, law enforcement operations and investigations done at the local level are mainly focused on buyers of adult commercial sex, therefore, frequently there is no disaggregated numbers of buyers of sex from minors versus buyers of sex from adults. Buyers have also been recruited to testify in adult sex trafficking cases further insulating themselves from prosecution.⁶⁰

One promising practice was found in Fort Worth, Texas, where prosecutors described a pending case involving two buyers of sex with children. The abusers were arrested and charged on a local level with aggravated kidnapping, engaging in organized criminal activity, and prostitution. The prosecutors stated that sexual assault of a minor (a second degree felony) or aggravated sexual assault of a minor (a first degree felony) charges may also be appropriate for buyers purchasing commercial sex from minors. These charges carry punishments of incarceration for two to 20 years for the second degree felony, and five to 99 years for the first degree felony.⁶¹

⁵⁹ Seven indictments were secured from a federal grand jury in Kansas City, Missouri, and one in Seattle, Washington, in the first quarter of 2009.

⁶⁰ Andolina Scott, Domestic Minor Sex Trafficking Assessment Report — Buffalo, New York, pg. 42.

⁶¹ Stevens, Kelli, M.A. and Raymond A. Eve, Ph.D., Brittany Smith, M.A. and Robert L. Bing, Ph.D., Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 57-8.

“The [federal] transporting or the travel statutes ... give you the ability to charge ... ‘johns’ [buyers] or anybody on the outside who is transporting the minor, moving the minor, across state lines or through the highway [or] traveling to engage in sex with a minor.”⁶²

— Alexandra Gelber, Assistant Deputy Chief of the Child Exploitation and Obscenity Section, U.S. Department of Justice

Due to the lack of initiative against buyers and the difficulty in prosecuting them, prosecutors have become creative in charging buyers or have initiated new laws to fix the gap. For example, in California, Section 675 of the California Penal Code was passed which provides an additional term of imprisonment in the state prison of one year if prosecutors can prove that the sex offense committed with a minor was in exchange for money or other consideration.⁶³

Arrests of buyers for purchasing children for sex acts through prostitution are fewer than arrests of buyers of children exploited through other forms of domestic minor sex trafficking, especially pornography. The distinction between types of commercial sexual exploitation of children is a false one as research indicates that perpetrators of sex acts with children do not limit themselves to one form. Rather, these perpetrators engage in abusive behavior in a multitude of ways that have profound traumatic and dangerous consequences for these child victims and the community at large.

While buyers are infrequently prosecuted for commercial sex acts with a minor, there have been cases where pornography has helped form a case against a perpetrator. Assessments conducted by Shared Hope International found that prosecutions of buyers of commercial sex with minors were initiated primarily in relation to child pornography, enticement, or sexual abuse and neglect of a minor. Media reviews conducted in each of the assessments consistently showed coverage of purchases of child pornography but very little reporting on the purchase of sex acts from a child exploited in prostitution.

Investigative Challenges to Arresting Buyers

When a community is willing to pursue buyers of sex with children, there are investigative challenges that must be overcome. The lack of innovative investigative methods and tools is a gap reported by law enforcement and prosecutors to Shared Hope International in each assessed location. Traditional investigation methods to capture prostitution and solicitation involve the use of decoys — undercover police officers — placed in prostitution zones to nab prospective johns. However, a barrier to the use of this technique exists because of the inability to legally place a minor as a decoy. This permits an automatic legal defense by a buyer who can claim that he solicited an adult decoy. Thus, it is necessary that police officers interrupt a commercial transaction in progress with a minor in order to identify the buyer of a

⁶² Remarks by Alexandra Gelber. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁶³ Remarks by Marianne Barrett, Assistant District Attorney, San Francisco, California. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors. Referencing California Penal Code, Part 1 — Crimes and Punishments, Title 16, §675, enhancing sentences for violations of Part I — Title 9. Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals §§ 261.5 (unlawful sexual intercourse with a child), 286 (sodomy of a child), 288 (lewd or lascivious acts on a child), 288a (oral copulation with a child). <http://caselaw.lp.findlaw.com/cacodes/pen/654-678.html>. Accessed on April 15, 2009.

prostituted child. It is rare that a commercial sex act is interrupted in progress. Nevertheless, even when it is, such as a case in Las Vegas in which a 12-year-old was arrested with a 50-year-old man, cash in plain sight, lotion on his hands, and a confession by the buyer, prosecutors tasked with prosecuting the juvenile for prostitution had to push prosecutors aggressively to bring a case against the buyer.⁶⁴

Law enforcement reported that a major challenge in identifying buyers lies in the difficulty in verifying the age of young women as minors. Age verification is made difficult by the widespread use of fraudulent identification provided to the girls by the traffickers/pimps to establish their age as an adult. The first arrest of a prostituted minor is critical for proper identification — if entered into the system as an adult, her identity is altered and subsequent arrests reinforce the false identity. Steps are being taken by the FBI through the development of a database which is accessible more broadly to law enforcement in an attempt to improve information sharing. The transient nature of the trafficking markets keeps traffickers/pimps below the radar of most law enforcement as they move with their victims from city to city evading detection and preventing the girls from becoming identified minors to law enforcement or service providers. Often, sex trafficking cases cross jurisdictional lines making cooperation between local, state, and federal law enforcement necessary.⁶⁵ However, many local law enforcement agencies report they have never pursued federal charges in cases involving the buyer in a domestic minor sex trafficking case. This was noted to be a result of lack of knowledge of the federal law, lack of communication between local and federal agencies, and/or lack of evidence sufficient to prove sex trafficking.

“Despite the difficulties in identifying them, it is imperative to target ‘johns.’ They might not want to cooperate, but they certainly do not want to go to jail and they should be identified, not only because they should be charged ... but because you can use that charge and everything against them, also. Most of them are married [and] everything else. Let them get you to the juveniles if you have to.”⁶⁶

— Special Agent Chris Johnson, Federal Bureau of Investigation

The anonymity of buyers presents one of the greatest challenges to investigation and arrest. For obvious reasons, victims often do not know or remember the buyers’ real names, addresses, or other identifying information. This can be due to the trauma of the sexual exploitation the victim is undergoing or to the evasive techniques of the traffickers/pimps in orchestrating the commercial encounter with the buyer. The Salt Lake City Police Department Vice Unit standardly checks call records of cell phones in possession of arrested juveniles and arrested traffickers/pimps with the hope that the records will lead to identifying buyers. However, traffickers/pimps limit the interaction between a prostituted juvenile and a buyer. Unlike pornography which frequently leaves a financial trail that can be traced to the buyers, prostitution is done on a cash basis and buyers frequently use fake names leaving law enforcement with limited evidence.⁶⁷

⁶⁴ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 54.

⁶⁵ Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 25.

⁶⁶ Remarks by C. Johnson. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

⁶⁷ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 71.

Domestic minor sex trafficking has its own culture, rules, and “heroes.”

Researchers and experts in the field report that trafficking of U.S. children is a well-established business. High demand for the commercial sexual exploitation of children created by buyers equates to large profit margins. It is not surprising then that as the trafficking of children becomes more profitable — sophisticated rules, culture, and a hierarchy surrounding the crime would emerge.

“The Game”

“The Game,” which is slang for the environment and established rules of trafficking/pimping, is handed down to traffickers/pimps through various means. Several books written by self-proclaimed pimps with criminal records are available describing how to manipulate and traffic women and children. *The Pimp Game: An Instructional Guide* is one such book that can be purchased online at Amazon.com for the incredible price of \$280.⁶⁸ *The Pimp Game* teaches aspiring traffickers how to successfully groom a child for commercial sexual exploitation.

“You’ll start to dress her, think for her, own her. If you and your victim are sexually active, slow it down. After sex, take her shopping for one item. Hair and/or nails is fine. She’ll develop a feeling of accomplishment. The shopping after a month will be replaced with cash. The love making turns into raw sex. She’ll start to crave the intimacy and be willing to get back into your good graces. After you have broken her spirit, she has no sense of self value. Now pimp, put a price tag on the item you have manufactured.”⁶⁹

The language and rules of pimping recaptures the debilitating psychological and physical manipulation used by slave masters. Organized and sophisticated teaching methods are used to pass down the culture and “rules of the game,” which are rules created by traffickers/pimps in order to best work together in an illegal business venture and avoid arrest by law enforcement. An example of one such rule is called “choosing up.” This rule dictates that a prostituted person who makes eye contact with another pimp becomes “owned” by that pimp. If the original pimp wants his slave back, then he must pay a fee to the new pimp. This fee is imposed ultimately on the errant prostituted girl who is then required to compensate her original pimp for the money he paid for her return — usually, a penalty charge is added to the fee for the disrespect she showed to the pimp by looking at another pimp.

Traffickers employ a common language to provide a basis of understanding and to facilitate transactions between traffickers/pimps. Below is a sampling of terms used by pimps in the sex trafficking of children:⁷⁰

- A “circuit” or “track” is a defined area known for prostitution activity. This can be the area around a group of strip clubs and pornography stores, or a particular stretch of street. Within a county, it can be a series of cities that the traffickers move the exploited minors. It can also be a chain of states, such as the “Minnesota Pipeline” in which victims are moved through a series of states from Minnesota to markets in New York.
- A “ho line” is a loose network of communication between pimps, chiefly by phone, inter-city and

⁶⁸ At <<http://www.amazon.com/Pimp-Game-Instructional-Guide/>>. Accessed on April 20, 2008.

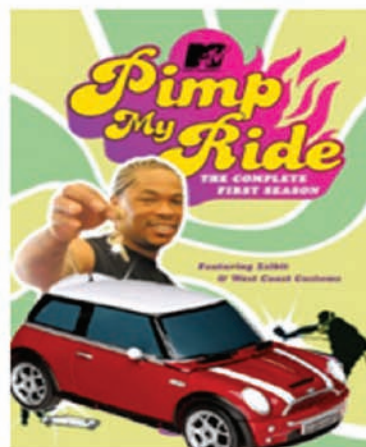
⁶⁹ Royal, Mickey. *The Pimp Game: Instructional Guide* (Sharif Publishing: 1998), pgs. 64-5.

⁷⁰ “Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth Video Viewing Guide.” Shared Hope International (2008). Washington, D.C.: Shared Hope International, pgs. 27-9.

interstate. The traffickers often use changing slang and code words to confound law enforcement along the “circuit.” The “ho line” or network is used to trade, buy, and sell women and children for sex.

- The “kiddie stroll” or “runway” is an area of the track featuring kids under 16, and often much younger.
- The process of “seasoning” involves the combination of psychological manipulation, intimidation, gang rape and sodomy, beatings or deprivation of food and sleep, cutting off from family, friends, and other sources of support, and threatening or holding hostage of victims’ children. The purpose is to break down a victim’s resistance and ensure that she will do anything she is told.
- A “stable” is a group of prostituted girls under the control of a single trafficker or pimp.
- “Bottom girl”: The girl in a stable who is tasked by the pimp with supervising the others, reporting rule violations, and often helping to impose punishment on them.

Of great concern is the glorification of the “pimp” culture in American mainstream society. “Pimp” has



become synonymous with cool, which masks its true meaning. Below are examples of ways the “pimp” culture has infiltrated society, from celebrity affiliation to popular websites.

The word “pimp” has become synonymous in popular culture with “improve” or “better.” In fact, nothing could be further from the truth. Pimps have a significant number of psychopathic qualities. Experts have identified a long list of psychopathic criminals, including “serial killers, rapists, thieves, swindlers, con men, wife beaters, white-collar criminals, hype-prone stock promoters and boiler-room operators, child abusers, gang members, disbarred lawyers, drug barons, professional gamblers.”⁷¹ Pimps, however, are not on this list. A leading expert on psychopaths established a list of psychopathic behavioral indicators that can be captured through the Psychopathy Checklist-Revised (PCL-R).⁷² These include:

| | |
|-------------------------------|--|
| Glibness, superficial charm | Failure to accept responsibility for actions |
| Grandiose sense of self-worth | Promiscuous sexual behavior |
| Pathological lying | Lack of realistic, long-term goals |
| Cunning/manipulative | Poor behavioral controls |
| Callous, lack of empathy | High need for stimulation |
| Lack of remorse or guilt | Irresponsibility |

Comparing the behaviors outlined in the PCL-R to the documented drives, tactics, and behaviors exhibited by pimps, it is reasonable to consider their potential categorization as psychopaths.⁷³ Though pimps exhibit every characteristic on the PCL-R, very little research exists on pimps in general or their psychopathic tendencies. In fact, only one study could be located on the subject. The study analyzed 22 male prisoners incarcerated for pimping.⁷⁴ The subjects were assessed through an interview process with the PCL-R. More than one-third of the 22 participants met the PCL-R characteristics resulting in the diagnosis of psychopath. This study concluded that significant concern should be given to victims under pimp control due to the high rate of psychopathic characteristics in pimps. These psychopathic qualities would make it difficult for a prostituted woman or child to break free from a pimp due to the psychological and emotional attachment and expectation of violent retaliation. Furthermore, the research projected that psychopathic pimps are likely to “minimize their offenses, especially with regard to the impact of their offenses on the prostitutes. They are also likely to deny the sexual nature of their offense and transfer responsibility to their prostitutes. Psychopathic pimps may verbalize the belief that they are providing a service to those involved, but the reality is that the prostitute is little more than property to them.”⁷⁵ The recognition of pimps as psychopaths cannot be ignored.

⁷¹ Hare, R. D. (1993). *Without Conscience: The disturbing world of psychopaths among us* (Pocket Books: New York), pg. 3.

⁷² Id. at pg. 34.

⁷³ Snow, Melissa. “The Sociopath Construct of the American Pimp.” Working paper, March 2009.

⁷⁴ Spidel, A., et al. “The Psychopath as Pimp,” *The Canadian Journal of Police and Security Services*, 2006. pgs.4, 205-211.

⁷⁵ Id.

Demand for youth in commercial sex markets is creating large revenue sources for highly violent criminals and criminal networks. This provides resources and incentive to dangerous criminals, such as a man in Pensacola, Florida, who drugged and raped a 17-year-old girl who had accepted a new friend's invitation to spend the night where the trafficker posed as the friend's father. He had arranged in advance to sell the girl for \$300,000 to another trafficker.⁷⁶

Criminal gang activity in the U.S. that has been known primarily for drug trafficking is now expanding to include the lucrative sex trafficking of girls. For example, in Fort Worth, Texas, members of the local Varrio Central gang began befriending young runaway girls and supplying them with drugs. Once the girls were addicted to the drugs they would beat and gang-rape the girls to prepare them for prostitution. The victims, one just 14 years old, were transported to various low-income apartment complexes in the area to be sold for sex for fees ranging from \$30 to \$50.⁷⁷ The three teen suspects pled guilty to a reduced charge of compelling prostitution; unfortunately the charge of human trafficking was dropped missing an opportunity for precedent in Texas.⁷⁸ In addition to Fort Worth, Texas, fairly extensive gang involvement has also been noticed in other locations, such as Boston, Massachusetts, and Oakland, California. Law enforcement and prosecutors from these cities and others report that rival gangs are induced to form partnerships for the trafficking of domestic children as the profit margin is so high.

Traffickers of foreign-born (international) victims are indiscriminate and will traffic domestic victims as well.⁷⁹ In San Antonio, Timothy Gereb pled guilty to sex trafficking and through a plea bargain was sentenced to 10 years. Gereb had a quota of recruiting 10 girls to sell to a brothel in Louisiana. When Gereb and his accomplices were only able to traffic two girls from Mexico, he began recruiting local girls from the San Antonio area to fill his quota.⁸⁰

Evading Detection

Traffickers/pimps communicate with one another and warn each other of places to avoid due to high police presence.⁸¹ In an effort to evade law enforcement, traffickers/pimps will often stay in cities for a short period of time. Specific traveling routes known as "circuits" have been identified. A well-known circuit is the Western Circuit, which includes: Seattle, Washington; Portland, Oregon; San Francisco, Los Angeles, and San Diego, California; Hawaii; Phoenix, Arizona; Denver, Colorado; and Salt Lake City, Utah; and extends internationally up to Vancouver, Canada.⁸² It is critical to note again, however, that the movement of victims is not necessary to establish a case of domestic minor sex trafficking.

⁷⁶ Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 11, citing Klaas Kids Winter 2007 Newsletter. <http://www.klaaskids.org>. Accessed on April 15, 2009.

⁷⁷ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 10, citing "Prostitution ring involved 14-year-old girl, police in Fort Worth say." WFAA Staff Reports. January 7, 2008. <http://www.dallasnews.com/sharedcontent/dws/news/city/fortworth/stories/010708dnmetprostitution.1a45dab5.html>. Accessed on April 17, 2008.

