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DOMESTIC MINOR SEX TRAFFICKING

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

SEPTEMBER 15, 2010

Serial No. 111–146

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U.S. GOVERNMENT PRINTING OFFICE

58–250 PDF WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
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CONTENTS

SEPTEMBER 15, 2010

Page

OPENING STATEMENTS

The Honorable Robert C. "Bobby" Scott, a Representative in Congress from the State of Virginia, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security 1
The Honorable Louie Gohmert, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security 3
The Honorable Mike Quigley, a Representative in Congress from the State of Illinois, and Member, Subcommittee on Crime, Terrorism, and Homeland Security 4

WITNESSES

The Honorable Carolyn B. Maloney, a Representative in Congress from the State of California
Oral Testimony 5
Prepared Statement 8
The Honorable Jackie Speier, a Representative in Congress from the State of California
Oral Testimony 9
Prepared Statement 12
The Honorable Ted Poe, a Representative in Congress from the State of Texas
Oral Testimony 16
Prepared Statement 18
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey
Oral Testimony 21
Prepared Statement 23
The Honorable Linda Smith, a former Member of Congress
Oral Testimony 26
Prepared Statement 115
Ms. Francey Hakes, National Coordinator for Child Exploitation Prevention and Interdiction, United States Department of Justice, Washington, DC
Oral Testimony 126
Prepared Statement 129
Mr. Nicholas A. Sensley, Chief of Police, Truckee Police Department, Truckee, CA
Oral Testimony 133
Prepared Statement 136
Mr. Ernie Allen, President and CEO, National Center for Missing and Exploited Children, Alexandria, VA
Oral Testimony 137
Prepared Statement 141
Ms. Tina Frundt, Executive Director/Founder, Courtney's House, Washington, DC
Oral Testimony 149
Prepared Statement 151

Page

Ms. Suzanna Tiapula, Director, National Center for Prosecution of Child Abuse, National District Attorneys Association, Alexandria, VA
Oral Testimony 155
Prepared Statement 157
Ms. Deborah Richardson, Chief Program Officer, Women's Funding Network, San Francisco, CA
Oral Testimony 162
Prepared Statement 164
Mr. William "Clint" Powell, Director, Customer Service and Law Enforcement Relations, craigslist, Inc., San Francisco, CA
Oral Testimony 168
Prepared Statement 170
Ms. Elizabeth L. "Liz" McDougall, Partner, Perkins Coie, LLP, Seattle, WA
Oral Testimony 173
Prepared Statement 177

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Material submitted by the Honorable Linda Smith, a former Member of Congress 28
Material submitted by the Honorable Robert C. "Bobby" Scott, a Representative in Congress from the State of Virginia, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security 233

APPENDIX

Material Submitted for the Hearing Record 241

OFFICIAL HEARING RECORD

MATERIAL SUBMITTED FOR THE HEARING RECORD BUT NOT REPRINTED

Document entitled New York Prevalence Study of Commercially Sexually Exploited Children, Final Report, April 18, 2007. Prepared for the New York State Office of Children and Family Services by WESTAT. This document is available at the Subcommittee and can also be accessed at:
http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf

DOMESTIC MINOR SEX TRAFFICKING

WEDNESDAY, SEPTEMBER 15, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1 p.m., in room 2141, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Jackson Lee, Waters, Quigley, Gohmert, Poe, and Lungren.

Staff Present: (Majority) Liliana Coronada, (Fellow) Federal Public Defender Office Detailee; Ron LeGrand, Counsel; Veronica Eligan, Professional Staff Member; (Minority) Caroline Lynch, Counsel; Art Baker, FBI Detailee; and Kelsey Whitlock, Legislative Assistant.

Mr. SCOTT. The Subcommittee will now come to order, and I am pleased to welcome you to today's hearing before the Subcommittee on Crime, Terrorism, and Homeland Security. The Committee is hearing domestic minor sex trafficking, and specifically H.R. 5575, the "Domestic Minor Sex Trafficking Deterrence and Victim Support Act of 2010."

Today we will hear testimony about the importance of this bill and the issues pertaining to a situation that is not only difficult to comprehend but also tragic: the domestic commercial sexual exploitation of children, many of them United States citizens.

On June 23 of this year, the gentlelady from New York Ms. Maloney, and the gentleman from New Jersey, Mr. Smith, introduced H.R. 5557, which was then referred to the Judiciary Committee. The bill was introduced primarily to address the need for a comprehensive victim-centered approach to dealing with sex trafficking of children in the United States and providing shelter and rehabilitative services tailored to the needs of survivors of this particular crime.

It also authorizes block grants to provide funding to implement improvements to the National Crime Information Center system to track information about missing and exploited children. Funding is also provided to law enforcement to increase and approve investigations to prosecutors to increase the number of cases brought to trial, and to service providers to ensure that access to shelters and services tailored to the needs of the victims of this particular crime make sure those services are available.

At the outset it is important that we understand this term, "domestic minor sex trafficking." It is child sex slavery, child sex trafficking, prostitution of children, commercial sexual exploitation of children, and rape of a child.

In its report, "National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," the Shared Hope Organization explains that the term is used in an attempt to accurately and correctly define the nature of the offense, as well as the status of the minor as a victim rather than as a juvenile delinquent or a child prostitute or a bad kid or just plain criminal. We are talking about some of our most vulnerable victims of sex trafficking; that is, children in need of understanding and specialized treatment.

We are also talking about training programs for law enforcement officials who encounter these children so that they are correctly identified and labeled as victims rather than criminals, and are able to receive needed social and protective services.

Nationally, about 450,000 children run away from home each year. It is estimated that one out of three teens on the street will be lured into prostitution within 48 hours of leaving home. Statistically, this means that approximately 150,000 children are lured into prostitution each year, although there are some estimates as high as almost 300,000 children per year who have become sexual commodities. These child victims come from all races, ethnic groups, and religious backgrounds. They come from all socioeconomic classes, are males, females, transgender, and span all ages, usually beginning around 12 years of age. Many come from homes where they have been abused.

One study concluded that 59 percent of minors arrested for prostitution in Las Vegas from 1994 to 2005 had been victims of sexual assault and molestation within the family; 74 percent had run away from home prior to arrest. They are runaways, homeless, throwaways, and children within the foster care system and child protective services, and they come by many, many different names such as those.

During today's hearing, Representatives Maloney and Smith will testify about the Domestic Minor Sex Trafficking Deterrence and Victim Support Act of 2010, which they introduced to specifically address the growing problem of commercialized sexual exploitation of children.

We will also hear from other distinguished Members, as well as a former Congresswoman who has devoted her life after congressional service to helping victimized children in this country and abroad.

A second panel will discuss what is happening to our children and how they are being victimized, the demand that fuels the domestic and minor sex trafficking, and ways in which the law enforcement community is not only addressing this demand, but also the lessons learned that are resulting in law enforcement communities' progress in more accurately identifying and labeling these children as victims rather than criminals.

We will hear from representatives of craigslist. And I am hoping that we will get clarification on whether the company's latest decision to remove the "adult services" section is permanent. I am hoping that they will shed some light on their future plans.

At this time it should be clear that the ultimate issue is not just craigslist but, rather, the issue as to what extent the Internet generally plays in facilitating sex trafficking of minors.

I would like to thank all of our witnesses in advance, as well as those organizations and individuals who have contributed their time, insights, and experience to our staff in preparation for this hearing. And most of all, I want to thank all of the people present for what you are doing to protect our children.

It is now my pleasure to recognize the esteemed Ranking Member of the Subcommittee, my colleague from Texas, Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman.

The sex trafficking of minors is an incorrigible crime that often exploits children that are already at high risk and have often already suffered physical and/or sexual abuse. I saw that myself as a judge, just as I know my colleague, the former judge, has also.

The response to human trafficking within the United States is focused on providing assistance to victims of trafficking and on law enforcement efforts to arrest and prosecute traffickers.

In June 2003, the FBI, in conjunction with the Department of Justice's Child Exploitation and Obscenity Section in the National Center for Missing and Exploited Children, launched the Innocence Lost National Initiative. Their combined efforts are aimed at addressing the growing problem of domestic sex trafficking of children in the United States. The Innocence Lost National Initiative has resulted in approximately 38 task forces and working groups throughout the United States. These efforts bring Federal, State and local law enforcement agencies, including local prosecutors and social service providers, together for the coordination of cases and for training opportunities with the National Center for Missing and Exploited Children.

Innocence Lost National Initiative cases usually begin as local operations targeting various locations, including online advertisements. The initial arrests are often for State or local charges, and it is later that the FBI and the Department of Justice review the case to see if the filing of Federal charges is appropriate.

To be effective, the strategy should also aggressively address the demand side of the issue by incorporating effective law enforcement and prosecution initiatives that target those who conduct the actual trafficking and those that purchase commercial sex.

The role of the State and local law enforcement authorities and the role of the State and local prosecutors cannot be underestimated. Prostitution and prostitution-related crimes are generally of a local nature and have historically been successfully investigated and prosecuted by local authorities.

However, all law enforcement must address the interstate trafficking problem, which is certainly a Federal issue, but is just tossing kids in jail while ignoring the broader problem. While the goals of eliminating sex trafficking and assisting the State and local authorities in this effort are laudable and are very important, caution must be exercised so that there is not a gradual move toward federalization of local prostitution or local prostitution-related crimes. Caution must also be exercised to ensure that the relatively limited resources that are or potentially will be available to the victims of these crimes are spent on those that have truly been victimized.

For instance, I am concerned about a provision in H.R. 5575 which authorizes grant money to treat so-called "johns" who engage in sex acts with adult prostitutes in lieu of prosecution. We may have people come to mind who have enough money themselves as johns to deal with their own side of that issue without taking money away from young victims of the trafficking.

But this is a complicated problem. Finding a solution will not be easy. I believe that holding this hearing is a start to bringing together the experts that have experience in the different areas that make up this problem. And we are making strides toward a solution.

So I welcome all of our witnesses today, appreciate your being here, appreciate your diligent efforts, committed efforts on behalf of the victims of this crime. And I do look forward to hearing your testimony. Thank you very much. I yield back.

Mr. SCOTT. Thank you.

I will ask other Members, Mr. Quigley, do you have a very brief statement?

Mr. QUIGLEY. Yes. Just to accentuate what you are saying and draw it close to home.

Mr. Chairman, I want to thank you for holding this hearing. But the offenses you describe, child sex slavery, child sex trafficking, prostitution of children and a rape of a child, among others, you would like to think or unfortunately imagine this would be in some Third World country, or at least not in nice neighborhoods. But I will tell you, you can go out into Lakeview, one of the nicest communities in the city of Chicago and the nicest areas that you would ever want to live in, you will see the vans out there of social service agencies trying to find the kids, runaway kids who are exposed to—who are vulnerable to these offenses right there in some of the nicest neighborhoods.

So for us to imagine that the johns come from some evil place—unfortunately, they are from within. So the fault, dear Brutus, not lies within our stars but within ourselves.

We have to look at the people who are committing these offenses and recognize that they are not far away. And I appreciate all those law enforcement agencies, social service agencies, and not-for-profits that try to help.

Mr. SCOTT. Thank you.

Other Members, without objection, will be able to enter statements into the record.

We have two very distinguished panels with us today. Our first panel consists of four Members of Congress, as well as an esteemed former Member.

The first witness is Congresswoman Carolyn B. Maloney, who represents the 14th District of New York. She is the first woman to represent New York's 14th Congressional District. And in the 111th Congress she became the first woman to chair the Joint Economic Committee, a joint House/Senate panel which examines and addresses the Nation's most pressing economic issues. She is a senior Member of the House Financial Services Committee and the House Oversight and Government Reform Committee, and is co-founder of the House 9/11 Commission Caucus. She is a lead sponsor of H.R. 5575.

The second witness is Congresswoman Jackie Speier who represents the 12th District of California, first elected in April 2008 in a special election, after serving 18 years with the California State legislature, where she authored over 300 bills signed into law by both Democratic and Republican Governors. She serves on three key Committees in the House: The Committee on Financial Services; the Committee on Oversight and Government Reform; and the Select Committee on Energy Independence and Global Warming.

Our next witness will be Congressman Ted Poe, who was a prosecutor and judge in Houston for over 30 years before coming to Washington to represent the Second Congressional District of Texas. Serving as the Victims Rights Caucus founder and co-chair, Congressman Poe has been pivotal in passing legislation to safeguard our children, legislation such as the Child Predator Act that later became the AdamWalsh Child Safety Act. And also he ensures the needs and issues facing the victims of crime are equally represented. Congressman Poe is a Member of the House Judiciary Committee and the House Committee on Government Affairs.

Representative Chris Smith is in his 15th term of the U.S. House of Representatives serving the Fourth Congressional District of New Jersey. He currently serves as the Ranking Republican on three congressional panels: The Foreign Affairs Subcommittee on Africa and Global Health; he is also the Ranking Member on the Commission on Security and Cooperation in Europe and the Congressional Executive Commission on China. He is the author of America's three landmark anti-human trafficking laws, including the Trafficking Victims Protection Act of 2000, a comprehensive law designed to prevent modern-day slavery, protect victims, and enhance civil and criminal penalties against traffickers. He is the lead cosponsor of H.R. 5575.

And finally, on this panel, former Congresswoman Linda Smith who represented Washington State's Third Congressional District from 1994 to 1998. In the fall of 1998, while still a Member of Congress, she traveled to Mombai and visited one of the worst brothel districts in the world, where hopeless faces of desperate women and children forced into prostitution compelled her to found Shared Hope International. Through this organization she builds partnerships with local government groups to provide homes and shelters where women and children can live with no time limit. These villages of hope have a holistic approach to recovery, including education and job skills training.

In 2007, Shared Hope International produced Demand, a report and documentary featuring investigative footage of world sex traffickers, pimps and buyers. That documentation found that startling numbers of American children are being sex trafficked within the U.S. borders.

Mr. SCOTT. So we will begin at this time with Representative Maloney.

TESTIMONY OF THE HONORABLE CAROLYN B. MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. MALONEY. Thank you. Thank you so much, Chairman Scott and Ranking Member Gohmert, for your leadership and for being

on the frontline, battling this extremely devastating problem that is found right here in the backyards of American cities.

As co-chair of the Human Trafficking Caucus, I have been working in a bipartisan way on these issues with Representative Chris Smith and many others for many years, and today's hearing is an important opportunity to educate people about the reality of the trade in human lives and work toward its elimination.

Sex trafficking is the slavery of the 21st century. Human trafficking is a $10 billion industry worldwide. It is the third largest organized crime ring in history, preceded only by drugs and guns. But unlike drugs and guns which can be sold only once, the human body can be sold over and over and over again until it is destroyed. Too many people believe that child sex trafficking is a problem only in foreign countries, but experts estimate that a minimum of a 100,000 children in the U.S., most of whom are American citizens, are exploited through commercial sex every year.

Mr. Chairman, as you know, the End Demand for Sex Trafficking bill and the Wilberforce bill that we both worked on and helped author, required that the Justice Department come forward with a study on the problem in the United States. We still have not gotten that study. We know that 400,000, according to the State Department study, are trafficked internationally. But we have no numbers on the problem that is growing in the United States.

Although it is hard to believe, the average age of first exploitation is young girls 12 to 13 years of age. These are our daughters, their schoolmates, their friends. And in fact this past June, in Brooklyn, in New York City, 8 people were indicted with charges that they forced girls as young as 15 into prostitution. These young women were recruited from local middle and high schools, public high schools. They were threatened with violence and kept out of contact with family and friends.

Law enforcement in New York believes that many of the missing children that are reported are literally children that are stolen or coerced into sex trafficking. There are disturbing stories that come to my office about walking down the street and men coming up and trying to shove girls into cars, and they get away. But assume they were shoved in the car, then that girl would be one of the missing children that ran away.

So I think this is a huge problem in our country, and one that needs to be addressed, and I thank you for looking at it with this important hearing.

Despite the need, a Congressional Research Service report that I requested found that funding for specialized services in support for victims of domestic minor sex trafficking are extremely limited. In fact, there are studies that show that our country spends more on sex trafficking overseas and their victims than they do on the victims here in our own country. And their stories are horrifying.

Throughout the country, organizations specializing in sex trafficking collectively have fewer than 50 beds to address the needs of we don't know how many victims in our country, and this is totally unacceptable. After hearing from former victims, seasoned cops, and hard-hitting prosecutors about the horrors of domestic minor sex trafficking, I knew something had to be done. And working with Senator Ron Wyden and Representative Smith, we have

introduced H.R. 5575, the "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010."

This bill takes a multidisciplinary cooperative approach to shutting down child sex trafficking and offering rehab for its survivors. Through a series of block grants, the bill would provide shelter and care for victims, including specialized counseling, clothing, and other daily needs in order to keep victims from returning to the streets. It creates a comprehensive victim-centered approach to addressing the sex trafficking of minors.

It also aims to ensure adequate resources for law enforcement and prosecutors to rescue victims and put pimps behind bars. Police across our country do not have the resources. Prosecutors do not have the resources.

It also provides funding to implement improvements in the National Crime Information Center which tracks information about missing and exploited children with the goal of identifying those children who are at high risk for trafficking and provides a more protective response.

Importantly, the legislation will strengthen deterrence and prevention programs aimed at potential buyers. It will focus exclusively on minors and victims, those under 18 years of age, increase the share of funding available for shelters. Lack of appropriate shelters often force law enforcement to send victims to juvenile detention facilities, where there is no access to appropriate services, or releasing them, knowing that they will end up back in the hands of their pimps.

In July, the Human Trafficking Caucus, along with the Victims Rights Caucus, hosted a briefing with the National Center for Missing and Exploited Children, and I understand Ernie Allen is testifying today, and addressed the shift of sexual exploitation from the streets to craigslist and other online venues where children are marketed for sex.

The Internet has changed the way human trafficking and sex slavery operates. But in a showing of leadership, craigslist announced that it is shutting down its adult services section from its Web site in the United States.