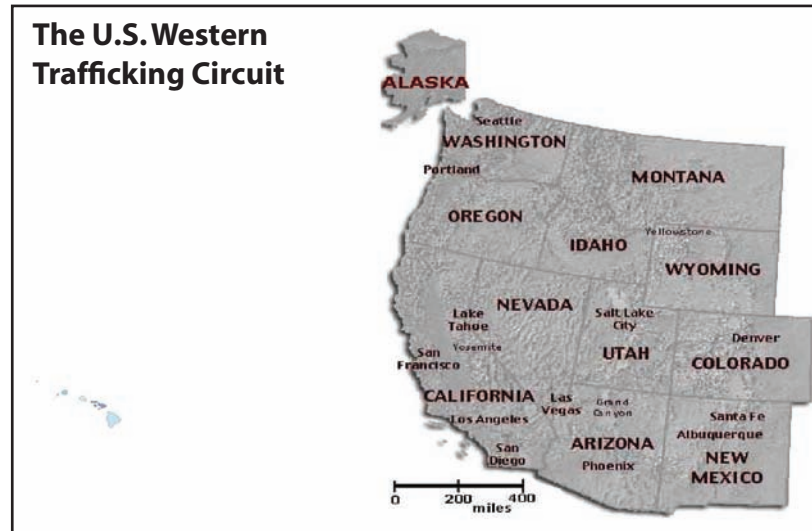
⁷⁸ Branch, Alex. "Suspected teen pimps reach plea agreements." Star-Telegram.com, May 29, 2008. <http://www.star-telegram.com/804/story/671766.html>. Accessed on April 15, 2009.

⁷⁹ Struble, Domestic Minor Sex Trafficking Assessment Report — San Antonio, Texas, pg. 63.

⁸⁰ Id. at pg. 33.

⁸¹ Remarks by Linda Smith. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁸² Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 23.



Local Traffickers Are Often Assisted by Facilitators

Facilitators, or accomplices, avoid direct responsibility for sex trafficking crimes by creating distance from the immediate criminal activity but they profit from and make possible the sex trafficking of children. Some common facilitators in the crime of DMST include taxi drivers, hotel workers, and owners of adult sexual entertainment venues. Taxi drivers in Las Vegas receive commissions for bringing buyers to illegal suburban house brothels.⁸³ The commission reportedly is one third of the \$300 charged to the buyer by the brothel. Traffickers pay premiums to facilitators for locating underage girls for their customers.⁸⁴

Additionally, there are institutional facilitators that act in much the same way to enable the operations of traffickers/pimps. In some cases, governments themselves may be institutional facilitators in choosing to prioritize the value of the revenue-producing commercial sex markets over the enforcement of applicable regulations or enforcement of laws, choosing instead to look away or plead ignorance.⁸⁵ In Dallas, where adult entertainment venues are highly profitable and add substantial revenue to the city through licenses and taxes, a 12-year-old was found being exploited in a strip club called Diamond Cabaret. The club management claimed to believe the 12-year-old was over 18 years of age. It came to light that the city ordinance regulating sexually oriented businesses did not provide for the revocation of the business license for employing someone younger than 18-years-old. Accordingly, no action was taken against the club. However, in response to community furor over the case, new provisions were presented to the city council, that would make it easier for an adult cabaret to lose its business license for employing minors.⁸⁶ The two traffickers of the 14-year-old were charged with felony counts of sexual performance of a child, as well as

⁸³ DEMAND., (Shared Hope International: July 2007), pgs. 4, 98.

⁸⁴ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 126.

⁸⁵ DEMAND., (Shared Hope International: July 2007), pg. 93.

⁸⁶ Kovach, Gretel C. "Lost Girl: How did a 12-year-old end up dancing in a Dallas strip club? And why is that establishment still open for business?" *Newsweek*, April 3, 2008. <http://www.newsweek.com/id/130334>. Accessed on April 9, 2009.

facilitating organized crime. Additionally, one was charged with two counts of aggravated sexual assault and aggravated kidnapping, while the other was charged under the prostitution statute.⁸⁷

Shared Hope International found only one example (of the ten assessments across the country) where a facilitator was arrested. The case involved one person who allegedly transported a domestic minor sex trafficking victim and was charged under a state statute that criminalizes facilitation of transportation for the purposes of human trafficking. The case was still pending at the completion of the Fort Worth assessment.⁸⁸

Traffickers/pimps, facilitators, and buyers are using the Internet and other technology, as well as magazines, to expand their marketing base. These marketing methods can act as a facilitator as well and make procuring illicit materials relatively easy. One service provider reported that over a two-year period, an 800% increase was seen in the number of children reporting that technology was used in some way to facilitate prostitution.⁸⁹ Online classified advertising websites have come under heavy criticism for their roles in facilitating prostitution of minors and adults — an illegal activity that they are not stopping. In Illinois, Sheriff Dart of Cook County has recruited pro bono lawyers to file suit against Craigslist under a public nuisance theory, alleging that their maintenance of an Erotic Services webpage is tantamount to the pimping of women and children.⁹⁰ Atlanta, Georgia, Mayor Shirley Franklin attacked Craigslist in a public letter for the role it plays in facilitating the prostitution of children in Atlanta.⁹¹ Craigslist defends its practice of requiring a valid credit card and a working telephone number to place an advertisement for adult services and quickly responds to law enforcement requests for tracking information in investigating pimping activities. In addition, Craigslist added the following warning language on its “Erotic Services” webpage:

*Unless **all** of the following points are true, please use your “back” button to exit this part of craigslist:*

- 1. I am at least 18 years old.*
- 2. I understand “erotic services” may include adult content.*
- 3. I agree to flag as “prohibited” anything illegal or in violation of the craigslist terms of use. This includes, but is not limited to, offers for or the solicitation of prostitution.*
- 4. I agree to report suspected exploitation of minors to the appropriate authorities.*
- 5. By clicking on the links below, I release craigslist from any liability that may arise from my use of this site.*

⁸⁷ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 9, citing T. Eiserer. “Club where girl, 12, stripped will keep license.” *Dallas Morning News*, March 27, 2008. http://www.dallasnews.com/sharedcontent/dws/news/localnews/crime/stories/DN-clubs_27met.ART.West.Edition1.1589397.html. Accessed on April 5, 2008.

⁸⁸ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 53.

⁸⁹ Remarks by Andrea Hesse, Alberta Family Services, Protection of Sexually Exploited Children Alberta (PSECA) Program, Alberta, Canada. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

⁹⁰ “Lawsuit accuses craigslist of promoting prostitution.” *CNN*, March 5, 2009. <http://www.cnn.com/2009/CRIME/03/05/craigs.list.prostitution/index.html>. Accessed on April 15, 2009.

⁹¹ Pendered, D. “Mayor: Web site enables child sex; Craigslist should remove ads that seem to promote child prostitution, says Atlanta’s Shirley Franklin.” *Atlanta-Journal Constitution*, August 22, 2007. <http://www6.lexisnexis.com/publisher/EndUser?Action=UserDisplayFullDocument&orgId=574&topicId=100020422&docId=1:658599507&start=24>. Accessed on April 15, 2009.

Human trafficking and exploitation of minors are not tolerated — any suspected activity will be reported to law enforcement.

(Emphasis in original.)

One of the greatest challenges for law enforcement in identifying victims of domestic minor sex trafficking is the use of technology — most notably the Internet — in marketing the victims of commercial sexual exploitation of all ages.⁹² Traffickers/pimps with small and large operations are now accessing larger, more complex networks. Prostitution is steadily moving off the streets making it increasingly difficult to find the perpetrators. In addition, images in the advertisements are difficult to identify as minors.

As the criminal market of sex trafficking becomes more sophisticated, the less readily visible it becomes. With the increases in demand and usage of the Internet, increasingly younger children can be sold on the Internet without attracting the attention of authorities. An officer with the Boston Police Department noted that traffickers/pimps will “groom a girl and put them [on the street] to train them ... but our intelligence is showing it is more Internet. And so that’s a trend that we had to go reduce, do our investigations through the Internet investigations.”⁹³ Sexual services are not the only thing advertised online, as pimps, madams, and escort agencies recruit new members through their own websites, MySpace accounts, and Facebook accounts. Furthermore, nine of ten assessments completed by Shared Hope International document the use of Craigslist to facilitate domestic minor sex trafficking, with just the Commonwealth of the Northern Mariana Islands not reporting cases in which this great facilitator is involved.

⁹² Remarks by C. Johnson. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

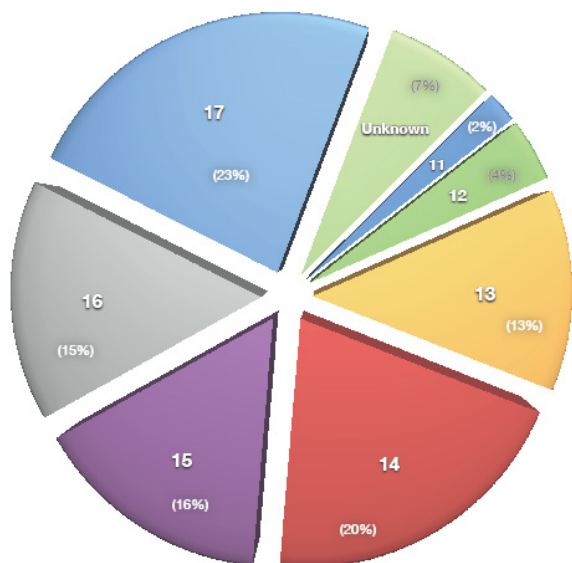
⁹³ Remarks by Sergeant Detective Kelley O'Connell, Boston Police Department. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

Chapter 3: Vulnerability

“The average age that a pimp recruits a girl into prostitution is 12 to 14 years old, and these pimps are traffickers. They know how to target the girls who are the most vulnerable. Her greatest vulnerability is her age. 12- to 14-year-olds are still naive about the world. So the danger is compounded for girls who have an unstable home life and those who are already victims of sexual abuse.”⁹⁴

— Linda Smith, Founder and President, Shared Hope International

Average Age of Entry into Prostitution



| AGE | # OF VICTIMS |
|---------|--------------|
| 11 | 2 |
| 12 | 4 |
| 13 | 13 |
| 14 | 21 |
| 15 | 16 |
| 16 | 16 |
| 17 | 24 |
| Unknown | 7 |

*The total # of victims surveyed is 103

Traffickers, like all those seeking to expand a business, respond to the preferences of the market — in this case, the buyers of sexual activities. Research has shown that the average age of entry into prostitution and pornography is 12 to 14 years old in the United States. This startling statistic has also been confirmed through a survey of juveniles arrested for prostitution in Clark County, Nevada. Below is a chart outlining the breakdown of ages of entry into prostitution.⁹⁵

First responders from across the country report that the average age of victims with whom they come into contact is 15 years. However, it is important to note that most of these youth report having been prostituted for some time before coming into contact with services or juvenile justice. For example, in Baton Rouge, Louisiana, the youngest domestically trafficked minor receiving services from Healing Place Church in August 2008 was eight years old.⁹⁶

It is not surprising that young children and adolescents are the primary targets of traffickers/pimps, given their operational methods. Youth have less life experience, fewer coping mechanisms, and smaller social support mechanisms to draw from.

This can work to the trafficker’s favor as he implements different recruitment and control tactics. A study conducted by Shared Hope International at WestCare Nevada documented that the boyfriends of 20 minors who reported having boyfriends were all over the age of 18, often at least double the age of the

⁹⁴ *Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth, Seg. 2.* Prod. Shared Hope International and Onanon Productions, 2008.

⁹⁵ Clark County, Nevada Public Defender — Juvenile Division. Unpublished Survey of Girls Arrested for Prostitution Related Offenses (July 2007 — November 2008). Clark County, Nevada. Data on file with authors.

⁹⁶ Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg. 54.

minor, suggesting an exploitive relationship based on the age difference alone.⁹⁷

According to statistics from the National Runaway Switchboard, between 1.6 and 2.8 million children run away from home each year. Traffickers, as well as buyers, strategically prey upon runaway children because of their mental, physical, and financial vulnerability (inability to secure jobs due to transient nature and age).

Various factors leave youth vulnerable to traffickers.

The primary factor of vulnerability is the child's age. Pre-teen or adolescent girls are more susceptible to the calculated advances, deception, and manipulation tactics used by trafficker/pimps — no youth is exempt from falling prey to these tactics. Traffickers/pimps target locations where they know that youth are going to be — schools, malls, parks, even shelters and group homes. Often, their primary method of manipulation is to secure a seemingly loving and caring relationship with the youth to establish trust and allegiance. Traffickers/pimps will often invest a significant amount of time and effort to establish this foundational relationship. The more time they invest in the romance period the more tightly they can psychologically bind the victim, similar to domestic violence exercised on a child's vulnerable mentality. This "romantic" period ensures that as the relationship deteriorates to abuse and exploitation the youth will remain loyal and hopeful that someday the loving relationship will return.

Any child can become a trafficking victim, and domestically trafficked minors are diverse in terms of ethnicity, age, socio-economic status, sexual orientation, and gender. However, traffickers are particularly able to take advantage of certain specific life-characteristics that leave holes in a child's social and emotional safety net. Youth who come from dysfunctional families in which there was abuse or trauma are particularly vulnerable to a trafficker's/pimp's method of recruitment and control.

*"We've seen young girls being exploited and there's no common thread as far as black, white, Asian, upper, upper-middle class, lower-middle class, poor house home, single, double. That varies."*⁹⁸

— Sergeant Ernest Britton, Child Exploitation Unit, Atlanta Police Department

History of Abuse

A history of abuse is another commonly cited vulnerability that puts youth at greater risk for exploitation. Both law enforcement and social services have found this commonality among victims of domestic minor sex trafficking. For example, the Letot Center, a juvenile justice facility in Dallas, Texas, geared towards the restoration of commercially sexually exploited children, found that 93 to 95% of commercially exploited children had been previously physically and sexually abused.⁹⁹ Likewise, WestCare Nevada, a shelter for youth in Las Vegas, found that 71% of domestic minor sex trafficking victims had been sexually

⁹⁷ Shared Hope International and WestCare Nevada case review study (2006). Data on file with authors.

⁹⁸ *Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth, Seg. 2*. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

⁹⁹ Remarks by B. Fassett. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

abused as a child, whereas just 11% of youth identified as at-risk had suffered the same abuse. Law enforcement also find that when conducting victim-centered interviews with trafficked children, the victims usually disclose previous familial physical or sexual abuse.¹⁰⁰

According to Sergeant Byron Fassett, a nationally recognized law enforcement expert on the issue of domestic minor sex trafficking with the Dallas Police Department, a history of abuse seems to be one of the major contributing factors or the “genesis of the problem, why this child versus another child” becomes a victim of domestic minor sex trafficking.¹⁰¹ Similarly, international respondents have found a high rate of previous abuse has also been found internationally with programs in Canada estimating that 80% of their commercially sexually exploited children experienced previous abuse in their families and environments.¹⁰²

“We’ve heard where it’s been said that incest is boot camp for prostitution. And I truly believe that. I think it sets women and girls up for that to be possible.”¹⁰³

— Kristy Childs, Founder and Executive Director,
Veronica’s Voice, and Survivor of domestic minor sex trafficking

Connected to the issue of physical and sexual abuse is the problem of familial trafficking — when a family member trades or rents their child for sexual use by another in exchange for money, food, drugs, etc. Familial trafficking happens at alarming rates in the United States. In fact, the trafficking of children by family members was noted frequently in the assessments done by Shared Hope International. Due to a lack of training and understanding of human trafficking by state child protection service agencies, professionals often classified the abuse under a different label, such as child sexual abuse. This mislabeling of child sexual abuse instead of child sex trafficking results in the commercial component of the crime being lost. WestCare Nevada in Las Vegas determined an estimated 30% of domestically trafficked minors who receive services at their shelter were first trafficked by a family member.¹⁰⁴ Staff at WestCare Nevada is quick to point out, however, that victims rarely disclose family involvement at the beginning of treatment, but typically disclose much later in the restoration process.¹⁰⁵

Drug Use by Parents

A common element found among sex trafficked minors is the existence of a drug-addicted parent. It is not uncommon in these cases for an in-kind commercial exchange to occur with the parent selling

¹⁰⁰ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 113.

¹⁰¹ Remarks by B. Fassett. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹⁰² Canada/US Consultation Meeting for the Third World Congress on the Sexual Exploitation of Children and Adolescents. October 2 and 3, 2008, Sponsored by Shared Hope International International, ECPAT-USA, and Beyond Borders. Transcript on file with authors.

¹⁰³ Remarks by Kristy Childs, President and Founder, Veronica’s Voice. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹⁰⁴ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 106.

¹⁰⁵ Id.

sex with their child for drugs.¹⁰⁶ Having a drug-addicted parent creates several areas of danger — the parents themselves, congregation of other drug-addicted persons with access to the child, faulty parental supervision, and the introduction of drug use to the child. An example of this can be seen in a domestic minor sex trafficking case that took place in Monroe, Louisiana, in 2006. The mother of a 14-year-old girl sold her child to her crack dealer in order to pay for drugs. Though the mother was arrested and charged with cruelty to a juvenile, the child remained in the custody of the drug dealer (a registered sex offender) who supplied the minor with drugs and continued to sexually abuse her. The drug dealer then prostituted the minor in partnership with another man.¹⁰⁷

Another example of familial domestic minor sex trafficking emerged in Salt Lake City, where an 11-year-old was removed from her biological parents' care due to drug use by the parents. Two years after the removal, the child disclosed in therapy that her parents forced her to watch pornography with her brother and then engage in sex acts for the entertainment of their parents and their parents' friends. The parents often charged the spectators a fee payable in money or drugs, especially crystal methamphetamine.¹⁰⁸

Runaways — Easy Prey

Children who have experienced chronic physical and sexual abuse in the home environment often begin to run away from their home between the ages of 12 and 14 years old. A survey of 103 child victims of sex trafficking completed by the Clark County, Nevada, Public Defenders Office-Juvenile Division calculated the average age a prostituted youth first ran away from home was 13 years old (see next page).¹⁰⁹ The victims view running away as a way to escape an environment that they cannot control. It is not a coincidence that the average age of a runaway falls squarely within the age range a child is recruited into prostitution as the victimized child who flees from home often lands straight in the welcoming arms of a trafficker posing as protector and caretaker.