I look toward to hearing from both Ernie Allen and representatives from craigslist as we work together to eradicate this violence and protect our most vulnerable children. In particular, I hope we will hear from craigslist today that they will be shutting down the erotic pages in the more than 250 cities that still feature this section. We can no longer ignore that children in our country are being so horrifically exploited for economic gain. We have a moral obligation to help the neglected victims of sex trafficking and to crack down on their abusers.

I thank you very much for this opportunity and for your studied attention to this. And I know from past experience, when you get involved, things happen. So I thank you, Mr. Chairman and Ranking Member Gohmert.

Mr. SCOTT. Thank you very much.

[The prepared statement of Ms. Maloney follows:]

Prepared Statement of the Honorable Carolyn B. Maloney, a Representative in Congress from the State of New York

Statement by Congresswoman Carolyn B. Maloney
Subcommittee on Crime, Terrorism, and Homeland Security
Robert C. "Bobby" Scott, Chairman and Louie Gohmert, Ranking Republican Member
Hearing on "Domestic Minor Sex Trafficking"
1:00 p.m. - Wednesday, September 15, 2010
2141 Rayburn House Office Building

I'd like to thank Chairman Scott and Ranking Member Gohmert for their leadership on this very important issue and thank today's witnesses, many of whom have been on the front line battling this extremely devastating problem that is found right in our own backyards.

As co-chair of the Human Trafficking Caucus, I have been working in a bipartisan manner on these issues with Representative Chris Smith and others for many years.

Today's hearing is a perfect opportunity to educate people about the reality of the trade in human lives and work toward its elimination. To be clear, trafficking is the slavery of the 21st Century.

Human trafficking is a $10 billion worldwide industry. It is the third largest organized crime ring in history, preceded only by drugs and guns. But unlike drugs and guns which can be sold only once, the human body can be sold over and over again.

Too many people believe that child sex trafficking is a problem only in foreign countries. But experts estimate that a minimum of 100,000 children in the United States—most of whom are American citizens—are exploited through commercial sex every year.

Although it is hard to believe, the average age of first exploitation is 12-13 years old.

These are our daughters, their schoolmates, and their friends.

In fact, this past June, in Brooklyn, eight people were indicted on charges they forced girls as young as 15 into prostitution. The girls were recruited from local middle and high schools.
They were threatened with violence and kept out of contact from family and friends.

Despite the need, a Congressional Research Service report that I requested, found that funding for specialized services and support for victims of domestic minor sex trafficking are extremely limited.

Throughout the country, organizations specializing in sex trafficking collectively have ***fewer than 50 beds,*** to address the needs of the estimated 100,000 victims each year. This is simply unacceptable.

After hearing from former victims, seasoned cops, and hard-hitting prosecutors about the horrors of domestic minor sex trafficking, I knew something needed to be done.

That is why I, along with Rep. Smith and working with Senator Ron Wyden's office, introduced HR 5575, **the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010**.

This bill takes a multi-disciplinary, cooperative approach to shutting down child sex trafficking in the United States and offer rehabilitation for its survivors.

Through a series of block grants, the bill would provide shelter and care for victims, including specialized counseling, clothing and other daily needs in order to keep victims from returning to the street. It creates a comprehensive, victim-centered approach to addressing the sex trafficking of minors.

It also aims to ensure adequate resources for law enforcement and prosecutors to rescue victims and put pimps behind bars. Importantly, the legislation will strengthen deterrence and prevention programs aimed at potential buyers.

HR 5575 provides funding to implement improvements to the National Crime Information Center (NCIC) which tracks information about missing and exploited children with the goal of identifying those children who are at high risk for sex trafficking and providing a more protective response.

It will focus exclusively on minor victims and increase the share of funding available for shelters. Lack of appropriate shelters often force law enforcement to send victims to juvenile detention facilities where there is no access to appropriate services or release them, knowing that they will likely end up back in the hands of their pimps.

In July, the Human Trafficking Caucus along with the Victim's Rights Caucus hosted a briefing on domestic sex trafficking of minors where National Center for Missing and Exploited Children President and CEO Ernie Allen, who is testifying today, addressed the shift of sexual exploitation from the streets to Craigslist and other online venues, where children are marketed for sex.

The Internet has changed the way human trafficking and sex slavery operates, but in a showing of leadership, Craigslist announced that it is shutting down its Adult Services Section from its website in the United States.

I look forward to hearing from both Ernie Allen and representatives from Craigslist as we work together to eradicate this violence and protect our most vulnerable citizens. In particular, I hope we will hear from Craigslist today if they will be shutting down the "erotic" pages in the more than 250 cities that still feature this section.

We can no longer ignore that children in our country are being so horrifically exploited for economic gain.

We have a moral obligation to help the neglected victims of sex trafficking and to crack down on their abusers.

Thank you for this opportunity and thank you to all of the witnesses today.

2

Mr. SCOTT. Representative Jackie Speier.

TESTIMONY OF THE HONORABLE JACKIE SPEIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. SPEIER. Mr. Chairman, thank you for holding this hearing. Ranking Member Gohmert, thank you as well, and for Members for participating.

This is a human tragedy, a national tragedy. Up to 300,000 children in our country are enslaved sexually. The number ranks any-

where from 100,000 to 300,000. Over the past 5 months I have immersed myself in this issue. I have talked to local DAs. I have talked to the U.S. Attorney. I have talked to the one FBI agent, one FBI agent in the entire Bay area who has responsibility over this issue. I have talked to the CEO of craigslist. I have talked to the National Center for Missing and Exploited Children, and I have talked to many victims.

One victim, when I asked, How many times were you forced to do this a day, said, A minimum of 10, a maximum of 15 times a day. She was 17 years of age. So to put it very simply, Houston, we have a problem.

It is not just in Houston. It is in Atlanta. It is in San Francisco, it is in Oakland, it is in New York. It is across this country, and we are not addressing the issue. We have quite literally taken our eyes off the ball.

There are reasons for this perfect storm. First, the Internet. Before the Internet, those who wanted to purchase sex with underage children had to venture outside of their homes, subjecting themselves to potential arrest and public stigma. Today, perpetrators hide behind their personal computers and have a child at their doorstep with a click of a button. Between 2004 and 2008, child sex trafficking complaints originating from the Internet actually grew by 1,000 percent. And that is just the number of complaints, not the total volume. In fact, estimates are that on craigslist alone, there are more than 3.2 million posts on the adult services section a year. Now, this section has been taken down very recently, but just to give you an appreciation of how widespread this is.

Further, Web sites are literally immune from being held liable for these crimes. In an effort to spark innovation, Congress passed the Communications Decency Act in 1996. Today, Web sites escape liability when an ad on their site results in child prostitution, rape, or even death.

I am pleased to see that a representative of craigslist is here today. It is in my district. The founder is a constituent, so I recognize full well what I am taking on here. Thinly disguised ads for sex on craigslist receive three times as many responses as ads placed on any other sites. So when craigslist says, well, Look to these other sites, remember that they have been the 800-pound gorilla in this industry of sex trafficking of children. Recent reports have speculated that the ads that previously appeared on the adult services section will migrate to other portions of the site. Let the company not forget that they control the activities of their site. If they are truly committed to this issue, they will exercise all due diligence that this issue commands.

That said, craigslist is certainly not the lone wolf. The activity taking place on myredbook.com, eros.com, and backpage is equally as horrific. These sites are facilitating crimes, and we must consider an effective response within the confines of the First Amendment.

Second, in an era of competing priorities, child sex trafficking has, in effect, been decriminalized. You know, we pass tough laws, and then they sit on the shelves. Even though the Trafficking Victims Protection Act imposes a lifetime sentence on those convicted

of trafficking, it is rarely used in prosecutions. We should all ask the question, why is this?

During a 7-year period, 60 percent of child sexual exploitation cases presented to the U.S. Attorneys Office, 60 percent, have been declined prosecution. Meanwhile, in contrast, just 15 percent of drug trafficking and 26 percent of weapon charges were declined. Why the disparity? Our priorities are clearly out of balance and perpetrators are taking full advantage. In fact, a pimp selling just four children can earn over $600,000 a year. Today, we live in a country where a person is more likely to go to jail to serve time for selling marijuana than for selling a child in sex.

In the San Francisco Bay area, where my district is located as I mentioned earlier, only one FBI agent is assigned to work with local law enforcement and the U.S. Attorneys Office in the name of curtailing sex trafficking. Further, the inability to bring trafficking to justice is directly tied to inadequate victims' services. Girls who are rescued from prostitution typically come from abusive family situations. In fact, between 60 and 90 percent have experienced physical and/or sexual abuse. Victims will rarely report the identity of his or her trafficker because they fear retaliation or they simply are dependent on their pimp for simple survival. These children have been traumatized. They have been brainwashed. They have been abandoned, and they need specialized services and resources for successful recovery.

It is a travesty that only five residential facilities specific to this population exist across this country. Congresswoman Maloney's bill is important, but her bill should be increased tenfold and the money we commit to this should be increased tenfold.

Again, I thank the Committee for taking up this very serious issue.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Speier follows:]

PREPARED STATEMENT OF THE HONORABLE JACKIE SPEIER,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

HOUSE JUDICIARY COMMITTEE HEARING

DOMESTIC MINOR SEX TRAFFICKING

SEPTEMBER 15, 2010

TESTIMONY OF CONGRESSWOMAN JACKIE SPEIER

Thank you Mr. Chairman, members of the committee for holding this hearing today in response to the call from myself and more than twenty of my colleagues who want this nation stand up to this human tragedy: **as many as 300,000 children are sexually enslaved in our country every year.**

Over the past five months I have literally immersed myself in this issue. I have met with district attorney's, FBI agents, representatives of the National Center for Missing and Exploited Children, countless victims, advocates and even the CEO of Craigslist. Just a few weeks ago I did a police ride along in Oakland, California- a city that is badly infected with child prostitution.

From these experiences I know this- Houston, we have a big problem. And it's not just Houston, or Oakland. It is also Atlanta, Las Vegas, New York,

and San Francisco. It is alive and well in every city in this country. We have, quite literally, taken our eyes off the ball.

There are reasons for this perfect storm. First- the internet . Before the internet those who wanted to purchase sex with underage children had to venture outside of their homes- subjecting themselves to potential arrest and public stigma. Today, perpetrators hide behind their personal computers and have a child at their doorstep with a click of button.

Between 2004 and 2008 child prostitution complaints originating from the internet increased by 1000 percent– and that's just the number of complaints, not total volume. Further, websites are literally immune from being held liable for their role in these crimes. In an effort to fuel innovation, Congress passed the Communications Decency Act in 1996. Today, websites escape liability <u>even when an ad on their site results in child prostitution, rape or death.</u>

I am pleased to see that a representative of Craigslist is here today. Thinly disguised ads for sex on Craigslist received three times as many responses as ads placed on other sites. The recent shutdown of the adult services section on Craigslist was a step in the right direction, although Craigslist

still offers adult services in areas outside of the United States. Recent reports have speculated that the ads that previously appeared on the adult services section will migrate to other portions of the site. Let the company not forget that they control the activity on their website. If they are truly committed to this issue they will exercise all due diligence necessary.

That said, Craigslist is certainly not the lone wolf. The activity taking place on myredbook.com, eros.com and Backpage is equally as horrific. These sites are facilitating crimes and we must consider an effective response within the confines of the First Amendment.

Second, in an era of competing priorities, we have turned a blind eye to the magnitude of this problem. Even though The Trafficking Victims Protection Act imposes lifetime sentences on those convicted of trafficking, it is rarely used in prosecutions. During a seven year period, 60 percent of child sexual exploitation cases presented to the US Attorney's offices were declined for prosecution. In contrast, just 15 percent of drug trafficking and 26 percent of weapons charges were declined. Our priorities are clearly out of balance and perpetrators are taking advantage. In fact, a pimp selling just four children can earn over $600,000 per year. Today, we live in a

country where a person is more likely to serve time for selling marijuana than a 14 year old girl.

In the San Francisco Bay Area, where my district is located, only one FBI agent is assigned to work with local law enforcement and the US Attorney's office in the name of curtailing sex trafficking.

Further, the inability to bring traffickers to justice is directly tied to inadequate victim services. Girls who are rescued from prostitution typically come from abusive family situations. In fact, between 60 and 90 percent have experienced physical or sexual abuse. Victims will rarely report the identity of his or her trafficker because they fear retaliation, or they are simply dependent on their pimp for survival. These children have been traumatized, brainwashed and abandoned and need specialized resources for a successful recovery. It is a travesty that only five residential facilities specific to this population exist across the country.

Again, I thank the committee for holding this hearing today and for elevating a dialogue that currently involves far too few people.

Mr. SCOTT. Judge Poe.

TESTIMONY OF THE HONORABLE TED POE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. POE. Chairman Scott and Ranking Member Gohmert, thank you for holding this hearing. For several years now we have heard about the horror of international sex trafficking, but we are only just beginning to hear about the sex trafficking that preys upon our own children right here in the United States.

As co-chair of the Victims Rights Caucus, along with my friend Jim Costa from California, we are concerned about the treatment of domestic crime sex trafficking victims The FBI's Innocence Lost Task Force calls domestic minor sex trafficking "the most overlooked and under-investigated form of child sexual abuse in America."

Why is this the case? According to the FBI it is because too many people believe that child prostitution is a victimless crime and that the children involved are criminals themselves. This kind of thinking is absurd. These children are victims of crime. The men that buy the young girls for sex are guilty of exploitation and abuse, and they are criminals. And the traffickers are the filth of humanity and they are criminals.

And as one Texas Ranger friend of mine called these individuals, he said, When you see one, Judge, get a rope. It is a serious epidemic.

Houston, Texas, unfortunately, is one of the main hubs for human trafficking here in the United States. We have been dealing with this problem for a long time. However, in recent years, the city has made tremendous strides toward addressing this issue. In Houston we have one of the 42 human trafficking rescue alliance groups in the country. And together with the FBI's Innocence Lost Initiative, they have rescued 140 domestic victims. Numerous traffickers have been prosecuted, receiving life sentences.

Earlier this month I met with the Human Traffic and Rescue Alliance. Included in this group is a notable Houston constable, Ron Hickman, a law enforcement leader in confronting the epidemic of domestic trafficking in Texas. He and his officers told me that one of the biggest issues they face in combating trafficking is how to care for the victims. More specifically, they told me there is better care available to international trafficking victims that they rescue here in Houston than there is for our own citizens that are trafficked.

Consider what is available to international trafficking victims. And I am not saying that we shouldn't help these victims, but here is what is available for them in Houston. International victims are eligible to apply for a U-visa or a T-visa, which allows them to remain lawfully in the United States. Immigrant service groups help them apply for free legal, medical, mental, housing and educational services. International trafficking victims can receive care in a residential facility or in long-term foster homes.

Basically, we provide care to international trafficking victims. Here are the resources that are available to a victim of domestic trafficking in Houston. At the moment, law enforcement agents come across these victims of domestic trafficking, they are required to take them into custody. Once in custody, domestic minor victims can only gain access to these services when they are labeled as

delinquents and charged with a class B misdemeanor of prostitution. That is right. To gain access to short-term services they have to be arrested and obtain a criminal record before they can be served by our communities.

Furthermore, the short-term services do not even begin to address the severe physical or psychological trauma that these girls have encountered. Without access to specialized care, it has been shown that trafficking victims many times return to their traffickers and continue the cycle of abuse because they have no other place to go.

We need in Houston and throughout the Nation long-term residential treatment facilities to care for victims of domestic minor trafficking. Any legislation that addresses this issue must include this victims center component. We have made improvements in caring for the victims that are trafficking across our border, as we should. We need to ensure that we are doing the same for our own children and those that exploit these children; hold them accountable, both the customer and, of course, the trafficker. And thank you very much.

[The prepared statement of Mr. Poe follows:]

Prepared Statement of the Honorable Ted Poe, a Representative in Congress from the State of Texas

Congressman Ted Poe
Testimony to the House Judiciary Committee Subcommittee on Crime
Hearing on Domestic Minor Sex Trafficking
15 September 2010

Chairman Scott, Ranking Member Gohmert and Members of the committee, thank you for hearing my testimony today.

For several years now we have heard of the horror of international sex trafficking. But we are only just beginning to hear about the traffickers that prey on our own children, right here in America.

The FBI's Innocence Lost Task Force calls domestic minor sex trafficking the "most overlooked and under-investigated form of child sexual abuse."[1] Why is this the case? According to the FBI, it's because too many people believe that child prostitution is a victimless crime and that the children involved are willing participants.[2] This kind of thinking is wrong. These children are victims. The men that buy young girls for sex are guilty of exploitation and abuse. These traffickers and their customers are the filth of humanity. As one Texas Ranger told me, "Judge, when you see one, get a rope."

Houston, Texas, is one of the main hubs for human trafficking in the United States.[3] We have been dealing with this problem for a long time. However, in recent years the city has made tremendous strides towards addressing it.

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[1] Patrick Fransen, Special Agent, Federal Bureau of Investigation, Innocence Lost Task Force, Presentation at Children's Law Symposium in Houston: *Child Prostitution* (February 17, 2009)
[2] Ibid.
[3] News & Updates: Houston, Texas Major Hub for Human Trafficking." Humantrafficking.org. 31 Oct. 2007. 14 September 2010< http://www.humantrafficking.org/updates/807>

In Houston, we have one of the forty-two Human Trafficking Rescue Alliance groups in the country. Together with the FBI's Innocence Lost initiative, they have rescued over 140 domestic victims.[4] Numerous traffickers have been prosecuted, several receiving life sentences.[5]

Earlier this month, I met with the Human Trafficking Rescue Alliance. Included in this group is Houston Constable Ron Hickman—a law enforcement leader in confronting the epidemic of trafficking in Texas. He and his officers told me that one of the biggest issues they face in combating trafficking is how to care for the victims. More specifically, they told me that there is better care available to the international victims they rescue than there is for our own citizens.[6]

Consider what is available to an international trafficking victim in Houston right now. International victims are eligible to apply for a U-visa or a T-visa, which allows them to remain lawfully in the United States. Immigrant service groups help them apply for free legal, medical, mental, housing and educational services. Internationally trafficked children can receive care in a residential facility, or in a long-term foster home. Basically, we provide a wealth of care to internationally trafficked victims, as we should.[7]

But now consider the resources that are available to a victim of domestic trafficking in Houston. At the moment law enforcement agents come across victims of domestic trafficking, they are required to take them into custody. Once in custody, domestic minor victims can only gain access to services by being labeled as delinquents and charged with a class B misdemeanor

[4] Meeting with Houston Human Trafficking Rescue Alliance. 8 September 2010.
[5] Ibid.
[6] Ibid.
[7] Sanborn, Robert et al. "The State of Human Trafficking in Texas." Children At Risk. No date. 14 September 2010 < http://www.childrenatrisk.org/childrenatrisk.cfm?a=cms,c,940>

of prostitution, obtaining a permanent criminal record.[8] That's right—to gain access to short term services, they have to be arrested first. Furthermore, the short term services do not even begin to address the severe physical and psychological trauma that these girls have survived. Without access to this specialized care, it has been shown that trafficking victims simply return to their traffickers and continue the cycle of abuse.