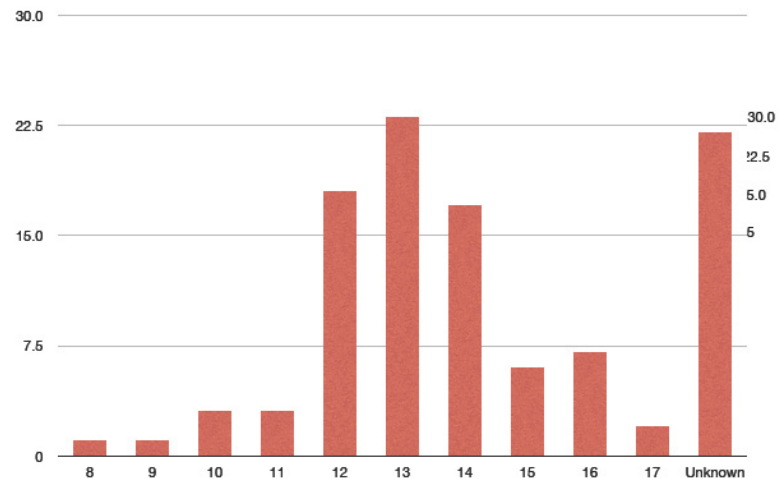
¹⁰⁶ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 35.

¹⁰⁷ Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg. 14, citing Fitch, E. "Grand Jury Indicts Murder Suspect." *The News-Star*. June 14, 2006.

¹⁰⁸ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 11.

¹⁰⁹ Clark County Public Defender — Juvenile Division. Unpublished Survey of Girls Arrested for Prostitution Related Offenses (July 2007 — November 2008). Clark County, Nevada. Data on file with authors.

Age DMST Victim First Ran Away



| AGE | # OF VICTIMS |
|---------|--------------|
| 8 | 1 |
| 9 | 1 |
| 10 | 3 |
| 11 | 3 |
| 12 | 18 |
| 13 | 23 |
| 14 | 17 |
| 15 | 6 |
| 16 | 7 |
| 17 | 2 |
| Unknown | 22 |

The Dallas Police Department High Risk Victims/Trafficking Unit has made significant strides in identifying and responding to sex trafficked minors by institutionalizing the process of flagging chronic runaways as a vulnerable population and streamlining domestic minor sex trafficking cases to the Child Exploitation/High Risk Victims & Trafficking Unit (CE/HRVTU). Recognizing that chronic runaways (children who run away from home four or more times in a year) are extremely vulnerable to recruitment by a trafficker, this protocol provides an opportunity for the CE/HRVTU to intervene and rescue these chronic runaways from this vicious cycle.

In 2007, CE/HRVTU identified 189 HRV cases, 119 of which involved prostitution. See below for a yearly comparison of HRV identifications.¹¹⁰

¹¹⁰ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 11

| Date | Identified | # Involving Prostitution |
|-------------|------------|--------------------------|
| 11/04-11/05 | 136 HRV | 85 |
| 2006 | 131 HRV | 65 |
| 2007 | 189 HRV | 119 |

History with Child Protective Services (CPS)

The common history of abuse in the lives of domestically trafficked minors leads to frequent pronounced histories with child protective services. The Letot Center in Dallas, Texas, found that 10% of juveniles receiving services were previously in CPS custody.¹¹¹

Group homes, foster care homes, etc., can be targeted by traffickers/pimps who take advantage of the concentration of vulnerable youth and systematically recruit from these locations.¹¹² The My Life, My Choice Project based in Boston, Massachusetts, found that of the first 40 girls they worked with who were living in group home within the foster care system, 38 had been approached by a pimp for recruitment.¹¹³

“What we have learned is overwhelmingly, while these kids may leave home voluntarily, while they may be runaways or any one of a variety or variations on that theme; they are seduced, they are tricked, they are lured into this practice and then they lose the ability to walk away. These kids literally become 21st century slaves.”¹¹⁴

— Ernie Allen, President and CEO, National Center for Missing and Exploited Children

Older Boyfriends

A main tactic used by traffickers/pimps to prey on youth is to institute a cycle of intimacy and violence; it is not unusual for a trafficker to first develop an intimate relationship with a targeted youth as a “boyfriend.” This sometimes is referred to as the “lover-boy tactic.” The trafficker uses a child’s desire for affection to lock her into the relationship with him.

The presence of an older, usually adult boyfriend in the life of a teen is an indicator of this frequently used tactic. The existence of an older boyfriend often emerges during an investigation of misidentified or unidentified

¹¹¹ Id. at pg. 112.

¹¹² Remarks by Sheila, Survivor of domestic minor sex trafficking, GEMS. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹¹³ Remarks by Lisa Goldblatt Grace, LICSW, Program Director, My Life My Choice Project. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

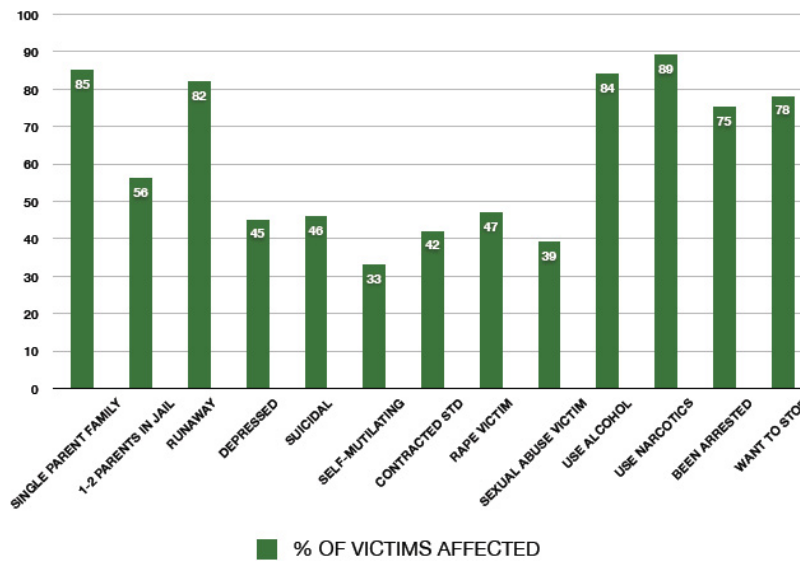
¹¹⁴ *Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth, Seg. 1*. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

trafficking victims. These adult boyfriends often sexually exploit the child for either drugs or money.

Blueprint of the Life of a DMST Victim

Victims of domestic minor sex trafficking typically experience myriad abusive encounters which usually start at an early age. This often sets the youth up for a high level of dangerous behavior as she navigates and attempts to numb the confusion of her abusive environment. Professionals who interact with victims of domestic minor sex trafficking often recognize or identify only an isolated incident in the continuum of the child’s victimization. However, in order to properly identify and respond to child sex trafficking, it is imperative to recognize the root causes as well as the collateral impact, such as psychosocial and behavioral problems, which are direct results of chronic victimization. A comprehensive survey of 104 prostituted juvenile victims in Clark County, Nevada, reveals the vast detrimental and debilitating impact of domestic minor sex trafficking on the life of a child. The findings are documented in the chart below.

**PARALLEL FACTORS OF DMST VICTIMS
IN LAS VEGAS**



| COMMON VICTIM TRAITS: | % OF VICTIMS AFFECTED |
|-----------------------|-----------------------|
| SINGLE PARENT FAMILY | 85 |
| 1-2 PARENTS IN JAIL | 56 |
| RUNAWAY | 82 |
| DEPRESSED | 45 |
| SUICIDAL | 46 |
| SELF-MUTILATING | 33 |
| CONTRACTED STD | 42 |
| RAPE VICTIM | 47 |
| SEXUAL ABUSE VICTIM | 39 |
| USE ALCOHOL | 84 |
| USE NARCOTICS | 89 |
| BEEN ARRESTED | 75 |
| WANT TO STOP | 78 |

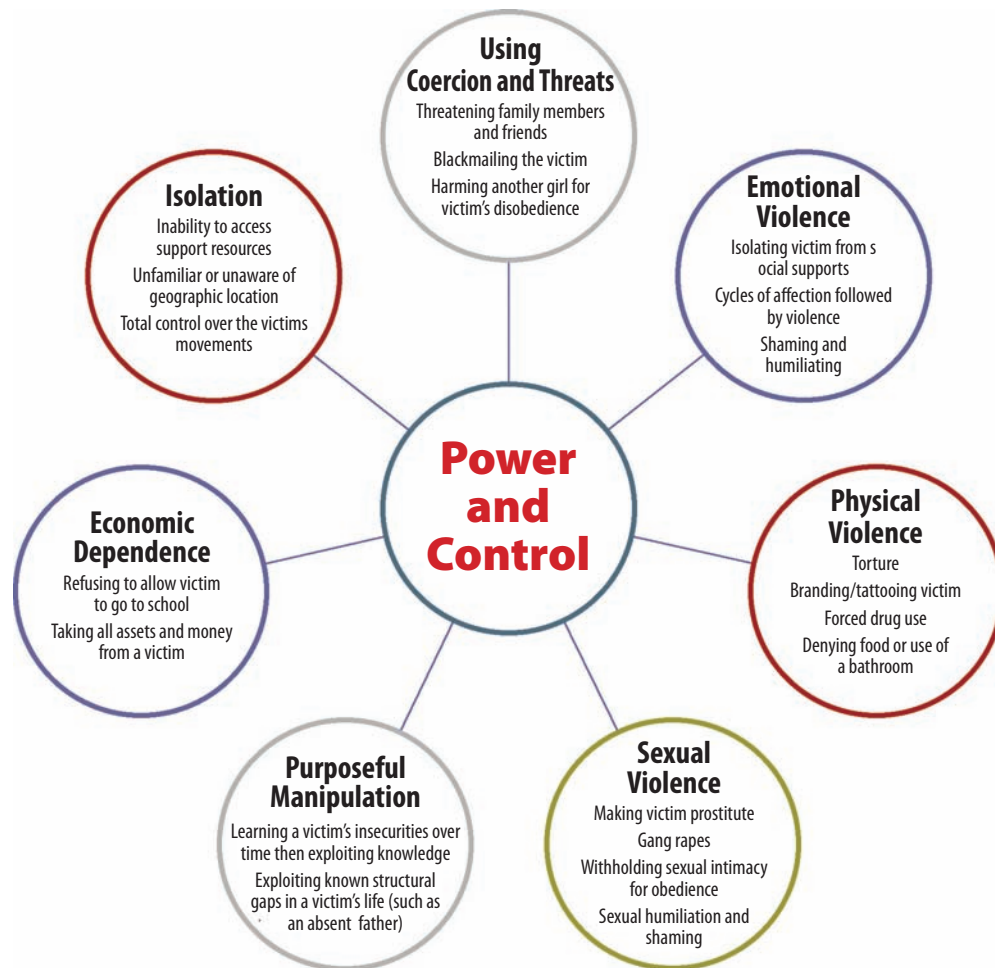
*The average age of victims surveyed is 16

Chapter 4: Recruitment and Pimp Control

A trafficker’s process of recruitment and control are sophisticated. There is a calculated method to preying on youth, and the traffickers/pimps share tactics with each other, assist one another, and craft their techniques together. Experts and survivors refer to these methods as “brainwashing.” One survivor expert noted commonalities between the tactics traffickers use and those utilized by cult leaders.¹¹⁵

Traffickers/pimps make it their business to understand the psychology of youth and to practice and hone their tactics of manipulation. The trafficker’s goal is to exploit and create vulnerabilities and remove the credibility the minor holds in the eyes of their families, the public, and law enforcement. The trafficker’s ultimate goal is profit.

Domestic Minor Sex Trafficking Power and Control Wheel



¹¹⁵ Remarks by K. Childs. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

The recruitment or grooming process.

Once a trafficker/pimp identifies the physical and/or psychological needs of a child, he seeks to fill them. If the child lacks a loving parental presence, the trafficker/pimp morphs his tactics to become the parent figure. If a youth needs a safe place to sleep, the trafficker/pimp provides housing. In this way, traffickers/pimps work to create a dependency between the minor and themselves. An example of recruitment by providing a physical need was reported by the Dallas Police Department, Child Exploitation/High Risk Victims/Trafficking Unit. A 12-year-old was found stripping in the Dallas strip club, Diamond Cabaret. Police later learned that two traffickers, a man and a woman, had offered the child safe shelter. When the minor accepted the offer, the traffickers took her to the strip club and forced her to dance.¹¹⁶

One survivor's story of recruitment in Toledo, Ohio, illustrates how a trafficker uses psychological needs or vulnerabilities to recruit victims. An older, male trafficker "romanced" this child by recognizing the emotional needs of the child were not being met. He presented himself as a boyfriend in order to gain the minor's affection and dependency. She explained that for six months, an older man pulled alongside her in his car every morning as she walked to a school for gifted children. He bought the 12-year-old small gifts and told her she was pretty. She finally agreed to a ride to school — and she was trapped.¹¹⁷

These grooming and recruitment practices are common to those of other child predators. For example, "traveler" cases investigated by police usually involve an older adult man who targets younger children online. These perpetrators spend time slowly gaining the trust and affection of the youth as well as desensitizing the minor to the idea of sexual activity (e.g., sending the youth increasingly graphic pornography). In the end, the adult sets a meeting with the minor in hopes of engaging in sexual activity. According to police, these "relationships" usually involve the promise of gifts, money, and opportunity, all of which qualify as a commercial exchange under the TVPA.¹¹⁸

"People who use kids like this are the most brilliant child psychologists on the planet. They know these kids are not credible, they know how to manipulate them into being less credible, they get them addicted to something, anything; then even if the child does rat them out, no one will believe them."¹¹⁹

Additionally, traffickers systematically utilize recruitment tactics that distance them from the risk of detection and prosecution by law enforcement. Traffickers use "bottom girls," who manage the details of the other girls' exploitation. The process of "sending girls on automatic" allows the trafficker/pimp to keep distant from the crime he is committing.¹²⁰ Traffickers maintain a careful distance even from their victims, using street names so the girls never know their real names. A victim's arrest reinforces what the pimp has taught her about distrusting authorities, and, due to the pimp's careful secrecy and anonymity,

¹¹⁶ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 9, citing T. Eiserer and "Club where girl, 12, stripped will keep license," *Dallas Morning News*, March 27, 2008. http://www.dallasnews.com/sharedcontent/dws/news/localnews/crime/stories/DN-clubs_27met.ART.West.Edition1.1589397.html. Accessed on April 5, 2008.

¹¹⁷ Personal interview, "Tonya," December 13, 2008.

¹¹⁸ TVPA, 22 USC 7101 §103(3).

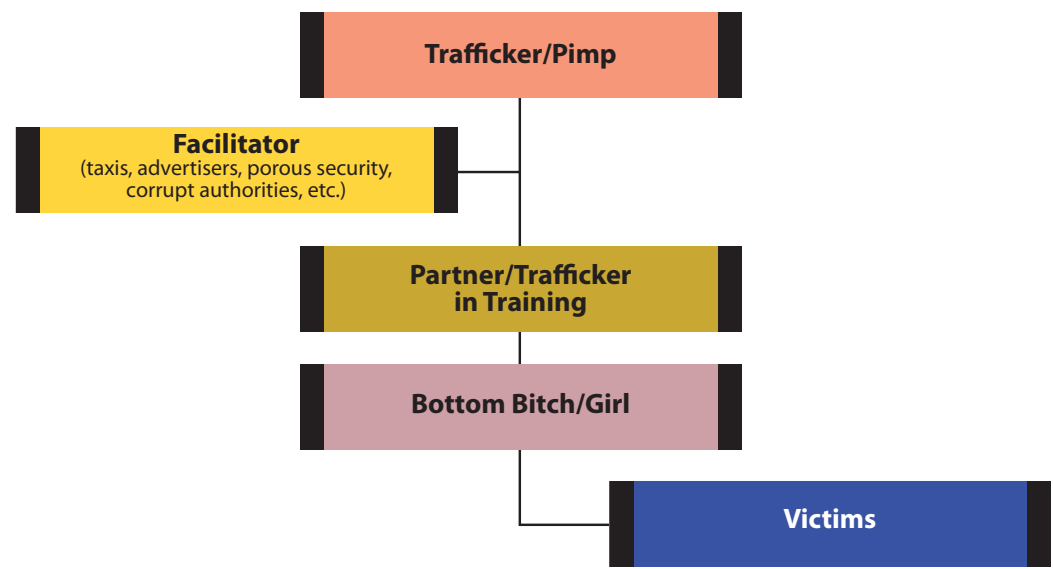
¹¹⁹ Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 68, quoting assessment interviewee from Hillsborough Kids, Inc., Clearwater, FL.