What we need in Houston and throughout the nation is specialized, long term, residential treatment facilities to care for victims of domestic minor sex trafficking. Any legislation that addresses this issue must include this victim-centered component. I am proud to be an original cosponsor of H.R. 5575, introduced by my friends Congresswoman Caroline Maloney and Congressman Chris Smith, which pays close attention to the care and support of victims.

We have done a marvelous job caring for the victims that are trafficked across our border. We need to ensure that we are doing the same for our own children.

Thank you for hearing my testimony today.

[8] Sanborn, Robert et al. "The State of Human Trafficking in Texas." Children At Risk. No date. 14 September 2010 < http://www.childrenatrisk.org/childrenatrisk.cfm?a=cms,c,940>

3

Mr. SCOTT. Mr. Smith.

TESTIMONY OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman, and thank you to Mr. Gohmert, the Ranking Member, for convening this very important hearing on domestic human trafficking.

Mr. Chairman, I want to thank for your leadership. Most recently we were able to pass in the House the international Megan's law, which is a good, strong corollary on prevention, to prevent those who abuse children and others through sex crimes before they travel abroad. The countries of destination would be advised in a timely fashion.

As you know as well as I, because you helped us get that through the Judiciary Committee, the legislation also would make it more difficult for those who commit sex crimes and exploit children abroad to get into the United States. And if we had that information and it was actionable, which it would be if we could get Megan's laws passed all over the world, we could protect our children from these predators who make their way to the United States.

As you know, Mr. Chairman, in the Trafficking Victims Protection Act, severe forms of human trafficking was defined as "sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which a person induced to perform such an act has not attained 18 years of age." Any person under the age of 18 and involved in commercial sex acts of any kind is a prima facie trafficking victim, and those who exploit and abuse these individuals could be subjected to very long prison sentences, including up to life imprisonment itself.

At the time of our first trafficking law, we had little idea how many domestic victims this trafficking problem, this new modern-day slavery actually included. The excellent work of Linda Smith at Shared Hope International, who we will hear from in a moment, and researchers at the University of Pennsylvania and the National center for Missing and Exploited Children, has numbered domestic trafficking victims at at least 100,000. And the average age, as Linda will say in a moment, I am sure, when they first got exploited in this fashion was 13. Thirteen years old. These are our daughters. These are our children.

Driven by demand and fueled by the ease and secrecy of the Internet, we are facing a huge and escalating crisis of child sex trafficking in the United States. The FBI, to its credit, has coordinated the Innocence Lost Initiative with local law enforcement, State prosecutors, and social service providers since 2003 to fight domestic minor sex trafficking. Using this framework, the FBI has conducted at least four Operation Cross Country raids to catch pimps and rescue child victims working the streets, casinos, truck stops, motels and the Internet. In 2000 alone, Operation Cross Country rescued over 100 child victims ranging in age from 5 to 17 years old, and caught 124 pimps. Over 1,600 law enforcement officers from 120 Federal, State, and local agencies participated. Between June of 2003 and October of 2009, the Innocence Lost program rescued nearly 900 children.

I heartily applaud the hard work and remarkable coordination of State and Federal resources to stop domestic minor sex trafficking. But there is a huge gap in the numbers we rescue versus the estimated 100,000-plus victims that are out there. And that is why it is so important in joining my good friend and colleague, Carolyn Maloney, in introducing H.R. 5575, to respectfully ask that the Committee look to markup at the soonest possible moment this very important legislation that will at long last provide the necessary refuge, the centers, the beds. As Carolyn Maloney pointed out a moment ago, the estimate is about 50 beds that are available for domestic minors and sex victims in the United States. That is appalling. That is really unconscionable.

This legislation would change that by providing minimally, six grants of $2 to $2.5 million apiece so that hopefully we will provide a place of hope and rescue for these individuals.

I like what Jackie Speier said a moment ago about we need to do tenfold. And of course we welcome amendments, because there really is a great need that has gone unmet in the area of places, beds, and centers.

Let me also say to my colleagues that the Internet has enabled the misuse of trafficking, domestic trafficking in the United States. The Internet has opened up a whole new front in the war on trafficking, allowing demand to run free with very few obstacles. Therefore we must develop more effective safeguards and enforce existing laws to ensure that neither obscenity nor child pornography, neither of which is protected speech, to continue in the way that it is causing so many victims and to create a demand.

Technology can help us if used properly. Such mechanisms include commonsense measures, including digital tagging, community flagging, and a whole host of other very important tools that can be used.

I know my time is out and I will just finish on this, Mr. Chairman. We also need to weigh in on the ways that people, young children, are moved around. Last summer, this past summer, I convened a group of flight attendants led by American Airlines, which has a great program that really needs to be replicated worldwide, so that the flight attendants and crews will recognize a person who is in transit, being trafficked across borders or across States, and then take action; not in a vigilante type of way, but alert the pilot so that when this individual gets off, the right law enforcement assets—maybe ICE, if it is an international flight—can be waiting there at the gate to rescue or at least separate and investigate.

There are instances after instances told at our briefing where people—it just didn't look right. And the flight attendants, you know, watched what was going on, got into a conversation—perhaps when the young ladies were going to the restroom—and told the pilot, who told law enforcement, and those ladies, those young girls in some instances, were rescued.

We need to close up every means of moving victims across State lines and international lines as well. American Airlines has a great program going here. And so I urge that the Committee take a look at that as well.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Rep. Chris Smith
September 15, 2010
Testimony
Subcommittee on Crime, Terrorism and Homeland Security

Domestic Minor Sex Trafficking

Good afternoon. I would like to thank the Chairman and the Ranking Member for calling for this extremely important and timely hearing on the trafficking of our very own American children within our very own borders.

In my Trafficking Victims Protection Act of 2000, severe forms of human trafficking was defined to include "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*." Any person under the age of 18 and involved in commercial sex acts of any kind is a *prima facie* trafficking victim.

At the time of the first trafficking law, we had little idea how many domestic victims this would include. The excellent work of Linda Smith of Shared Hope International, here with us today, and researchers at the University of Pennsylvania have numbered domestic trafficking victims at 100,000—and this is the most conservative estimate.

Driven by demand and fueled by the ease and secrecy of the internet, we are facing a crisis of child exploitation in this nation.

The FBI has coordinated the Innocence Lost Initiative with local law enforcement, state prosecutors, and social service providers since 2003 to fight domestic minor sex trafficking. Using this framework, the FBI has conducted at least four Operation Cross Country raids to

catch pimps and rescue child victims working the streets, casinos, truck stops, motels, and the internet.

In 2009 alone, Operation Cross Country rescued over one hundred child victims ranging in age from 5 to 17 years old, and caught 124 pimps. Over 1,600 law enforcement officers from 120 federal state, and local agencies participated. Between June 2003 and October 2009, the Innocence Lost program rescued nearly 900 children.

I heartily applaud the hard work and remarkable coordination of state and federal resources to stop domestic minor sex trafficking. But there is a huge gap in the numbers we rescue versus the estimated 100,000 victims out there.

To win the fight for our children we must wage war on the pimps and prosecute the johns. We must hold the johns accountable.

I have a bill sitting in the Senate as we speak, the International Megan's Law, H.R. 5138. We know that sex offenders in the U.S. applied for passports to travel abroad, with over 4,000 receiving passports according to the GAO, and we have no doubt that foreign sex offenders are traveling to the U.S. to exploit American children. This bill would create an alert system so that the U.S. would know when a dangerous sex offender is intending to come to the U.S., empowering law enforcement to protect our children and deny him entry.

Tragically, homegrown demand, enabled by the misuse of the internet, drives much of the domestic minor sex trafficking in the U.S.

The internet has opened a whole new front in the war with human trafficking—allowing demand to run free without practical obstacles. We must develop more effective safeguards and

enforcement of existing laws to ensure that neither obscenity nor child pornography is protected speech, therefore we must stop the criminal misuse of the internet for human trafficking and child pornography.

Technology can help us, if properly employed. Such mechanisms include common sense measures that help law enforcement and deter traffickers from using social networking sites, Craigslist and adult services sites to sell trafficking victims. We can take action, including: Digital tagging of adult sections of websites; community flagging of website postings reasonably believed to be advertising a trafficking or child pornography victim; use of manual and regularly updated electronic screening for criminal postings; telephone and credit card verification on all posts, which enables the website to block from use a person who has previously posted a trafficking or child pornography victim; trafficking and child pornography reporting hotlines; and an ongoing dialogue with law enforcement.