¹²⁰ Remarks by C. Johnson. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

she is both unable and unwilling to provide the level of information law enforcement requires to pursue an investigation. These same tactics exacerbate a potential victim's vulnerable state and protect the trafficker.

Traffickers use and encourage cultural attitudes which view prostituted children not as victims but as delinquents. This serves to isolate the victim as traffickers tell them that seeking help is a waste of time because no one would believe them since they are "just prostitutes." A study on the demand for sex trafficking conducted by Shared Hope International found that traffickers often provided drugs to their victims to both sell and take, further marginalizing and criminalizing the minor. The goals of traffickers are three-fold: keep the victim under control; make money; and lower the child's credibility in the eyes of law enforcement and the community so she is not believed when disclosing information about the exploitation.

Pimp-control hierarchy.



Law enforcement agents report that the youth they see victimized through domestic minor sex trafficking are usually exceptionally vulnerable and have low self-esteem. Though traffickers seek out youth with existing gaps in their support network or low self-esteem, they also create and expand these vulnerabilities. There are certain common tactics that traffickers employ in order to break down a child's sense of control, worth, and autonomy.

Manipulation

While every tactic used by a trafficker/pimp has some element of manipulation, the subtlety of the manipulation is often overlooked by both the victim and responders to sex trafficking, thus it is worth examining as a separate and purposeful tactic. Traffickers/pimps utilize manipulation to gain and maintain control over their victims. One example is a trafficker's method of maintaining internal control over his "stable" (the children or adults being prostituted by him). Traffickers commonly use emotional manipulation, such as favoring one girl over the others with frequent changes to the favored position, as

a way of preventing collusion for escape or disobedience. This method establishes hierarchy and ensures constant competition with each other for rewards and promotions to the girls who produce the most money and follow the “rules of the game.” It also keeps the victims divided and ensures that they remain focused on pleasing the trafficker/pimp rather than creating an escape strategy.

“Nicole, I love you and I love my son, and if I was able to be there, I would never allow for you or him to suffer or be without your needs and wants in life.”¹²¹

— Excerpt from a letter to a victim from her convicted trafficker

One self-proclaimed pimp and author of yet another guide on pimping explained how to apply the recognized Maslow’s Hierarchy of Needs to the situation of pimping. The author/pimp provides details on implementing each stage of the Hierarchy of Needs for the manipulation and control of a person in prostitution.¹²² Referred to as “the Pyramid,” this approach systematically addresses foundational human needs such as safety, security, love, and belonging. The concept discusses how past sexual abuse, family dysfunction, societal judgment, and systemic failure leave gaps into which traffickers/pimps insert themselves as providers. By offering a false sense of security, respect, and love, a trafficker can establish a trauma bond that will keep the victim vulnerable, completely subject to the trafficker, and the source of profits through her exploitation.

Maslow’s Hierarchy of Needs



¹²¹ Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth, Seg. 3. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

¹²² Martin, R. J., “How to be a Pimp Using Maslow’s Hierarchy of Human Needs to Make the Most Money.” Associated Content. October 26, 2006. www.associatedcontent.com/article/75184/how_to_be_a_pimp_using_maslows_hierarchy.html?cat=7. Accessed on January 20, 2009.

Chapter 5: Identification of Domestic Minor Sex Trafficking Victims and Trauma Bonds

Self-identification and trafficked minors.

Victims of domestic minor sex trafficking often do not self-identify as victims. The result is a denial of the victimization due to fear of the physical and psychological abuse inflicted by the trafficker, and/or due to the trauma bonds developed through the victimization process. Law enforcement and prosecutors explain the difficulty this presents in the pursuit of prosecuting a trafficker in a domestic minor sex trafficking case. Assistant U.S. Attorney Sharon Marcus-Kurn states:

I think these cases that involve children — adolescents who are involved in commercial sex — are probably some of the most difficult cases to do. That is because these girls are victims. They do not identify as victims, they do not want you to identify them as victims, they do not want your help, or at least that is what they will tell you. They will give you a script that will include numerous false statements including their age, where they are from, [and] the relationship they have with the trafficker/pimp.¹²³

Trauma Bonds

The psychological and physical ramifications of “pimp control” are extensive. Some of the many issues stemming from the trauma that a trafficked youth may face are listed in the chart on the following page.¹²⁴

¹²³ *Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth, Seg. 2*. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

¹²⁴ *Domestic Minor Sex Trafficking: Practitioner Manual & Intake Guide*, Shared Hope International (May 2009).

Table 3: Potential Mental Health Issues Facing Victims of Sex Trafficking

| Psychological Disorders | |
|--|-----------------------------------|
| 1. Anxiety and Stress Disorder | |
| 2. Attachment Disorder | |
| 3. Attention Deficit/Hyperactivity Disorder (ADHD) | |
| 4. Conduct Disorder | |
| 5. Depression (Major, Dysthymia) | |
| 6. Developmental Disorders | |
| 7. Eating Disorders | |
| 8. Learning Disorders | |
| 9. Acute Stress Disorder | |
| 10. Post Traumatic Stress Disorder (PTSD) | |
| 11. Anxiety Disorders | Panic Attacks |
| | Agoraphobia |
| | Social Phobia |
| 12. Dissociative Disorders | |
| 13. Eating Disorders | Anorexia Nervosa |
| | Bulimia Nervosa |
| 14. Impulse Control Disorders | |
| 15. Mood Disorders | Major Depression |
| | Dysthymia |
| | Bipolar |
| | Hypothymia |
| 16. Personality Disorders | Borderline P.D. |
| | Histrionic P.D. |
| | Narcissistic P.D. |
| | Paranoid P.D. |
| | Anti-Social P.D. |
| | Avoidant P.D. |
| | Dependent P.D. |
| | Obsessive Compulsive P.D. |
| 17. Self-Harming Disorders | Self-mutilation |
| 18. Sleep Disorders | Insomnia |
| | Hypersomnia |
| 19. Somatic Disorders | |
| 20. Substance Abuse Disorders | Often DTMs use substances to cope |

*The above are possible disorders common among domestically trafficked minors. Due to the nature of domestic minor sex trafficking and the multiple traumas victims sustain, it is common for victims to have a multi-diagnosis.

“Because what we’re dealing with — often we talk about trauma — is the biological adaptation in the nervous system that is a person’s survival response — their best attempt to create safety in the present moment.”¹²⁵

— Sophia Deborah Erez, Trauma Resource Institute

The bond between a victim and her trafficker/pimp is referred to as a “trauma bond.” Trauma bonds are a major hurdle to the identification, rescue, and restoration of the domestic minor sex trafficking victim as the symptoms include failure to self-identify, returning to the trafficker/pimp, and other discouraging reactions. Dr. Patrick Carnes, an expert on trauma bonds, explains, “This [traumatic bonding] means that the victims have a certain dysfunctional attachment that occurs in the presence of danger, shame, or exploitation. There is often seduction, deception, or betrayal. There is always some form of danger or risk.”¹²⁶ The extent and level of control exerted by a trafficker through trauma bonds is not yet totally understood and more research on trauma bonds is needed as it pertains to domestic minor sex trafficking.¹²⁷ What is known, however, is that there are both biological and psychological reasons that trauma bonds exist.

Biology of Trauma Bonds

Traumatic events have a profound effect on both the psychological state and the neurological state of an individual. The behaviors of domestically trafficked minors that often bewilder and frustrate first responders, such as refusing help, running away from shelters, unclear or disjointed memories, lack of self-identification, aggression, protection of the identity of their trafficker/pimp, and others, are symptomatic of biological processes that occur when chronic traumatic experiences occur in a young person’s life.¹²⁸

Trafficked children have two types of trauma as a result of severe, chronic abuse: developmental trauma and shock trauma. Due to the chronic nature of violence found in domestic minor sex trafficking, as well as any history of abuse the child might have, a youth’s neurological system is disrupted and not allowed to return to a state of equilibrium. The child instead remains in a constant state of arousal. The result is dysregulation of the nervous system and a battery of physical and psychological effects. The two main psychological states that a trafficked minor may experience are:¹²⁹

1. **Hyperarousal** — Symptoms can include: anger, panic and phobias, irritability, hyperactivity, frequent crying and temper tantrums, nightmares and night terrors, regressive behavior, increase in clinging behavior, running away.
2. **Hypoarousal** — Responses can include: daydreaming, inability to bond with others, inattention, forgetfulness, shyness. Physical symptoms can include: eyes widen, pale skin, complaints of being cold, flat affect.

¹²⁵ Remarks by Sophia Deborah Erez, M.S. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹²⁶ Carnes, Dr. Patrick J. (1997), *The Betrayal Bond: Breaking Free of Exploitive Relationships*, (Deerfield Beach, FL: HCI Publisher), pg. 29.

¹²⁷ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 119.

¹²⁸ Remarks by S. Erez from a slide by Laurie Leitch, Ph.D. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹²⁹ Id. Transcript on file with authors.

Furthermore, trauma, particularly prolonged trauma, that first occurs at an early age and that is of an interpersonal nature can have significant effects on psychological functioning above and beyond Post-Traumatic Stress Disorder (PTSD) symptoms. As a result, domestic minor sex trafficking victims often experience DESNOS — “Disorders of Extreme Stress Not Otherwise Specified” — which creates a higher level of biological and cognitive impairments. These effects include:

- Problems with affect dysregulation
- Aggression against self and others
- Dissociative symptoms
- Somatization
- Character pathology¹³⁰

Psychology of Trauma Bonds

Trauma bonds are often compared to Stockholm Syndrome, a psychological response where hostages become attached to the perpetrators and later come to their defense.¹³¹ The powerful mix of loving care alternated with violence, threats, and dehumanizing behavior has led one expert to apply this type of bonding with the relationship between a trafficker/pimp and his victim. The expert draws a parallel between the dynamics of a trafficking victim who stays with her trafficker and a domestic abuse victim who stays with a violent partner. A person can be “extremely gifted and a strong person ... and still, in the context of terror and violence, become traumatically bonded.”¹³²

The effects of trauma bonds are felt both by the victim and those trying to assist. Words such as “programmed,” “brainwashing,” and other descriptors are used to capture the effects of trauma bonds. Another important descriptor for the bond between a victim and trafficker used by social service providers is “family.” Many victims come from dysfunctional families or have run away from destructive homes, therefore the promise of a family and a future with the trafficker is powerful — even if that future is violent.

Another important aspect to trauma bonds is the victim’s loss of identity.¹³³ Survivors of domestic minor sex trafficking recall doubting themselves and believing that the demands issued by the trafficker/pimp were natural.¹³⁴ Traffickers/pimps create a false sense of choice for the child. The perception that they are “choosing” to prostitute establishes a new set of norms as well as successes and achievements for the youth. Accordingly, the child’s own perceived value becomes more established in the lifestyle that she now feels she has chosen. This system of presenting an apparently willing prostitute works to further protect the trafficker/pimp from detection by law enforcement.

To reinforce this view, as well as to continue manipulating the victim’s reality, traffickers/pimps usually give minors a new name, brand them with their own symbol or name (e.g., tattoos), hold “family

¹³⁰ Id. Transcript on file with authors.

¹³¹ Remarks by K. Childs. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹³² Carnes, *The Betrayal Bond: Breaking Free of Exploitive Relationships*, pg. 36.

¹³³ Id.

¹³⁴ Remarks by Sheila, Survivor of domestic minor sex trafficking, GEMS. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

meetings,” and make the victims call him “daddy.” This verbal manipulation is compounded with physical violence, and while many victims are told that they have the option to leave, they are too scared and dependent — psychologically, physically, emotionally, and financially — on the trafficker/pimp to venture from his control.

“And so as you see, these are incredibly powerful needs — these are needs that most of us would like, right? Control, pride, respect, status, sense of accomplishment, sense of belonging — these are not bizarre, crazy needs. These are very natural human needs that are being met in a very distorted way, and yet in a very, very real way.”¹³⁵

— Rachel Lloyd, Founder and Executive Director, GEMS

Lack of Self-Disclosure requires Comprehensive Identification Procedures

The recognized failure of victims to self-disclose or self-identify makes it critical for those likely to come into contact with victims to have intake procedures, victim-centered questioning techniques, and training to properly identify these children as victims. In addition, these identification mechanisms, tracking methods, and protocols need to be inter-agency as well as intra-agency given that most human trafficking cases will involve a multitude of agencies and jurisdictions.

Research has shown that these important protocols are not in place in the United States. Shared Hope International found that there was minimal training on the identification of child sex trafficking. Four of the ten assessments found that there was no specific protocol for identifying minors involved in commercial sexual activities.¹³⁶ In those locations that did have a specific identification procedure, it encompassed only one or two agencies while the larger community remained unaware, uninformed, and largely uninvolved in identification of the victims. A failure to identify the child victim is exacerbated by the lack of systematic tracking of identified child sex trafficking victims as reported by first responders across the United States. Some states have started to incorporate identification and tracking techniques through the child protective service agencies, such as the Office of Community Service, the Louisiana state child welfare agency, which has inserted a specific abuse category for “prostitute” within the intake database. Though this label is not ideal, it provides a category for identifying and tracking victims of domestic minor sex trafficking. Also, the Florida Department of Children and Families recently added a maltreatment code for human trafficking to the state’s abuse hotline with instructions to hotline workers that the code includes both international victims and domestic minors who have been exploited through prostitution.

A starting point for developing identification procedures can be as simple as integrating relevant questions into preexisting forms in use. Most systems currently in place for identifying child victims were developed with a cooperative, self-identifying victim in mind and are not geared toward identifying domestic minor sex trafficking victims. As a result, the mislabeling of child sex trafficking victims as sexual abuse victims or juvenile delinquents who willingly engage in prostitution frequently occurs. This mislabeling is largely

¹³⁵ Remarks by R. Lloyd, Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹³⁶ Fort Worth, Texas; New Orleans/Baton Rouge, Louisiana; San Antonio, Texas; Clearwater, Florida

responsible for the failure of delivery of services and shelter to the child trafficking victim and has created a void of data regarding the prevalence of these victims in the United States.

The ramifications of misidentification of child sex trafficking victims are pronounced. In an assessment of the Baton Rouge/New Orleans area in Louisiana, a clinical supervisor at a runaway youth shelter reviewed computer records and reported that 57% of the 157 youth that came to the shelter in 2006 were domestic minor sex trafficking victims pursuant to the federal definition, though they were not identified as such at the time.¹³⁷ As a result, the true extent of their victimization was not made known to restorative service providers or to law enforcement for investigation into the crime of trafficking. Most importantly, these victims were not given a response specific to their victimization.

WestCare Nevada in Las Vegas also reported seeing many domestic minor sex trafficking victims within their youth population and reflects the frequent commingling of these victims with youth struggling with related issues or issues that develop as a result of their victimization, most notably drug addiction. From April 2004 through April 2005, WestCare Nevada tracked 64 girls through both their substance abuse and probation diversions programs, though neither of these programs were designed specifically to treat domestic minor sex trafficking victims. WestCare Nevada found that 72% (46 of the 64 girls) had a history of prostitution. Of those girls, 98% had a history of physical or sexual abuse. The majority of the girls identified with a history of prostitution were recruited between the ages of 12 and 13 years old, however those girls were not identified as trafficking victims on average, until approximately 15 years old. Each girl revealed that she had been exploited by a pimp.¹³⁸

The Clark County, Nevada, Public Defenders Office-Juvenile Division surveyed 104 juveniles arrested for prostitution-related activity from July 2007 to November 2008 and found a high level of drug abuse within this population of victims. The chart below provides a break down of documented drug use. It is important to note, that the average age of those using drugs was 14 years old.¹³⁹

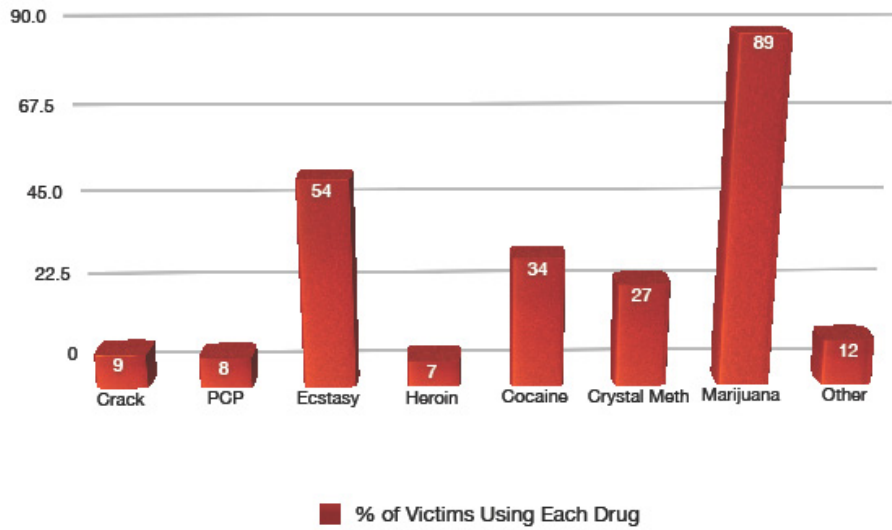
¹³⁷ Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, pg. 59.