The Attorney Generals of 43 states tried this approach with Craigslist, but it seemed that Craigslist did not participate at a level that would make the measures effective. Instead, the charge for posting turned into a $36 million profit for Craigslist, and the selling of young girls continued seemingly unabated.

To its credit, as of September 4th, Craigslist has since blocked the adult services section in the United States. Speech in the form of postings that incite violence against children is not protected speech. It is not censorship to demand an end to such speech.

Craigslist is a community website with a community mission. Taking down an adult services section it could not effectively police was the responsible thing to do for the sake of the children in the community.

American Airlines has show tremendous corporate responsibility, reminding us all that we can each do something to stop trafficking. After a briefing this summer on the use of airlines in trafficking, American Airlines acted quickly and of its own volition to ensure that their flight crews were trained to recognize the signs of human trafficking and respond appropriately—saving lives. In July of this year, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) accepted my resolution calling on the 56 nations of the OSCE to adopt similar protocols.

Amb. Mark Lagon is working with Lexis Nexis, which has admirably taken up the cause of coordinating corporate responsibility on all sorts of human trafficking. Business and civil society are starting to the tremendous need. Domestic minor sex trafficking is too big of a problem to be left to the government alone. In the words of Deborah Sigmund of Innocents at risk, we must turn a million eyes on the problem, with each of us doing our part.

The CHAIRMAN. Ms. Smith.

TESTIMONY OF THE HONORABLE LINDA SMITH, A FORMER MEMBER OF CONGRESS

Ms. LINDA SMITH. Thank you, Honorable Chairman and Ranking Member, and all of you in these tough times that really are sitting

through your Committee. I know you are on a vote, so thank you for prioritizing this.

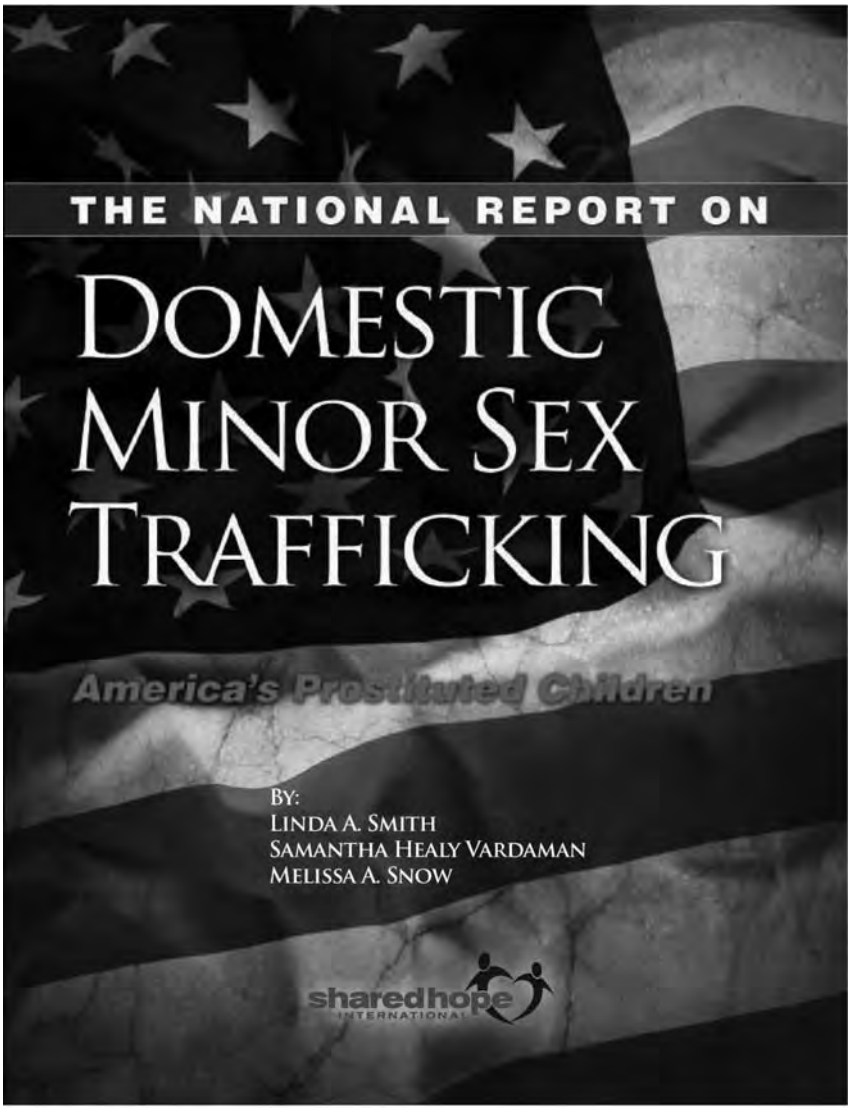
It is an honor to testify today on domestic minor sex trafficking. This is a name that we have given to sexual exploitation of U.S. citizen children through prostitution, pornography, and sexual entertainment. The name reflects the fact that this is human trafficking as defined in the Federal Trafficking Victims Protection Act of 2000.

Victims of domestic minor sex trafficking should receive the full benefit of victim protection services and the rights outlined in the TVPA. And I guess they really, most of the time, don't.

Furthermore, this is the point I want to make this morning. Those who buy their innocence must receive the full penalty called for in the law. I would like to summarize my comments and submit them and the two reports, the Domestic Minor Sex Trafficking: Prostituting American Children," and "Demand" for the record.

Mr. SCOTT. Without objection.

[The information referred to follows:]


THE NATIONAL REPORT ON
DOMESTIC MINOR SEX TRAFFICKING
America's Prostituted Children
BY:
LINDA A. SMITH
SAMANTHA HEALY VARDAMAN
MELISSA A. SNOW
sharedhope
INTERNATIONAL

Linda Smith

President and Founder
Shared Hope International

In 1998 while still a member of the U.S. Congress, Linda Smith traveled to Falkland Road in Mumbai, India -- one of the worst brothel districts in the world. The hopeless faces of desperate women and children forced into prostitution compelled Linda to found Shared Hope International (SHI).

Linda's model for restoration has been revolutionary, building partnerships with local groups to provide homes and shelters where women and children can live without time limit. These Villages of Hope have a holistic approach to recovery, including education and job skills training.

Linda founded the War Against Trafficking Alliance (WATA) in 2001, coordinating both regional and international efforts necessary to combat sex trafficking. In 2003, WATA co-sponsored a World Summit with the U.S. Department of State, uniting leaders from 114 nations, all demonstrating a sustained commitment to protect the vulnerable from the sex trade.

In 2006, SHI spearheaded the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children (CSEC), bringing together leaders from across the United States to assess progress made in combating the sexual slavery of children in America. The U.S. Mid-Term Review Report on CSEC in America was the basis for a United States - Canada Regional Consultation in preparation for the World Congress III Against CSEC in 2008. Shared Hope International delivered the report in person and participated in the outcome document from the World Congress III.

The "buyer" became the focus of the DEMAND. Report and documentary in 2007, funded by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. Linda and team were in the field conducting research in Jamaica, the Netherlands, Japan, and the United States in order to reveal the sophisticated business model behind sex trafficking, exposing the buyers who increase demand and the traffickers who supply the victims. The DEMAND. findings revealed that startling numbers of American children are being trafficked for sex within U.S. borders.

Since 2006, Linda and Shared Hope International have worked in partnership with human-trafficking task forces in cities across the United States. With funding from the U.S. Department of Justice, SHI identified and provided services to American victims of domestic minor sex trafficking (DMST). The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children compiled all of the information obtained through four years of research in America. Released at a Congressional briefing in July 2009, it examines the governmental and nongovernmental efforts and gaps in addressing child sex trafficking in the United States.

The National Report is the foundation for Shared Hope's advocacy efforts at state and federal levels, where Shared Hope is urging legislative and policy changes that would remove criminal responsibility from the minor for the crime of prostitution, increase penalties for buyers and traffickers as a deterrence method, and ensure specialized services and shelter for the restoration of the DMST victim.

In summer 2009, Linda released a book titled Renting Lacy: A Story of America's Prostituted Children. As a foremost expert on international and domestic trafficking, Linda has spoken out against the trafficking of women and children in international forums such as the World Conference on Trafficking in Vienna and has also been featured on televised programs such as Dr. Phil and The O'Reilly Factor, in addition to numerous other media appearances.

Linda's political career began in 1983 as a Washington State Legislator. She won a write-in campaign for Congress in 1994. Her compassionate and uncompromising belief that every individual has dignity has carried her from advocating for permanent safe homes for children as the State Senate chair of the Committee on Children and Family Services, to the halls of Congress, and ultimately to searching out victims in red light districts around the world. Linda and her husband, Vern, reside in Vancouver, Washington and are the proud parents of two and grandparents of six.