¹³⁸ Interview with Jennifer Hilton, Program Director, WestCare Nevada. Domestic Minor Sex Trafficking: How to Identify America's Trafficked Youth. Prod. Shared Hope International. DVD. Washington, DC: Shared Hope International, 2007.

¹³⁹ Clark County Public Defender—Juvenile Division. Unpublished Survey of Girls Arrested for Prostitution Related Offenses (July 2007 — November 2008). Clark County, Nevada. Data on file with authors.

Drug Use Among DMST Victims in Las Vegas

*Note: Most victims use more than one narcotic
 *The average age of victims surveyed is 14

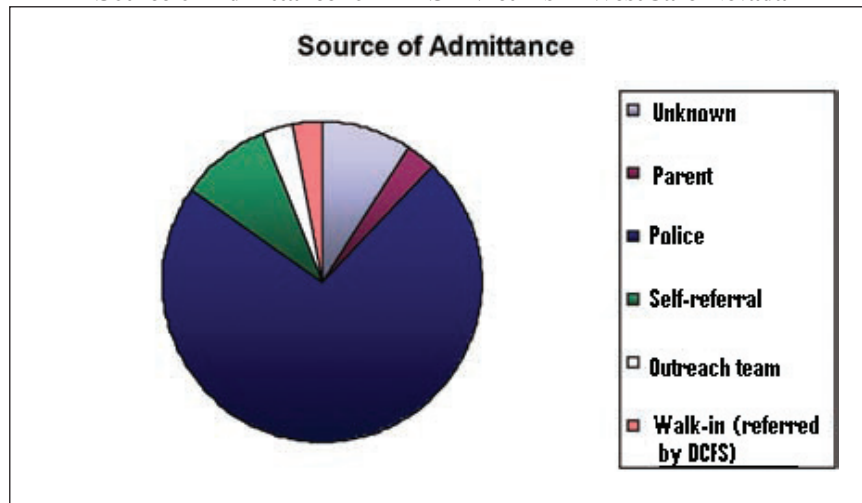


| DRUG | % of Victims |
|--------------|--------------|
| Crack | 9 |
| PCP | 8 |
| Ecstasy | 54 |
| Heroin | 7 |
| Cocaine | 34 |
| Crystal Meth | 27 |
| Marijuana | 89 |
| Other | 12 |

In a separate study completed by Shared Hope International with WestCare Nevada, a random sampling of 85 high-risk youth case files from 2000 through 2006 were reviewed to determine how many youth disclosed characteristics of domestic minor sex trafficking to intake personnel and counselors, but were not identified as victims at the time. The study revealed that 33 of the 85 high risk youth disclosed information that indicated they were victims of domestic minor sex trafficking. Of these 33 girls, the majority were first found and brought to WestCare Nevada by law enforcement officers.¹⁴⁰

¹⁴⁰ Shared Hope International and WestCare Nevada case review study (2006). Data on file with authors.

Source of Admittance for DMST Victims in WestCare Nevada



WestCare Nevada DMST Victim Admittance:

| | |
|----------------------------|----|
| Unknown | 3 |
| Parent | 1 |
| Police | 24 |
| Self-referral | 3 |
| Outreach team | 1 |
| Walk-in (referred by DCFS) | 1 |

Misidentification leads to Different Labels for Victims

Trafficking victims may be mislabeled as victims of sexual abuse, rape, or domestic violence. Though these crimes are a part of a trafficking situation, they do not encompass the extent and complexity of the exploitation that has occurred in sex trafficking. When mislabeled, victims do not receive the entire range of services or victim rights that are necessary for restoration. Further, perpetrators are not held accountable to the fullest extent of the law.

Although domestic minor sex trafficking victims are abuse victims, they represent a distinct group that is many times overlooked or misidentified. Site assessments found some service providers were reluctant to label certain scenarios of domestic trafficking as such. This was particularly evident in cases of prostitution of a child in which in-kind exchange rather than cash was received, such as a parent exchanging sex with their child for rent or drugs. Instead, social service providers preferred to label trafficking victims as sexual abuse victims or another general victim group.¹⁴¹ Domestic minor sex trafficking victims are abuse victims, but they represent a distinct group that is many times overlooked or misidentified. While child abuse victims have an established path to services and shelter, domestic minor sex trafficking victims are, at best, provided a patchwork of services and shelter that often do not meet their unique psychological and physical needs. The multitude of labels result in incomplete treatment

¹⁴¹ Struble, Domestic Minor Sex Trafficking Assessment Report — San Antonio, Texas, pg. 42.

plans. With this difficulty in identifying victims, the community and professionals likely to come in contact with victims need to look for indicators of vulnerability to trafficking or indicators that a child might be currently victimized. To avoid the misidentifications of victims, service providers should look for signs of vulnerability that could indicate exploitation.

Table 4: Warning Signs of Domestic Minor Sex Trafficking

| Warning Signs of Domestic Minor Sex Trafficking | |
|---|---|
| Homelessness | Chronic running away (three or more times) |
| Presence of an older boyfriend | Tattoos often serve to mark a victim as the property of a particular pimp |
| Signs of violence and/or psychological trauma | Multiple sexually transmitted diseases |
| Masking charges such as curfew violations, truancy, and other status offenses | Substance abuse |
| Travel with an older male who is not a guardian | Access to material things the youth cannot afford |

Identification training, procedures, and protocols are needed for all agencies potentially interacting with domestic minor sex trafficking victims, including service and shelter providers, outreach teams, non-profit organizations, law enforcement, prosecutors, juvenile justice system sections (courts, probation, and detention), child protective services, and juvenile public defenders. The lack of proper identification means a loss of opportunity for law enforcement to capture the trafficker/pimp, a barrier for all who are working with the DMST victim to align proper services and an added advantage for the trafficker/pimp and buyer.

Chapter 6: Lack of Justice for the Victims of Domestic Minor Sex Trafficking

Victims of domestic minor sex trafficking are systematically arrested and detained across the United States.

Intersections of Juvenile Delinquency and Victimization

The lack of established identification methods causes victimized youth to be identified as juvenile delinquents leading to their involvement in the juvenile justice system and is a primary cause for the detention of DMST victims in juvenile detention facilities. The inconsistency of labeling by the first responders coming into contact with the victims affects the involvement of law enforcement and can result in treatment plans geared toward delinquency rather than sexual exploitation. In fact, the same intercepted child may receive a completely different label with each encounter. For example, one might see a minor as sexually exploited, particularly if he or she has previously received training on domestic minor sex trafficking, while another responder might identify the minor as truant.

Social service providers misidentified trafficked youth in the majority of study locations. One runaway youth shelter identified 57% of their clients in 2006 as domestic minor sex trafficking victims after receiving training on identifiers.¹⁴² It is important to note, that this is not a reflection of poor services, but merely a lack of awareness and education. Many service providers, including this particular runaway shelter, desire training on the proper identification of sex trafficking victims. It is critical that service providers receive such training.

Masking Charges

Traffickers will purposely place their victims in situations of crimes or delinquency during exploitation in an attempt to damage the child's image, making them less credible to those within the justice system — law enforcement, prosecutors, and juries. Though the TVPA states that these children should not be held accountable for crimes committed as a direct result of their trafficked condition (recognizing they were under the control of a trafficker), domestic minor sex trafficking victims are entering the juvenile justice system under “masking charges.” These charges of delinquency obscure the trafficking victimization and undermine the credibility of the juvenile's claims of victimization to first responders. These charges often include status offenses, such as curfew violations or runaway status, as well as delinquency, such as drug possession.

At times, law enforcement purposely place a masking charge on a victim in order to hold the juvenile without realizing that the child qualifies as a trafficking victim. If a minor is caught engaging in prostitution, a well-intentioned law enforcement officer may take the child directly to a runaway shelter or arrest the child for a status offense such as truancy or a curfew violation. This process of arresting

¹⁴² Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg. 59.

youth on a masking charge is typically an effort to protect the child from the stigma of a criminal charge. While the motivation behind such actions is noble, masking charges hide the true exploitation of the child and prevent delivery of appropriate services. Masking charges re-victimize the child and thwart proper treatment, and in the case of a delinquency determination, these charges may have the negative long-term effect of preventing the youth from obtaining funding for education and hinder career opportunities. Essentially, each victim's future is at stake.

The lack of formal protocols for identification found in social services, law enforcement, and prosecutors mirror the situation in juvenile courts, detention centers, and probation. As a result, victims that had been arrested on masking charges continue to be adjudicated by the court system with the true nature of exploitation remaining hidden. Once again, this serves to assist the perpetrator and hinder the rescue and restoration of child victims.

The Perfect Victim Problem

The criminal aspects surrounding domestic minor sex trafficking, as well as the psychological ramifications for the victim, create a situation that is hard to deal with adequately for law enforcement, prosecutors, and social services. Many domestically trafficked minors exhibit signs of delinquency such as aggression or chaotic behavior as a result of the control of the trafficker/pimp and as a result of trauma. Most law enforcement agents report handling these situations on a case by case basis, which, unfortunately, results too often in failed follow-up questioning or investigations.

"I also feel like it's hard for a girl who's getting arrested and dealing with a whole bunch of men in that situation, because for the most part she's been abused or molested, so when she's surrounded by a bunch of cops, and there a bunch of men there, it could be very, like, earth-shattering, and very uncomfortable, especially the whole process of the strip-searching, and the whole thing is just — it's very frightening, it's very scary, like she may be putting on a front, and she may be spitting in your face and cursing you out, but she's scared and she's hurt, and she just wants — you know, she wants to be — of course, nobody wants to be in jail, nobody wants to be incarcerated, but she wants to be treated with respect, especially, and I would say that, you know, there may be certain situations, she might feel more comfortable with a female officer."¹⁴³

— Jennifer, Survivor of domestic minor sex trafficking

In every location assessed by Shared Hope International, the majority of prosecutors, juvenile court judges, and law enforcement officers interviewed, reported that they view commercially sexually exploited children as victims. The disconnect was found to be between a theoretical victim and an actual child sex trafficking victim who rarely meets the standards of a "perfect victim." A perfect victim is a victim who self-identifies, cooperates with police and prosecutors, fully rejects their abuser, and willingly complies with service treatment plans. Traditional child sex abuse cases typically garner priority over child sex trafficking cases because sexual abuse victims are seen as compliant and innocent witnesses, while DMST victims are viewed as uncooperative and defiant witnesses. The defiance and rejection of help by most domestic

¹⁴³ Remarks by Jennifer, Survivor of domestic minor sex trafficking, GEMS. Shared Hope International Domestic Minor Sex Trafficking National Training Conference (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

minor sex trafficking victims is consistently misunderstood as an acceptance or even complicity in their exploitation through prostitution rather than a desire to be freed. While there is much to learn from the field of child sexual abuse — this is where the sexual exploitation began — the level and type of abuse is different and requires a specialized response and understanding in order to foster an environment where the victims of sex trafficking can become valuable witnesses in the cases against their perpetrators.

Prostitution and Prostitution-Related Charges

Though the federal Trafficking Victims Protection Act of 2000 (TVPA) clearly defines minors involved in commercial sex acts as victims, still juveniles often are arrested on prostitution and prostitution-related charges. Further, the law clearly states that purchasing sex from a minor is illegal, yet this law is not enforced sufficiently.

Many children are arrested because they have identification documents which falsely indicate that they are adults. Though law enforcement officers may not knowingly arrest children given the false identification, once identified as juveniles, many prostituted children are charged with prostitution and proceed through the juvenile justice process.

A sampling of arrest statistics from the 10 assessment sites reveal the reality of minors being charged with prostitution — a crime the federal TVPA says they cannot commit without simultaneously being victims of domestic minor sex trafficking. Since 2000, the Tarrant County Juvenile Services encompassing Fort Worth, Texas, identified 25 youth charged with prostitution — domestic minor sex trafficking victims under the federal law. These minors were brought into the juvenile justice system on referrals for “prostitution of self,” though it is well-recognized that juveniles in prostitution nearly always have a trafficker operating as their pimp.¹⁴⁴ In fact, Fort Worth police interviewees confirmed that all six domestic minor sex trafficking victims that they identified between September 2006 and the time of the assessment interviews in May 2008 stated they had pimps.¹⁴⁵

In the Sixth Circuit Court of Florida (Pinellas and Pasco Counties) which encompasses Clearwater, the juvenile public defender reported prostitution charges as follows: in 2000, four minors; 2001, four; 2002, six; 2003, one; 2004, three; 2005, three; 2006, three; 2007, three minors (in all, 27 children in eight years).¹⁴⁶ However, when viewed from a statewide perspective, a review of the Department of Juvenile Justice intakes from 2000 to 2006 reflects the much higher numbers of youth referred to DJJ for prostitution as follows: 102 (2000-01), 75 (2001-02), 57 (2002-03), 69 (2003-04), 61 (2004-05) — a total of 364 children in just five years.¹⁴⁷

In Utah, according to data generated by the Utah Administrative Office of the Courts specifically for the Shared Hope International site assessment, a review of statistics from 1996 to 2007 revealed a total of 42 juveniles arrested and detained on delinquency charges of prostitution (26 minors) or sexual solicitation (15 first offense, one second offense). The numbers of minors charged with prostitution or sexual solicitation peaked in 1996 with nine referrals, and in 1997 with 10 referrals. More recently, from 2001 to

¹⁴⁴ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 63.

¹⁴⁵ Id. at pg. 21.

¹⁴⁶ Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 29.

¹⁴⁷ Id. at pg. 14.

2006 the number of youth arrested for prostitution charges in Utah were reported as follows: zero (2000), three (2001), zero (2002), two (2003), seven (2004), five (2005), three (2006). From January to June 2007, five juveniles were arrested for prostitution activities.¹⁴⁸

Table 5: Utah Arrests of Juveniles:

| <i>Offense</i> | <i>Number</i> | <i>Percent</i> |
|---|---------------|----------------|
| Prostitution | 26 | 61.9% |
| Sexual Solicitation (first offense) | 15 | 35.7% |
| Sexual Solicitation (second offense) | 1 | 2.4% |

Other locations reported significant numbers of minors charged with prostitution and prostitution-related delinquency offenses (see chart below). These charges are in direct conflict with the federal TVPA, which defines prostituted children as victims of sex trafficking. Furthermore, detention of these victims is detrimental to their recovery and reintegration into society as restored children. Victims are frequently housed with the general population of juvenile delinquency offenders, which results in those minors being exposed to other delinquent types of behavior instead of rehabilitation. This practice is likely due to the lack of appropriate services or shelters for DMST victims.

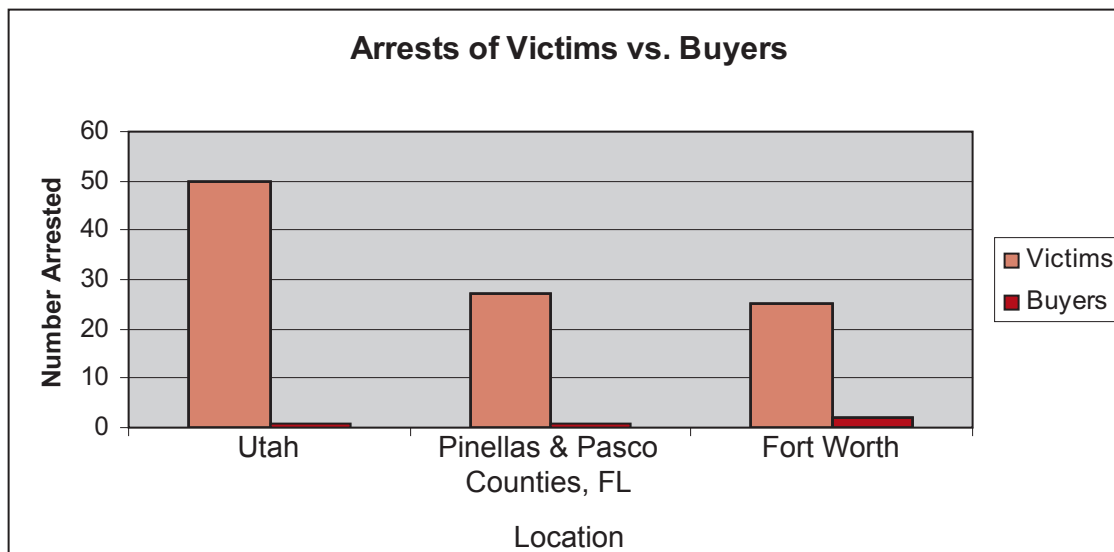
Table 6: Number of Victims in Detention or Juvenile Justice Facilities under Prostitution-Related Charges*

| <i>Location</i> | <i>Number of DMST Victims</i> | <i>Time Frame</i> |
|-------------------------|-------------------------------|-------------------|
| Dallas | 165 | 2007 |
| Las Vegas | 1,875 | 1996-2007 |
| Baton Rouge/New Orleans | 13 | 2000-2008 |
| Utah | 50 | 1996-2008 |
| Florida | 364 | 2000-2006 |
| Fort Worth | 25 | 2000-2008 |

*Though there were reports of victims in detention centers or juvenile justice facilities in nine locations, only six were able to produce specific numbers due to the lack of identification and tracking mechanisms. In addition, these numbers were obtained through qualitative interviews and quantitative data collection methods. As such, these are not official government numbers.

¹⁴⁸ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pgs. 18, 39.

Of particular note is the glaring disproportionately low level of arrest of the buyers of commercial sex — from minors or adults. Law enforcement interviewees proffered explanations related to the inherent difficulty in investigating prostitution of minors through traditional “decoy” techniques used in prostitution stings. In other cases, the defendants’ reasonable mistake of age defense contained within many laws at the federal and state level deters law enforcement from charging buyers of sex from minors even when they are identified recognizing the difficulty in proving the knowledge. However, anecdotal evidence suggests more strongly that most buyers are not arrested even when caught purchasing sex from a minor or actually engaging in a commercial sex act with a prostituted minor.



Innovative investigative techniques have been implemented in some locations assessed in efforts to identify the traffickers and buyers. Salt Lake City Police Department standardly subpoenas the minor’s cellular telephone records immediately upon arrest in an attempt to track her movements and contacts.¹⁴⁹ The greatest success in identifying and prosecuting buyers has been through Internet enticement sting operations.

Detention

In nine of the 10 assessment sites, domestic minor sex trafficking victims had been placed in juvenile detention centers. A large number of these children are processed in the juvenile justice system as delinquents due to lack of proper identification. However, even when a child is identified as a prostituted youth, detention is often viewed as the only safe and secure placement option, as DMST victims pose flight risks or have a violent pimp/trafficker. Additionally, Shared Hope International found that in all assessed locations, there is a dearth of appropriate services, programs, and shelters for DMST victims — all of which contributed to the high level of victim arrests.

¹⁴⁹ Id. at pg. 3.

*“Why should these little girls trust you? These girls have so little trust because nearly every adult in their lives has been untrustworthy, and her pimp tells her that if she gets picked up by law enforcement then she will go to jail. And that is often what happens. So, as far as this child sees it, the only adult who has told her the truth is the pimp.”*¹⁵⁰

— Linda Smith, Founder and President of Shared Hope International

Juvenile justice agencies reported a distressing effect of the Interstate Compact for Juveniles on the re-offense rate.¹⁵¹ In Las Vegas, 139 juveniles from other jurisdictions were arrested in Las Vegas and adjudicated through the juvenile prostitution court over 19 months in 2006 to 2007. Nine juveniles (6.5%) re-offended in Las Vegas. Three of those juveniles were placed at WestCare, a non-secure facility in Las Vegas, when they re-offended. Six of the juveniles were returned to other jurisdictions and they subsequently returned to Las Vegas to re-offend. Ten percent (nine) of local juveniles re-offended in Las Vegas. Authorities in Las Vegas reported wishing they could detain the out-of-state offenders in Nevada rather than return them to their home states which often release the youth promptly to a family member or non-secure facility from which many run away. One Dallas prosecutor explained that prostituted youth represent the highest recidivism rate of any population in juvenile detention, with many victims chronically returning to detention through “a revolving door.”¹⁵²

A promising practice for identifying and appropriately placing victims of domestic minor sex trafficking was found in Dallas, Texas. Though several victims of DMST have been taken to juvenile detention, the Child Exploitation/Human Trafficking/High Risk Victims Unit with the Dallas Police Department has implemented a coordinated effort with the Letot Center, a juvenile justice facility that is also licensed by the state child protective services agency, to divert child sex trafficking victims at this facility. The result has been a majority of DMST victims being taken directly to Letot, bypassing juvenile detention.¹⁵³ Nonetheless, this option still involves the juvenile justice system as the only secure facility to keep exploited youth from running away.

Harsher Sentences

Juveniles charged with prostitution are frequently given harsher sentences than minors arrested on other misdemeanor charges. For example, in Las Vegas, the majority of juveniles arrested for prostitution are kept in a detention center pre-adjudication, even though only 13% of these juveniles are repeat offenders.¹⁵⁴ Additionally, 40% of the juvenile victims who were re-trafficked and arrested for prostitution a second time in Clark County, Nevada, were sentenced to time in a secure juvenile detention facility.¹⁵⁵ For all age groups, the dispositions and detention of domestic minor sex trafficking victims are out of proportion to those of minors held on other misdemeanor charges.¹⁵⁶

¹⁵⁰ *Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth, Seg. 4.* Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

¹⁵¹ Interstate Compact for Juveniles, as amended. <http://www.csg.org/programs/ncic/documents/InterstateCompactforJuveniles.pdf>. Accessed on July 3, 2008.

¹⁵² Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 112.

¹⁵³ *Id.* at pg. 29.

¹⁵⁴ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 27.

¹⁵⁵ *Id.* at pg. 59.

¹⁵⁶ *Id.* at pg. 79.

When a minor is arrested for prostitution or prostitution-related charges, there are several placement options, such as detention, probation, or a diversion program. For example, between August 24, 2005, and May 31, 2007, 224 female and two male juveniles were adjudicated through the Clark County, Nevada, juvenile court for prostitution or prostitution-related activity. Among them, 28 received a second disposition for re-offending and one other received a second and a third disposition.¹⁵⁷

Length of Stay in Detention

| | First Detention (n = 226) | Second Detention* (n = 29) |
|--------------|---------------------------|----------------------------|
| Average Stay | 16 days | 22 days |
| Maximum Stay | 78 days | 87 days |

*There was one trafficked minor who had a third detention stay for 38 days.

Disposition

| | First Disposition % (n) | Second Disposition % (n) |
|--|-------------------------|--------------------------|
| Probation only | 18 (41) | 14 (4) |
| Probation plus placement | 18 (40) | 21 (6) |
| Probation plus close monitoring | 2 (4) | |
| Probation, DCFS suspended | 16 (37) | 10 (3) |
| DCFS, sent to Caliente | 5 (12) | 41 (12) |
| Hold open (often transferred out of state) | 17 (38) | |
| Transferred out of state (no probation) | 19 (42) | |
| No further disposition beyond detention | 5 (11) | 14 (4) |
| Transferred to adult court | | 3 (1) |

¹⁵⁷ Id. at pg. 135.

Probation

| | First Disposition % (n) | Second Disposition % (n) |
|---------------------------|--------------------------------|---------------------------------|
| 6-month probation | 10 (23) | 0 |
| 9-month probation | 6 (14) | 10 (3) |
| 12-month probation | 27 (62) | 45 (13) |
| Other length of probation | 2 (4) | 0 |

DCFS

| | First Disposition % (n) | Second Disposition % (n) |
|------------------|--------------------------------|---------------------------------|
| DCFS | 6 (13) | 41 (12) |
| DCFS Suspended** | 26 (58) | 21 (6) |

**Juveniles are released, but if they are re-arrested, they will be sent to the Nevada correctional facility.

Placement

| | First Disposition % (n) | Second Disposition % (n) |
|----------------------------------|--------------------------------|---------------------------------|
| WestCare | 11 (25) | 10 (3) |
| Children of the Night | 5 (11) | 7 (2) |
| Spring Mountain Treatment Center | <1 (1) | 0 |
| Desert Willow | 1 (2) | 3 (1) |
| Cotton Wood | <1 (1) | 0 |

In Dallas, Texas sexually exploited minors are charged but through an agreement with the juvenile court they are diverted directly to Letot Center, a restorative, staff-secure juvenile justice facility whose caseworkers are also licensed probation officers.¹⁵⁸ Those who are brought to the juvenile detention facility under prostitution charges (22 victims reported in 2007) often received probation. Of the 22 victims detained under prostitution charges, 11 received a disposition of court-ordered probation, three received deferred prosecution and three to six months probation, one was placed in residential treatment, and four were placed under intensive supervisory caution. In three cases, the charged minors were found not guilty of prostitution and released to their families.¹⁵⁹ Regardless of the outcome, the arrest of child victims of sexual exploitation for the crime committed against them is occurring across the United States. This contradicts the federal law and does not occur for any other population of child sexual abuse victims.

¹⁵⁸ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg 17.

¹⁵⁹ Id. at pg. 33.

“I’ve had [a client] as young as 12 ... and she looked not a day over 10 ... but they are typically, kind of, busted by soliciting an undercover officer, a Vice officer who’s charged with basically seeking out the girls and making the arrests, and the bigger picture, of course, is to get a hold of the pimp...”¹⁶⁰

— Jessica Murphy, Deputy Public Defender,
Office of the Public Defender, Clark County, Nevada

Access to Services and to Secure Testimony

Domestically trafficked minors are frequently trauma bonded to their trafficker/pimp, come from unstable home lives, and have been entrenched in various systems (such as the juvenile justice system or child protective services). This history causes victims to flee non-secure shelters either returning to the trafficker or running away and becoming highly vulnerable yet again to recruitment. For law enforcement and prosecutors, this reality obstructs their attempts to identify and apprehend the trafficker/pimp and places the victim in profound danger. As a result, prosecutors and law enforcement may resort to detaining victims in order to maintain access to them. In both Salt Lake City and Las Vegas, material witness orders were identified as tools used by law enforcement to retain access to victims of domestic minor sex trafficking for their testimony during trial. This was viewed as a misuse of power that debilitates a victim’s restoration and rehabilitation process as specialized services rarely are available to victims while detained and waiting for the trial.¹⁶¹

A dearth of services for domestically trafficked minors in the United States also contributes to the detaining of victims. For example, in the Clearwater, Las Vegas, and Baton Rouge/New Orleans assessments, interviewees stated that DMST victims were encouraged to plead guilty in order to speed the court process and resulting access to services.¹⁶² However, this justification for detention is a mirage in most cases, as appropriate services other than food and shelter are rarely provided. In Las Vegas, juveniles were found frequently to be held in detention while pending adjudication. These children are not being detained due to the seriousness of their crime — in fact, approximately 95% of the cases are pled to a lesser charge.¹⁶³

Protection of the Victim

Law enforcement and prosecution entities explained that they may request detention of a child victim of sex trafficking due to the threats that child faces if not detained. Domestically trafficked minors are often viewed as being under threat by both the direct external force of the trafficker and by internal forces such as trauma bonds, substance abuse, and mental trauma. The threat from traffickers and pimps is very real, and traffickers have been known to specifically target youth shelters, group homes, and foster care facilities

¹⁶⁰ Remarks by Jessica Murphy, Deputy Public Defender, Clark County, Nevada Office of the Public Defender. Shared Hope International Domestic Minor Sex Trafficking National Training Conference (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹⁶¹ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 3; Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg.13.

¹⁶² Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 73; Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg.115; Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 59.

¹⁶³ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 89.

as potential places for recruitment.¹⁶⁴ Nonetheless, detaining these victims creates even greater risks for them as they are typically housed with the general population of juvenile offenders. One troubling case from Fort Worth, Texas, illustrates this risk. In January 2008, law enforcement officers discovered a network of teenage pimps and sexually exploited youth and arrested a number of the members. It was determined necessary to detain both the teenage suspects as well as the victims. Unfortunately, it was discovered later that the teenage victims and suspects were being held at the same juvenile detention facility in the general population.¹⁶⁵

While protection and safety are two critical components that must be provided to the child sex trafficking victim, the danger of using the general delinquency system to house these victims is clear. Specialized detention or placement is critical for this victim population.

Legal discrepancies create confusion.

There are discordances in laws that contribute to the arrest of victims of child sex trafficking for prostitution — the crime actually being committed against them. One such discrepancy is found between the federal and state law. The federal Trafficking Victims Protection Act defines a minor as having less than 18 years of age. However, the age of consent established by state laws can be substantially lower than 18 years and vary by state. In fact, the age of consent for sex under federal law is also 16 years. The result of this is confusion as to whether a person under the age of 18 but over the applicable state's age of consent can consent to commercial sex acts, thereby removing applicability of the federal trafficking statute. Anti-trafficking laws criminalizing trafficking have been enacted in 38 states (as of December 2008); these also define a minor as having less than 18 years of age, creating a conflict within the state's own laws defining age of consent and age of majority. The answer though is straightforward: a child can consent to sex at 16 years, but they cannot consent to commercial sexual activity or to appear in child pornography — children simply cannot consent to sexual activity that is otherwise illegal. In addition, the confusion that may result from the divergent ages in the various laws does not explain a large portion of the arrests of domestically trafficked minors. For instance, in Nevada, the legal age of consent is 16 years, yet 17% of children arrested in 2005 to 2007 for prostitution in Clark County, Nevada, were under this age.¹⁶⁶

Disconnects within a single state's laws can also result in the failure to identify victims of child sex trafficking. State laws criminalizing child sexual abuse define the child upon whom this crime is perpetrated as a victim — this would include sex trafficked children. However, the conflict arises when the child is identified as a prostitute and charged under state prostitution laws which do not typically state that the offense of prostitution can only be committed by an adult. Therefore, a minor can be viewed as either a victim of child sex abuse or, unfortunately, as a prostitute and the applicable law will determine whether that child is treated as a victim or a criminal.

¹⁶⁴ Remarks by Sheila, Survivor of domestic minor sex trafficking, GEMS. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

¹⁶⁵ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 87.

¹⁶⁶ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 8.

A case in New York presented a particularly poignant example of how the discrepancy in laws can lead to unfortunate consequences. *In re Nicolette R.* presented an appeal by a 12-year-old girl for her conviction for prostitution which allegedly began at age 11.¹⁶⁷ The New York Supreme Court upheld the conviction on the grounds that the statute criminalizing prostitution has no age requirement and that age is not an essential element of the crime. The girl's asserted lack of ability to consent due to her age was irrelevant to finding that she had in fact committed the crime of prostitution as defined in the law.

“If \$20 is exchanged, \$40 is exchanged, somehow, miraculously, all of a sudden, you’ve been able now to give consent, you’re developmentally able to give consent, somehow your age just doesn’t quite matter anymore, and you can be charged ... And we began to educate judges and lawyers, et cetera, and we’ve found lots of judges who said, ‘You know what? I’ve used both of these laws, and I’ve never really realized that they’re totally contradictory.’”¹⁶⁸

— Rachel Lloyd, Founder and Executive Director, GEMS

The Safe Harbor Act sprung directly from *In re Nicolette* and was signed into law in New York on September 26, 2008. This law prevents the criminalization of certain child sex trafficking victims by giving police the option of bringing the victim directly to a safe shelter specially geared for domestic minor sex trafficking victims. This option is only available for children under 16 and requires the court to adjudicate them as Persons In Need of Supervision (PINS) rather than as a juvenile delinquent.¹⁶⁹ While these limitations result in certain victims not receiving the protection afforded to a victim of sex trafficking, it is a promising step forward.

The labeling of a child trafficking victim as a delinquent has profound consequences for the victim, trafficker/pimp, buyer, and the community at large.

Consequences for Victims

The arrest of a child sex trafficking victim for prostitution is the arrest of a victim for the crime committed against the child. This arrest sends the child victim a very clear message: You are to blame. This message is the same one that a trafficker/pimp delivers to his victim, as do the perpetrators of sexual abuse throughout many victims' lives. The resulting belief in a child victim of sex trafficking that she is, in fact, to blame for the victimization leads to the belief that she is not a victim. Therefore, after being arrested, a child victim rarely self-identifies and is frequently uncooperative with law enforcement, service agencies, and other first responders. The result is an uncooperative and often unsympathetic witness. Furthermore, if the trafficker or buyer is brought to trial, juries may be less likely to convict when the victim appears to be complicit in the prostitution.

¹⁶⁷ *In re Nicolette R.*, 779 N.Y.S.2d 487 (1st Dept. 2004). See also Thomas Adcock, “Nicolette’s Story,” *New York Law Journal*, October 3, 2008. <http://www.legal-aid.org/en/mediaandpublicinformation/inthenews/legal,socialservicescommunitiesprepareforenactmentofsafeharboract.aspx>. Accessed on April 13, 2009.

¹⁶⁸ Remarks by R. Lloyd. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹⁶⁹ Safe Harbour for Exploited Children Act, S. 3175—C, S.2 (amending Section 311.4 of the family court act).

Law enforcement officers and prosecutors frequently detain victims of child sex trafficking in a desperate attempt to protect them and obtain services for them. The good intentions backfire though as the child victim can be deemed complicit in a criminal act (prostitution) causing her to lose access to victim-of-crime funds and certain social services.

“There’s no support, there’s no system in place ... it’s right back to detention ... It’s a hard sell to say that these girls are victims and to ask them to do what it takes to really work up a case and get one of these pimps when all the while they are reminded every step of the way, every moment of the day, that they are delinquents, they’re prostitutes, whatever you want to call them, whatever, sometimes, they call themselves....”¹⁷⁰

— Jessica Murphy, Deputy Public Defender,
Office of the Clark County, Nevada, Public Defender

Child sex trafficking victims are housed in juvenile detention facilities with the general population of offenders and frequently are subject to re-victimization. Involvement in the juvenile justice system can have long-lasting effects, including:

1. delay of education
2. exposure to violence in the general population
3. restricted or no services
4. police record
5. inability to access certain jobs or scholarships
6. stigma

Consequences for Traffickers and Buyers

The arrest and detention of victims of child sex trafficking can benefit the traffickers/pimps and buyers. It is common for a buyer of sexual services from a child to be released without charge or prosecution, while the victim is arrested for prostitution. The perspective of the victim as perpetrator and nuisance by many in law enforcement serves to insulate the buyers from arrest. Also, a victim's arrest confirms the trafficker's threats and reaffirms her perception of law enforcement as the enemy, providing little to no reason for her to trust or cooperate with law enforcement or the juvenile justice system. The result for traffickers and buyers is a decreased chance of being held accountable for their crimes.