To schedule an interview with Congresswoman Smith please contact
Loren Wohlgemuth at 503.957.7347 or lorenw@sharedhope.org

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

May 2009

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

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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

www.sharedhope.org

TABLE OF CONTENTS

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.[i] 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.[ii] 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

[i] 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.

[ii] 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 Ovation 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."[22]

— "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.[23]

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.'"[24]

— Rachel Lloyd, Founder and Executive Director, GEMS

[22] "Tonya," Personal Interview. Shared Hope International, December 13, 2007.

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

[24] 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/sexactal10507.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."*[92]
>
> — 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.[93]

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

[92] 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.

[93] 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 1 — 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]

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[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. 7
[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.

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[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/010708dmnetprostitution.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] Stuble, 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.*

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[87] Hay, Domestic Minor Sex Trafficking Assessment Report — Dallas, Texas, pg. 9, citing T. Eisterer. "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." [96]

— Linda Smith, Founder and President, Shared Hope International

Average Age of Entry into Prostitution

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.[97]

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.[98]

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

[96] Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth, Seg. 2. Prod. Shared Hope International and Oranon Productions. 2008.

[97] 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.

[98] 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.[57]

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."*[58]
> — 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.[59] Likewise, WestCare Nevada, a shelter for youth in Las Vegas, found that 71% of domestic minor sex trafficking victims had been sexually

[57] Shared Hope International and WestCare Nevada case review study (2006). Data on file with authors.
[58] 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.
[59] 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.

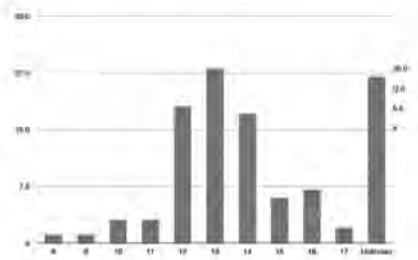
[106] Stevens, Eve, Smith and Bing, Domestic Minor Sex Trafficking Assessment Report — Fort Worth, Texas, pg. 35.

[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



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.[10]

[10] 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.[11]

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.[12] 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.[13]

> *"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."*[14]
>
> — 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

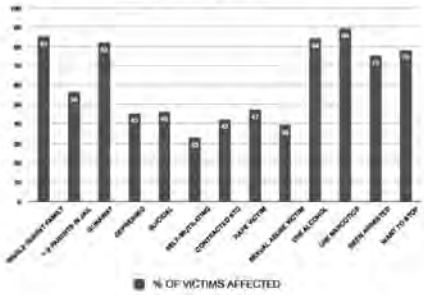
[11] Id. at pg. 112.
[12] Remarks by Sheila, Survivor of domestic minor sex trafficking, GEMS. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth (Dallas, Texas: September 15-16, 2008). Transcript on file with authors.
[13] Remarks by Lisa Goldblatt Grace, 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.
[14] 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	[illegible]
1-2 PARENTS IN JAIL	[illegible]
RUNAWAY	[illegible]
DEPRESSED	[illegible]
SUICIDAL	[illegible]
SELF-MUTILATING	[illegible]
CONTRACTED STD	[illegible]
RAPE VICTIM	[illegible]
SEXUAL ABUSE VICTIM	[illegible]
USE ALCOHOL	[illegible]
USE NARCOTICS	[illegible]
BEEN ARRESTED	[illegible]
WANT TO STOP*	[illegible]

*The average age of victims surveyed is 15

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.[13]

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

[13] 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).

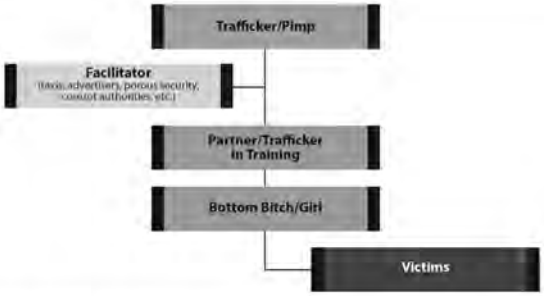
[119] Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 68, quoting assessment interviewee from Hillsborough Kids, Inc., Clearwater, FL.

[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 controlover 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.[12]

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.[13]

[12] 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.

[13] 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."*[122]
>
> — 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.

[122] 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 pathology[130]

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."*[15]
>
> — 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.[16] 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

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

[16] 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.

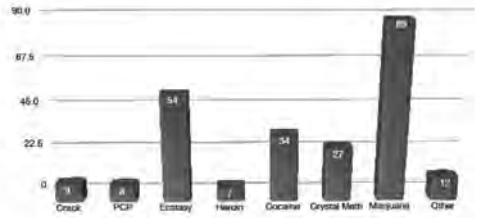
WestCare Nevada in Las Vegas also reported seeing many domestic minor sex trafficking victims within their youth population and reflects the frequent commingling of these victims with youth struggling with related issues or issues that develop as a result of their victimization, most notably drug addiction. 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



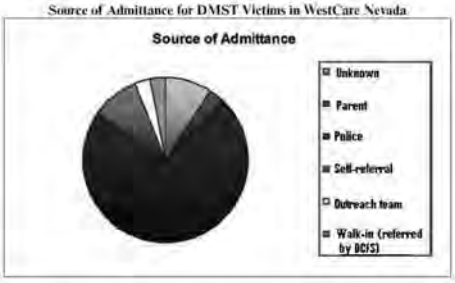
% of Victims Using Each Drug

DRUG	% of Victims
Crack	9
PCP	4
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.[146]

[146] 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.[14] 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

[14] 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."*[14]
>
> — 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

[14] 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:

Offense	Number	Percent
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.

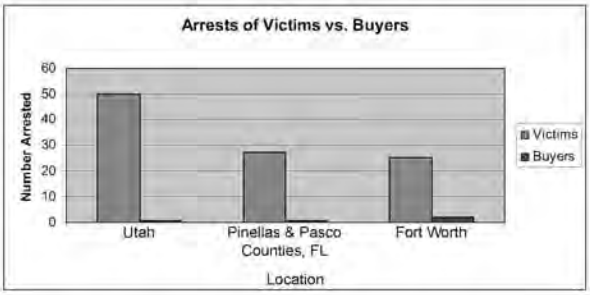
Table 6: Number of Victims in Detention or Juvenile Justice Facilities under Prostitution-Related Charges*

Location	Number of DMST Victims	Time Frame
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.[145] 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.

[145] 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 Oremon 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.[137]

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)

[137] 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..."*[100]
>
> — 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.[101]

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.[102] 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.[103]

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

[100] 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.

[101] 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.

[102] Reid, Domestic Minor Sex Trafficking Assessment Report — Clearwater, Florida, pg. 73; Baylis-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.

[103] 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.[107] 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.'"*[108]
>
> — 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.[109] 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.

[107] 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.

[108] Remarks by R. Lloyd. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

[109] 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..."*[70]
>
> — 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.

[70] 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 is 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.[10] 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.

[10] 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.'***"[109]
>
> — 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.

[109] 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 pace 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.'"*[108]
>
> — 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.[109] 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.[110]

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

[108] Remarks by R. Lloyd. Shared Hope International National Training Conference on the Sex Trafficking of America's Youth. Transcript on file with authors.

[109] 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.

[110] 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.

DEMAND

Jamaica

Jamaica's tourist industry, especially its adult-only resorts, encourages tourists to demand any pleasure they wish. Jamaica's economic dependence on tourism and extensive poverty create a culture of "making do" in which the prostitution of youth occurs.

Japan

Japan has a very large market for commercial sex. The Japanese equate sex with physical health and the patriarchal society has normalized the Japanese male's "need" for sex. In fact, Japan has a nearly universal acceptance and tolerance of the commercial sex industry.

- In 2005, 117 foreign women were recovered by the National Japanese Police Agency; the majority of victims were ages 15 to 20, including a 13-year-old Thai national.
- The International Office of Migration (IOM) reported that from May 2005 to March 2006 they rescued and returned 67 victims, including 33 Filipinos, 25 Indonesians, 6 Thais, 2 Taiwanese, and 1 Colombian.

The Netherlands

The Netherlands' legal prostitution and infamous red light districts has provided a veneer of legitimacy, allowing an illegal commercial sex market to flourish beneath the surface with demand for services by both local and international visitors.

- In 2004, about 8,000 prostitutes worked in Amsterdam.
  - 25% worked in windows
  - 25% worked in brothels
  - 49% worked in closed or private situations such as escort services, bars or private houses
  - 1% worked as streetwalkers
- More than two-thirds of the women were of foreign origin.
- In 2003, the Netherlands had 257 registered victims of human trafficking, with an overwhelming majority from Bulgaria, Romania, and the Netherlands. Large numbers were from Ghana, Nigeria and Sierra Leone.

The United States

U.S. pop culture glamorizes pimping and prostitution which lowers moral barriers to accessing commercial sex. In addition, U.S. citizens and legal permanent residents under the age of 18 are increasingly being recruited into the sex markets to service the demand resulting from the normalization and promotion of commercial sex across America.

- At least 100,000 U.S. citizen and lawful permanent resident minors are exploited through prostitution each year.
- The average age of entry into prostitution in the United States is 13.
- A 2002 study indicated that 90% of runaways become part of the commercial sex industry; and approximately 55% of girls on the street are used in prostitution. Of these girls, approximately 75% worked for a pimp.
- Each year, an estimated 14,500 to 17,500 foreign nationals are trafficked into the United States.