The same is true when perpetrators are mislabeled. Child protection staff report a reluctance to categorize familial involvement in the prostitution of the child as trafficking; rather, the action is labeled sexual abuse or child neglect. With differences in sentencing for these crimes, this mislabeling might allow familial traffickers to have a lesser charge or sentence brought against them.

¹⁷⁰ Remarks by J. Murphy. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

Consequences for the Community

The arrest of domestically trafficked minors has two obvious ramifications — the arrest of the community’s children and the continued presence of unknown and unpunished predators. There are some less obvious consequences for the community at large as well. Field assessments revealed reluctance on the part of community groups and social services to report situations of child sex trafficking to police for fear that the child would be arrested.¹⁷¹ As a result, known situations of commercial sexual exploitation were not reported to law enforcement or child protective services. Not reporting instances of possible domestic minor sex trafficking has profound implications — victims are not provided justice, perpetrators are allowed to go free, and the community is left unaware of the crime occurring leaving it to go largely unaddressed.

Delinquent acts are often symptoms of the commercial sexual exploitation of a minor.¹⁷² If underlying issues of exploitation are not addressed, a victimized minor will react with hostile and destructive actions. This is demonstrated also in the high recidivism rate of delinquent juveniles who are sexual exploitation victims.

A system-wide lack of training causes the misidentification, arrest, and mislabeling of victims.

In all locations assessed, Shared Hope International found a profound lack of awareness of human trafficking as a crime among professionals within government, social services, and law enforcement, as well as in the general public. Most professionals interviewed — from law enforcement to social service providers — had little or no knowledge of the federal Trafficking Victims Protection Act. For example, only three of 25 interviewees from 17 professions likely to come in contact with domestic minor sex trafficking victims or at-risk youth in the Baton Rouge/New Orleans area were familiar with the TVPA and its subsequent reauthorizations, and only two professionals of 25 interviewees were aware that an anti-trafficking law had been added to the Louisiana Criminal Code in 2005.¹⁷³ In Atlanta, six roundtables organized for professionals, including superior court judges, revealed that not a single person knew that there was a human trafficking law that existed.¹⁷⁴

More specifically, awareness about the crime of domestic minor sex trafficking was particularly unknown. Few participants in the assessments realized that the victims described in the TVPA definition of sex trafficking victims included specifically U.S. citizen and lawful permanent resident minors under 18 years of age regardless of their perceived consent to the commercial sex activities. Similarly, many service providers and non-profit staff were unaware that youth who qualified as domestic minor sex trafficking victims should be considered a separate population of victims, therefore no identifying questions were asked or disclosures by youth of commercial sexual exploitation tracked or reported.

In Dallas, Texas, the Child Exploitation/High Risk Victims & Trafficking Unit (CE/HRVT Unit) of the

¹⁷¹ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 86.

¹⁷² Vardaman, Domestic Minor Sex Trafficking Assessment Report — The Commonwealth of the Northern Mariana Islands, pg. 73.

¹⁷³ Bayhi-Genarro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg. 3.

¹⁷⁴ Remarks by K. McCullough. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

Dallas Police Department has been holding comprehensive trainings on the crime of domestic minor sex trafficking in Dallas, Texas. Although some professionals within government and social service entities in Dallas are not identifying child sex trafficking victims, these trainings have been closing the gap in awareness.¹⁷⁵ Groups in San Antonio were also found making admirable strides in garnering the necessary awareness within first responder personnel.

Lack of training within specific units and overall departments can hinder investigations of domestic minor sex trafficking crimes. Vice units are often the first units within a police department to be associated with the investigation of prostitution of children; however, patrol units are critical in identifying victims. For instance, in Dallas an estimated 50% of domestic minor sex trafficking referrals to prosecutors originate in units other than the vice unit, CE/HRVT Unit.¹⁷⁶ In 2006, 40% of domestic minor sex trafficking victims were arrested by patrol officers.¹⁷⁷ In Salt Lake City, the vice unit is well-trained and has comprehensive protocols in place, but three other units within the department — the Sex Crimes/Crimes against Children Unit, the Youth Division, and the Victim Advocate Program — which should have been involved in the response to domestic minor sex trafficking at the department level were not aware of the large numbers of these cases encountered by the vice unit.¹⁷⁸ The assessment in Fort Worth, Texas, found that six domestic minor sex trafficking victims had been identified through investigating a sexual assault of a minor report or prostitution charges; two victims were identified when their pictures were posted as “escorts” on the Internet.¹⁷⁹

The lack of training directly affects the identification and handling of a child sex trafficking case. Victim-centered interviewing techniques are necessary for all traumatized populations, but especially for children. When a domestically trafficked minor is not recognized as a child victim, these precautions are not taken.

Unfortunately, despite the importance of training for domestic minor sex trafficking, funding for this training is rare. In fact, Innocence Lost, an initiative by the Department of Justice to address the prostitution of children, recently lost its funding for training law enforcement. Additionally, the National Human Trafficking Conferences sponsored by the Department of Justice have addressed human trafficking of U.S. citizens and permanent residents only peripherally.

Promising practices for training, protocols, and procedures.

Training Across Departments and Systems

Though every assessment revealed a lack of training on domestic minor sex trafficking, promising practices have been illustrated through the work of innovative programs and initiatives. Successful initiatives train diverse cross-sections of professions and departments in recognition of the many avenues that domestically trafficked minors come into contact with governmental and non-governmental agencies and systems. Law enforcement and prosecutors in San Antonio, Dallas, and Oakland are positive examples of this promising training method. In each of these cities, training on domestic minor sex

¹⁷⁵ Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 2.

¹⁷⁶ Id. at pg. 21.

¹⁷⁷ Kennedy and Pucci, Domestic Minor Sex Trafficking Assessment Report — Las Vegas, Nevada, pg. 15.

¹⁷⁸ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 23.

¹⁷⁹ Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 21.

trafficking has gone beyond the units that routinely come into contact with prostitution activities, such as vice units. Law enforcement agencies and prosecutors are expanding aggressive efforts to train personnel likely to come into contact with domestically trafficking minors, though they may not initially be aware of the exploitation. These personnel include patrol officers, warrant officers, and transit authorities.

Similarly, successful training initiatives are also multi-disciplinary and include a wide variety of professionals, such as juvenile probation officers, child protective services, social service outreach workers, religious entities, juvenile court judges, juvenile public defenders, law enforcement, prosecutors, and educational systems.

Incorporating Domestic Minor Sex Trafficking into Intake Processes

Assessments revealed it was rare for agencies, both governmental and non-governmental, to ask questions of youth that relate to domestic minor sex trafficking. In all ten assessments, social service agencies, homeless youth shelters, law enforcement, child welfare workers, etc., stated repeatedly that:

1. Questions and intake procedures used on at-risk youth did not include questions that could facilitate disclosure regarding DMST victimization; and
2. Intake procedures did not take into account the unique context surrounding domestic minor sex trafficking, such as pimp control and the stigma regarding prostitution.

When agencies do incorporate questions that either facilitate disclosure or indicate a need for further inquiry, patterns start to emerge. For example, Hopevale, Inc., a non-secure detention facility near Buffalo, New York, has found through testing that 95% of the population coming into the facility has a sexually transmitted disease.¹⁸⁰ Thus, they established a standard question by the nurse during medical examination as to whether the youth has ever exchanged sex for anything of value. Similarly, a homeless shelter in Salt Lake City found that when they asked youth who they suspected initiated the solicitation in “survival sex” exchanges, 50% of those minors explained they were actually sought out and solicited by an adult.¹⁸¹

“And what we do, and what we have to do as a system, and one of the ways we try and do these cases, is put the burden on us, as a system, and take it off the child. To expect a child to carry this whole burden to court is almost impossible ... We actually have a greater case-filing percentage and prosecution of these [domestic minor sex trafficking] cases than we do our traditional child physical and sexual abuse cases. These cases were very prosecutable, once we changed our investigating models and techniques, once we put the burden upon us.”¹⁸²

— Sergeant Byron Fassett, Dallas Police Department

Victim-Centered Interviewing

Though commonly thought of in terms of law enforcement, victim-centered interviewing is also necessary

¹⁸⁰ Andolina Scott, Domestic Minor Sex Trafficking Assessment Report -- Buffalo, New York, pg. 34.

¹⁸¹ Snow, Domestic Minor Sex Trafficking Assessment Report — Salt Lake City, Utah, pg. 55.

¹⁸² Remarks by B. Fassett. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

for social service agencies, prosecutors, juvenile justice workers, and child protective services. Many agencies report utilizing generic or adult-oriented intake and interviewing procedures that do not incorporate any DMST specific questions or take into account the psychological, social, and criminal elements of domestic minor sex trafficking.

Conversely, when entities gear their interviews to incorporate the dynamics of domestic minor sex trafficking, such as trauma bonds, pimp control, severe chronic trauma, learned hostility, etc., a higher level of trust is obtained from the youth, along with greater disclosure of information. Some promising interviewing approaches to working with domestically trafficked minors are:

1. Planning on multiple meetings with the victim in order to build trust and rapport. Once trust is built, then a forensic interview can be conducted where reliable information is more likely to be gained.
2. Using victim-centered approaches that place the safety and needs of the victim first rather than focusing on information about the trafficker/pimp through a flip-interview.
3. Interviewing a domestically trafficked minor in an environment conducive to her status as a victim and a minor, such as at a social service agency or office, rather than an interview room used for suspects.
4. Being cognizant of the crime of domestic minor sex trafficking when deciding on where to conduct interviews. For example, it is inappropriate for a child who has been commercially sexually exploited to be interviewed in a hotel or motel given that the minor has likely been raped in such an environment.
5. Having experienced interviewers or a survivor of sex trafficking either conduct or be present at the interview can assist in establishing trust. These professionals understand the dynamics of pimp control and the resulting behavior, such as trying to manipulate their way out of the situation or refusing help, and viewing law enforcement and social services as enemies.
6. Gender-appropriate interviewing is vital; however, this does not mean that a uniform protocol must be set (i.e. a woman always interviews a girl or a male always interviews a boy). Rather, gender dynamics must be accounted for and assessed in that particular situation.
7. Weapons and uniforms are likely to trigger defense mechanisms and should not be worn while interviewing a potential victim.
8. Using language that is relevant to the victim such as identifying and asking about her "boyfriend" before labeling him as a trafficker/pimp.

Victim-witness interviews require the same sensitivity during the investigation phase as well as the prosecution phase. Prosecutors reported a preference for live testimony from the child victim in court. Some prosecutors stated it was required under *Crawford v. Washington*, a federal court decision holding that testimonial statements made outside of court proceedings are not admissible unless the person who made the statement is unavailable for testimony at the trial and the defense has had a prior opportunity to cross-examine the declarant.¹⁸³ Even in those locations with child advocacy centers capable of closed circuit testimony for sexual abuse victims, this victim-friendly technology was not accessed in cases involving commercially sexually exploited children. This was noted as a gap in protecting the child victim-witness in the investigation and prosecution phase.

¹⁸³ Wade, Domestic Minor Sex Trafficking Assessment Report — Independence, Missouri, pg. 55, citing *Crawford v. Washington*, 541 U.S. 36. 2004.

Creating Accountability through Procedures and Protocols

A common theme in all ten assessments was a lack of understanding throughout all professional groups of who had responsibility for domestically trafficked minors. Law enforcement participants stated that protection of victims is the job of child protective services as familial neglect is usually involved; however, child protection workers unequivocally state that victim protection is the responsibility of law enforcement. The result in far too many cases is an abdication of responsibility for the protection of domestically trafficked minors.

The same issue arises when either shelter or services for domestically trafficked minors is addressed. Similarly, social service providers and non-governmental organizations stated that they do not have the legal ability to provide long-term care for victims of domestic minor sex trafficking, as they cannot acquire custody of the child. Therefore, many social service agencies pointed to the fact that long-term care is the responsibility of child protective services. Unfortunately, child protective service agencies stated that their mandate does not extend to the majority of these children and a lack of resources hinder their ability to address those that do. Once again, this results in no clear responsible agency providing long-term care to sexually trafficked youth.

The Dallas Police Department's Child Exploitation/High Risk Victims/Human Trafficking Unit has a promising practice working to address this lack of accountability and responsibility. The CE/HRV/HT Unit assigns a highly trained detective to a potential case of domestic minor sex trafficking. That detective is then assigned to that child every time the child comes into contact with the Dallas Police Department. This protocol works to create a bond between the victim and detective and facilitates disclosures. Furthermore, the assigned detective is responsible for contacting child protective services and other needed entities — thus, creating a “paper trail” that can be used to hold groups accountable. These procedures and protocols have had profound success in Dallas, but require significant investment by both the detectives and upper-level management.

A similar protocol has worked in Boston as well, where a specific caseworker has been assigned to work with all domestically trafficked minors. The purpose of the caseworker is to facilitate the minor's interactions with various agencies, such as the police department, child protective services, and juvenile justice. This point person helps the minor negotiate these complex systems engendering trust between the minor and the caseworker. This arrangement also brings accountability for the minor's rescue and restoration.

Chapter 7: Shelter and Services

The country-wide lack of protective shelter and specialized services is responsible for the re-victimization and criminalization of domestic minor sex trafficking victims.

Trauma bonds, pimp control, threats against family members or the victim, and stigma, cause the majority of domestically trafficked minors to flee non-protective shelters. Another common issue is traffickers/pimps actually going to shelters, or the neighborhoods where the shelters are located, in order to re-traffic or recruit their victims.

With few appropriate shelters available for victims of domestic minor sex trafficking, victims are often arrested and placed in detention facilities for their protection — though this is not done for domestic violence victims, rape victims, or other child sexual abuse victims. While this is sometimes viewed as the only option available to arresting officers, it is a practice that pulls the victim deeper into the juvenile justice system, re-victimizes, and hinders access to services. Furthermore, the arrest and detainment of the victim confirms the identity that has been assigned to her by the pimp/trafficker and reinforces the belief that she is not worthy of rescue or justice as a victim of a violent crime.

Protective Shelter

In nine out of ten assessments, there was a lack of protective shelter for child sex trafficking victims. Only five residential facilities specific to this population exist across the country. These include the Girls Educational and Mentoring Services (GEMS) Transition to Independent Living (TIL) in New York City, Standing Against Global Exploitation (SAGE) Safe House in San Francisco, Children of the Night in Los Angeles, Angela's House in Atlanta, and the Letot Center in Dallas. The term "protective shelter" refers to a facility with the ability to separate a victim from a trafficker/pimp and provide the victim a restorative home to stabilize, heal, and move toward independence. How the protective nature of a restorative home manifests can depend on individual shelter. Some ways that protective shelters have manifested are through:

1. **Distance** — Isolate the shelter from major transportation centers and common trafficking/pimping areas.
2. **Staff Secure** — A large ratio of staff to minors can help keep a minor from being re-trafficked and hinder running away.
3. **Formal Security** — Security systems, such as outdoor and indoor cameras, can go a long way to providing security. Highly secure facilities that are restorative in nature can also assist in hindering both outsiders obtaining entry and youth running away.

*"I believe that the investigation and the treatment go hand-in-hand. One supports the other. Treatment enables successful investigations in the prosecution of perpetrators, and successful investigation enables treatment."*¹⁸⁴

— Sergeant Byron Fassett, Dallas Police Department

¹⁸⁴ Remarks by B. Fassett. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

Protective shelter can be either a mandatory or voluntary placement depending on the situation. Many social service professionals argue against mandatory, secured facilities for domestic minor sex trafficking victims, as this can exacerbate a victim's reluctance to trust authorities and is compared by the victim to the control previously exerted by the trafficker.¹⁸⁵ On the other hand, protective shelters that utilize distance and staff security, as well as camera systems have reported success. For example, the Letot Center in Dallas, Texas, is a staff-secure facility and reports that in one year, just three youth ran away out of the 350 youth placed at the facility.¹⁸⁶

There is a lack of specialized services geared toward the unique needs of domestic minor sex trafficking victims.

Shared Hope International found a profound lack of specialized services in all ten research sites. For instance, in the Baton Rouge/New Orleans assessment, it was found that though child protective services reported 35 allegations of domestic minor sex trafficking from 19 parishes from July 2006 to the time of the assessment in April 2008, there were no services or protocols specifically in place for the victims.¹⁸⁷ The pervasive misunderstanding of the crime of domestic minor sex trafficking has several consequences leading to the failure of specialized services for the victims. First, victims of domestic minor sex trafficking are often categorized and then treated as victims of some other type of child sexual abuse. While recognition of existing familial child sexual abuse is necessary in addressing and treating root causes, as the exploitation shifts to sex trafficking, the diagnosis and treatment must shift as well. Second, victims of domestic minor sex trafficking are often labeled “child prostitutes.” This label places blame and assumes a choice by the child victim, failing to take into account the effect of pimp control dynamics and trauma bonds. Without considering these critical elements of control over the child victim, treatment is nearly impossible for the victim. It is imperative that service providers know about the unique needs of victims of child sex trafficking in designing intake procedures, making diagnoses, and planning and monitoring treatment to better serve this population of victims. Though several agencies in the ten locations were found to have designed a program for youth at-risk or victimized through sex trafficking, these agencies were operating mostly alone in their communities and were rare. This is a problem encountered across the country resulting in child victims of sex trafficking not receiving needed services.

The issue of a lack of specialized services is compounded by domestic minor sex trafficking victims being adjudicated in the juvenile justice system. Juvenile detention staff stated they felt juvenile detention was an inappropriate placement for victims and they felt unequipped to handle the complex trauma and needs of a domestically trafficked minor. This pervasive issue is a major concern for law enforcement, prosecutors, social service agencies, and other first responders across the country. Without specialized services, the child victim cannot be stabilized, which hinders investigations, prosecutions, and restoration. While domestic minor sex trafficking is a form of sexual abuse, it is complex with unique dynamics that must be taken into account. When these aspects are not addressed, services are ineffective or fail.

¹⁸⁵ Clawson, Heather J. Ph.D. and Lisa Goldblatt Grace, LICSW. “Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking,” *Study of HHS Programs Serving Human Trafficking Victims* (Prepared for: Office of the Assistant Secretary for Planning and Evaluation (ASPE), U.S. Department of Health & Human Services by Caliber: September 2007). <http://aspe.hhs.gov/hsp/07/HumanTrafficking/ResFac/ib.htm>. Accessed on April 30, 2009.

¹⁸⁶ Remarks by Cathy Brock. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹⁸⁷ Bayhi-Gennaro, Domestic Minor Sex Trafficking Assessment Report — Baton Rouge/New Orleans, Louisiana, pg. 133.

Promising practices for specialized services.

There are common themes among the handful of existing restorative programs geared toward domestically trafficked youth. Despite the lack of formal evaluation measures regarding specific outcomes, these agencies have worked to identify theoretical components of successful practices in dealing with domestic minor sex trafficking victims.

Restoring Dignity

It is crucial to enable victims of domestic minor sex trafficking to see that they are worth much more than the social stigmas placed on them would imply. Chronic abuse, manipulation, and social stigma intersect to perpetuate an internalized belief amongst domestically trafficked minors that they are “bad” and somehow deserve the exploitation they’ve experienced. Survivors, law enforcement, and social service workers all firmly state that it is imperative to counter this self-perception crafted by the pimp/trafficker with non-judgmental and empowering messages integrated into investigative techniques and restorative programs.

An important aspect to recovery is helping these minors understand their victim status and separate who they are from the experiences they have been forced to have. One way this can be accomplished is to help them discover their strengths and use them to benefit others. Some agencies have aided victims’ recovery process by allowing them to work as volunteers, assisting others with their own healing.

“One of the things that became abundantly clear to the staff is that she (a survivor of DMST) had a real capacity to ... care for others, and a real compassion there. And they arranged for her to do some volunteer work at a seniors’ home. She came home after the fourth visit to the seniors’ home, just floating on air, for lack of a better word — they had offered her a job working at the facility. And her comment at the time was, ‘I didn’t know I was good at anything but being bad.’”¹⁸⁸

— Andrea Hesse, Alberta Children’s Services, PSECA, Canada

Having a Trauma Perspective

Nearly every professional population interviewed for the assessments reported frustration at working with domestically trafficked minors. However, many of the seemingly disjointed reactions and behaviors commonly exhibited by victims are normal and can even be anticipated when viewed through a lens of complex trauma. By understanding how trauma manifests, such as through disorganized memories, somatic reactions, post-traumatic stress disorder, inability to self-soothe, etc., programs and interventions have a much greater chance of success.

¹⁸⁸ Remarks by A. Hesse. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

Recognizing the severe impact of trauma in the lives of child victims of commercial sexual exploitation confirms the need for law enforcement and service provider collaboration. The law enforcement investigation can benefit by allowing service providers to work with the victimized youth first, potentially engaging the youth's parasympathetic nervous system and regulating the neurological system, calming the victim and encouraging better recall of the details of her exploitation.

Consistency

Victims of sex trafficking have been rejected and abused by so many people that consistent, unrelenting support and love is a necessity in reaching out to them. Furthermore, traffickers/pimps provide a chaotic home life and existence that affect the child's development in multiple ways. Structure and stability, on the other hand, assist in creating a sense of safety for the victim; however, it is important to note this unfamiliar aspect to their environment may initially be rejected. Consistency and the underlying compassion for these victims, regardless of their attitudes or appearance, is a powerful tool in serving domestically trafficked minors.

Countering the Trauma Bond

Once the trauma bond is identified, countering it becomes an important issue to address. Agencies need to recognize that there are psychological and emotional reasons why the victim is attached to her trafficker/pimp. Methods can be implemented to counter that bond by identifying what needs the trafficker is fulfilling and providing a healthy alternative.

Table 7: Countering Trauma Bonds

| Trafficker Provides | Response |
|--|--|
| Traffickers/pimps seek to fill emotional voids and needed roles. | Find out what needs are being met or are trying to be met, such as love and self-esteem. |
| Traffickers/pimps provide hope, which they later exploit. | Give hope through a variety of ways, such as skill-building, education, and advocacy. |
| Traffickers/pimps fill physical needs. | Provide holistic programs and services. |
| Traffickers/pimps thrive off fear and intimacy creating instability. | Create a safe space to stabilize and long-term care. |
| Traffickers/pimps manipulate, lie, betray, and let the victim down, but they are always there. | Set realistic and honest expectations. Be consistent. |

A victim of child sex trafficking normally has a range of physical reactions to the trauma. These reactions can manifest in addictions, illnesses, diseases, and psychosomatic reactions. Many survivors of domestic minor sex trafficking reveal disassociating as a means of surviving the chronic sexual abuse. Though research specific to disassociation by child sex trafficking victims is lacking, it is important to consider

in designing programs. Physical components to programs can include counseling, medical care, and psychiatric care, as well as simple physical activity that addresses the psychosomatic aspects to trauma, such as exercise, hiking, and yoga.

“We try to make the point [that] clearly it isn’t love if he takes your money. The young person, the only thing they’re hearing is, ‘I’m unlovable.’ You have to be able to [say], ‘I’m not surprised somebody would love you. You are so smart, and funny and beautiful. I’m sure he does love you. But, let’s talk a little bit more about how that love plays out. Let’s talk about ... when that love doesn’t feel so good.’”¹⁸⁹

— Rachel Lloyd, Founder and Executive Director, GEMS

Survivor Empowerment

Victims of domestic minor sex trafficking have experienced the complete loss of their personal freedom and, consequently, their ability to exert control over their own lives. Part of rehabilitation should include empowering the survivor to regain control over that which was taken by their trafficker/pimp. The process of acquiring control will depend on the level of healing experienced by the victim. As the trafficker has controlled every aspect of the victim’s life, including when she could eat or go to the bathroom, presenting too many options and areas of decisions can be overwhelming for the victim. The victim must be empowered to reach each level of self-control and decision-making, which will necessarily happen over a period of time.

Nevertheless, there are ways to provide victims control immediately. One way is to talk with the victim using accessible language and the minor’s communication style.¹⁹⁰ Secondly, it is important to disclose to the victim from the very beginning the details of the program and the agency’s capacity, the reactions of the systems they are involved with (e.g. juvenile justice system), and what recovery may look like — both the positive and the negative.¹⁹¹

Healing is a Process

The healing process for victims of domestic minor sex trafficking takes time and patience. It does not happen overnight, nor should victims be expected to rush through the process; the wounding they experienced creates immense personal hurdles they must overcome. These victims must be viewed with compassion as they confront both their excruciating past and the repercussions it has on their lives.

Though this may seem understandable and a natural part to developing programs and initiatives to address domestic minor sex trafficking, no long-term care was able to be found in all 10 assessments. Many service providers attempt to provide continued support for survivors but limited resources often

¹⁸⁹ Remarks by R. Lloyd. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

¹⁹⁰ Remarks by Amy Corbett, LMHC, GIFT Group Home, Boston, Massachusetts. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

¹⁹¹ Remarks by R. Lloyd. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth. Transcript on file with authors.

restrict the much needed long-term care. In order to reduce re-victimization and aid in full restoration, service and shelter to child victims of sex trafficking should be provided consistently, at least through their 18th birthday, as with other child sexual abuse victims.

Child protective services (CPS) interactions with domestic minor sex trafficking victims.

Confusion over the Mandate of CPS

Domestically trafficked minors have experienced both abuse and neglect; however, most CPS workers state that unless the perpetrator is a family member or “caregiver,” their mandate does not allow them to become involved. There are several problems with this often cited complication:

1. Even when the trafficker is not a family member, minors are often vulnerable to victimization due to parental neglect.
2. Though the definition of “caregiver” varies from state to state, traffickers have taken control and care over the child for extended periods of time through the pimp control dynamic. Many state definitions would allow for a trafficker to be defined as a caregiver if child protective services chose to address it.
3. Taking into account the vast number of domestic minor sex trafficking victims that have histories of familial abuse, these children either have already had contact with child protective services or should have but did not.

In addition, CPS agencies reported large caseload and limited resources resulting in a highly structured prioritization process of the complaints received for investigation and action. Several CPS staff reported that youth over 15 years old are deemed to be sufficiently capable of calling for help if abuse occurs again; this in spite of the mandate to protect all children under 18 years of age and in spite of abuse having been reported already. This de facto emancipation of minors is detrimental for victims of domestic minor sex trafficking, many of whom fall within this unprotected range of 15 to 18 years of age. Assessments in many locations found that CPS workers often choose to narrowly interpret their mandate resulting in significant confusion over whose responsibility it is to provide protection, shelter, and services to domestically trafficked minors. With different entities unequivocally stating that it is “not their responsibility,” these child victims are left without the safety net CPS is intended to provide.

Intake Categories Misidentify Domestic Minor Sex Trafficking

The majority of CPS caseworkers interviewed for the assessments were not familiar with human trafficking terminology or laws; however, they were keenly aware of the situation of one type of domestic minor sex trafficking primarily: familial prostitution. The misidentification of a child sex trafficking victim exploited through familial prostitution is a reflection of the lack of training on child sex trafficking and the failure of the intake process to include identifiers of domestic minor sex trafficking. CPS agencies in each state have their own protocols and management; the intake process varies, but most procedures dictate that allegations are categorized broadly with specifics of the abuse recorded separately in a narrative section. For example, a hotline call reporting a family member selling sex with their child to a landlord typically would be identified in the report as “sexual abuse.” This general categorization prevents statistics to be calculated for disaggregated types of abuse, such as familial prostitution, because the narrative section would not populate the statistics. As a result, information on the prevalence of

commercial sexual exploitation of children in the CPS cases was obtained through interviews. In spite of these gaps, nearly every CPS caseworker interviewed for the assessments was able to recall at least one, if not multiple cases, which had indicators for domestic minor sex trafficking.

Adolescents are Lower Priority

Child protective services across the United States have taken a tiered approach to addressing child sexual abuse and neglect cases due to being severely under-resourced and under-staffed. Though each state is different, CPS caseworkers stated that adolescents were routinely regarded as low priority. This is often because adolescents are assumed to have a greater ability to protect themselves. The self-protection assumption is faulty when a youth is faced with a systematic, violent, and organized criminal entity.

Contributing to this lack of prioritization is a lack of screening mechanisms that also plagues law enforcement and social service agencies. When community members report a potential case of child abuse or neglect to the state hotline, the calls are screened on the basis of the CPS mandate determining whether there is an imminent harm to the minor. Traffickers are rarely defined as a caregiver, and adolescents are frequently categorized as low risk; therefore, cases of domestic minor sex trafficking are screened out before ever reaching a caseworker. Furthermore, when a case is referred for investigation, it is often under the generalized rubric of "sexual abuse," and data is not collected that could inform investigators on the scope and nature of DMST occurring in a community.

There are, however, some promising practices emerging. For instance, child protective services in Boston implemented the GIFT Network in 2008 which specifically provides services, shelter, and specialized foster care for domestic minor sex trafficking victims. A progressive step forward, the GIFT Network is available for 50 victims, aged 12 to 21, who are currently in the Massachusetts CPS system.¹⁹² In addition, Louisiana and Florida also recently changed their intake documents to allow workers to select commercial sexual exploitation or prostitution underneath the category of sexual abuse. This will enhance the states' abilities to track and understand domestic minor sex trafficking within their communities.

¹⁹² Remarks by Katie Carlson, Director GIFT Network, Boston, Massachusetts. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.

Chapter 8: Next Steps

Next Step #1: U.S. citizens and lawful permanent resident child victims of sex trafficking must not be criminalized.

There is a dichotomy between the treatment of domestically trafficked minors and their status as victims. Despite being recognized as victims by the majority of participants in all ten assessment sites, these victims are being labeled and treated as delinquents. This criminalization creates barriers to service delivery and infringes on victim rights to which domestic minor sex trafficking victims should have access. The solution requires harmonization of laws to ensure minors exploited through commercial sexual acts are not charged with a crime. Also, proper safe placements are required such that law enforcement, prosecutors, and the judiciary are not compelled to criminalize a domestic minor sex trafficking victim for the purpose of securing her for her own safety and/or for continued access to her as a witness.

Next Step #2: The arrest and prosecution of buyers must be made a priority.

Buyers are not arrested and prosecuted as frequently as necessary to deter the crime of solicitation. Though tremendous efforts have been taken to combat traffickers and other sexual exploiters, buyers have not been targeted. Demand is the root cause of domestic minor sex trafficking. Buyers of sex acts with children must face substantial penalties and coordinated efforts to hold them accountable. Recent indictments of buyers under the federal TVPA is a promising development, as buyers will face the severe penalties of the TVPA, increasing the deterrent effect of the federal law.

Next Step #3: Domestic minor sex trafficking must be recognized as a national threat.

Domestic minor sex trafficking is a burgeoning criminal enterprise in America. Gangs are turning to prostituting minors as a less risky source of revenue than drug trafficking or other crimes. Traffickers of foreign victims into the U.S. are finding local, American children easier to recruit and sell without the difficulties of crossing borders. Communities are being adversely affected with the loss of hundreds of thousands of children to this victimization. Resources must be committed and a zero-tolerance standard must be implemented at the law enforcement level with regard to buyers of sex from minors to attack the trafficker networks as well as the buyers presenting the demand in this market.

Next Step #4: Innovative investigative techniques, technology, and protocols are needed to combat domestic minor sex trafficking.

Traffickers, facilitators, and buyers use innovative methods to market, sell, and buy children, therefore, investigations must be equally innovative. Current methods must be assessed and law enforcement entities that have been addressing domestic minor sex trafficking can provide evidence-based techniques. The absence of investigative protocols for the treatment of the victims was notably absent in several of the assessment sites, but these protocols are critical to ensure successful participation of the victims in investigating the crime.

Next Step #5: Appropriate protective shelter and services are critical for the protection and restoration of child sex trafficking victims.

The current situation of domestic minor sex trafficking victims being placed in general population juvenile detention or being returned to the home from which they fled is detrimental to all parties. These victims require specialized care while being protected from their trafficker. The lack of such shelter across the nation is preventing first responders from succeeding in protecting and gaining justice for the victims of child sex trafficking. Funding authorized in the TVPA reauthorization for such shelters and services for domestic victims must be appropriated in order to move forward in this critical area.

Next Step #6: A nationwide, multi-disciplinary reporting measure is needed to capture the true scope of domestic minor sex trafficking.

There is no national reporting measure currently in place to provide accurate reporting of the numbers of commercially sexually exploited youth in America. The proliferation of labels and variations in data reporting in each state creates an inability to assess the true scope of domestic minor sex trafficking. Nonetheless, experts have estimated numbers from 100,000 to 300,000 children each year are victimized in prostitution in America. It is critical to establish standard reporting metrics through a federal authority in order to address this crime and victimization in a national approach. The 42 Human Trafficking Task Forces funded through the Department of Justice, Bureau of Justice Assistance have required performance metrics which collect the statistics and information on human trafficking cases involving foreign victims. Barriers to reporting on domestic sex trafficking victims must be lifted and these numbers collected as well in order to obtain a complete picture of the scope of domestic minor sex trafficking in the United States. Additionally, child protection agencies in each state should establish a classification of commercial sexual exploitation of children in the reporting format.

Next Step #7: Survivors must be leaders in the development of services, shelter, and response protocols to domestic minor sex trafficking.

Survivor leadership is critical to establishing appropriate protections and restoration for victims of domestic minor sex trafficking, as they have shared histories and, as a result can often establish trust more quickly. Several successful programs and organizations are led by survivors currently and these should be supported further to be more effective. Survivors are excellent advocates and must be facilitated in being heard at the policy level.