About Shared Hope International
Shared Hope International (SHI) rescues and restores women and children in crisis. For more than a decade, SHI has worked diligently around the world in partnership with local groups to prevent trafficking and to rescue and restore the victims of sexual slavery.

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DEMAND.

DEMAND. reveals the sophisticated business model of sex trafficking and sex tourism while exposing the market drivers that fuel and normalize the business of modern-day slavery. The DEMAND. report and documentary examine three critical pieces of the sex tourism and sex trafficking marketplace: the buyers who drive demand, the traffickers and recruiters who supply victims (like products to market), and the facilitators who feed the market.

Shared Hope International (SHI) completed a 12-month investigative examination of commercial sexual markets in Jamaica, Japan, the Netherlands, and the United States with funding from the Office to Monitor and Combat Trafficking in Persons, U.S. State Department. Each country, although vastly different culturally, socially, economically, and historically, has a culture of tolerance, allowing major markets for local and international sex tourism and trafficking to flourish.

KEY FINDINGS FROM DEMAND.

- The market for sex trafficking and sex tourism works just like a shopping mall where buyers can choose from a variety of human products of various ages and colors. As long as buyers continue to purchase this human product—and facilitators support the market—the shopping mall operates and flourishes.
- Demand exceeds supply. Traffickers will manipulate, coerce, and force victims to meet that demand. The easiest prey are juveniles.
- A culture of tolerance fuels demand and normalizes commercial sex creating a local market in which local men are buying local women and children.
- While institutions and individuals facilitate the sex trafficking and sex tourism markets in every country, technology is the single greatest facilitator and the engine behind the growth of the sex trade. The use of the Internet for commercial sex services—particularly pornography and escort services— offers website visitors and owners anonymity and supports an illicit market.

Seller/Facilitator

- In 2002, only 34 percent of prostitution arrests were male buyers of commercial sex. The other 66 percent were prostituted women and children.
- In 2006, arrests for prostitution of minors in Las Vegas, Nevada, included:
  - 53 minor victims
  - 32 pimps
  - 0 buyers
- In 2005, the arrest ratio of females used in commercial sex acts for every one male purchaser was:
  - 11 females for every one male purchaser in Boston
  - 9 females to every one male purchaser in Chicago
  - 6 females to every one male purchaser in New York City

Buyer

- 75 percent of minor girls in prostitution have a pimp.
- The Las Vegas Yellow Pages contains more than 155 advertisements for massage parlors and escort services.
- An Internet search found 2.2 million English language "escort service" websites in 30 days; more than 5,000 exhibited high indicators of sex trafficking.

Victim

- 600,000 to 800,000 individuals are trafficked across international borders each year; 80% of them are women and girls.

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Ms. LINDA SMITH. Thank you. A little brief background about Shared Hope. We started rescuing and restoring girls who were trafficked into sex trafficking around the world in 1998. Without going into that, we started studying the markets around the world, and we studied four specifically to compare the trafficking markets and how demand was facilitated. These four countries included the U.S., and that led to us doing more research for the Department of Justice. And eventually we came up with a report, the "National Report on Domestic Minor Sex Trafficking: America's Prostituted Children."

The report reveals the following: American girls of all descriptions are being pimped, and were found in gentlemen's clubs,

through escort agencies, and on the Internet Web sites in every major city that we researched.

America's youth are at risk for extreme violence through prostitution. There are at least 100,000 children who are exploited in prostitution every year in the United States. And the average age is a minor middle-school girl that is 13 years old.

Now, this was the alarming thing, and I wanted to stop and not do anything after I started figuring this out. In all locations, demand for younger victims was the factor driving recruitment and trafficking of our middle-school girls across America. Now, I knew it was going to be hard for you to believe what I am telling you today because it is not a place that anybody exaggerates, and I was here so I can say that. And sometimes you just hear things and it is just hard to believe.

When I got the investigative video back and I started going through the stats, I thought, I don't believe this either. I am retiring to Phoenix or somewhere warm. But first of all. I wrote a book called "Renting Lacey" to kind of let people know what it was like to be a 13-year-old girl on the inside of trafficking. And from girls we have rescued and the girls we have worked with, the FBI and some others, they are real characters woven into a novel.

But today you can't read that book. So I thought I would bring one of my girls with me in video. This is a new girl. She is in protection right now, and I would like to introduce you to a girl we are going to call Lacey this morning. She was trafficked on her 13th birthday, a little Sunday school girl, hadn't even had a boyfriend. And by her 15th birthday we got her back, out of a hospital, and now she is in protection. But I want her to talk to you about what it is like to be a trafficking victim in the United States.

Mr. Chair, as we bring this up, I will go ahead. And I would like to commend craigslist for being here today and for shutting down the site that so many of my cases were marketed on. I have not had a girl that was not marketed online, and most of them were marketed through craigslist that I have worked on in the United States. I hope we will hear a promise to Lacey, the little girl—I hope you will get to hear—and the 12-year-old girl in the front row, I just noticed that one of our little girls associated with the trafficking movement is here—that this cannot and will not happen on the Web site again. And we challenge other sites around the Nation, those that are just as bad at marketing children today, to follow the good lead of craigslist.

I want to comment briefly on the two bills before us. Both of them make a point that I think is real important to make this morning. They lead with statements. They include an emphasis on what drives trafficking, and that is men buying commercial sex at a younger and younger age.

I want to commend all the panelists for putting this as a top issue, for taking it onto their agenda not because it is just a popular issue, but because you have a passion in your heart.

Now, in closing, I would just like to simply say thank you to all of those girls, including Lacey, who have had a chance to be saved, because now it is a public issue. We worked with law enforcement, we worked with nongovernment groups. We found a placement for this girl, and she is now safe because people now realize that she

is a victim and she is not a criminal. Let's see if we can get Lacey in.

I am going to summarize Lacey for you and give you a little bit of an idea of who she is. I was called on a case, and they had a girl in the hospital. A probation officers had connected with her earlier, and about a few months before that she had been picked up on prostitution, which makes me so sad because she was abducted at 13. But the good part about it is she had a probation officer who understood she was a victim. We were called to come in to find a way to protect her, to pay some expenses to help find placement for her; actually moved her to another State, found a placement. And then we moved her again and found another placement.

But this little girl was—I call her a little church girl. Her whole week the week before she was abducted was going to church, going to Sunday school, going to youth group. She happened to have somebody stalk her for several months and identify that she was caring for her younger brothers and sisters. So she had younger brothers and sisters and they could threaten her with those younger brothers and sisters. They knew where she lived. They eventually got her, but she would stay in actual slavery, going to school part of the time and recruiting out of the school because they could get her little brothers and sister.

This is a 13-year-old girl that has now just turned 15 last month. I had a birthday with her, and she is the same age as my youngest granddaughter. This is not acceptable. It has to be moved up.

And as much as I love the foreign trafficking victims too, and we do rescue and restore all girls and all women that come to us, we have to move the domestic traffic victim who has to be over 90 percent of the victims up to a point in priority, in the TVPA funding or anyplace there is a chance, because it is just not acceptable to leave these children as criminals with no protection, and to let the men that are buying them walk free. Thank you.

Mr. SCOTT. We are going to try the video one more time?

Ms. LINDA SMITH. It actually worked this morning. This is so common. You know, this is just fine. I want to thank you all. If it does not come up, we will make it available to each of the Committee Members. Thank you. Your patience has been great. We can get this to you.

Mr. SCOTT. We are expecting votes any minute now. Perhaps they can continue to work on it in just a minute.

Ms. LINDA SMITH. The voice is changed and it sounds very odd, but she is in protection and her face is covered.

Mr. GOHMERT. Can we stop the sound? Great. Can I also say, obviously you have made a real difference. Thank you for the lives you have helped.

Ms. LINDA SMITH. Thank you.

[The prepared statement of Ms. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE LINDA SMITH,
A FORMER MEMBER OF CONGRESS

Testimony before the
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security

"Domestic Minor Sex Trafficking: the prostitution of America's children"

September 15, 2010

Linda Smith (U.S. Congress 1994-98)
Founder and President, Shared Hope International

www.sharedhope.org

2906 E. Evergreen Blvd.
Vancouver, WA 98661
and
1501 Lee Highway, Suite 101
Arlington, VA 22209

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Founder and President, Shared Hope International
September 15, 2010
House Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security

Mr. Chairman and distinguished members of the Committee, I thank you for the opportunity to testify before you today on the matter of domestic minor sex trafficking. Domestic minor sex trafficking is the name we have given to the sexual exploitation of U.S. citizen children through prostitution, pornography and sexual entertainment. The name reflects the fact that this exploitation is human trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (TVPA).[1] The crime therefore is a federal crime of trafficking and the victims should receive the full range of protections, services and rights outlined in the TVPA.

Shared Hope International has been working to rescue and restore women and children who suffer the devastating effects of sex trafficking, and prevent the spread of this crisis. This work began in 1998 when I was called by a constituent to witness the enslavement of women and girls in brothels in Mumbai, India, and it has led me back home to reveal the situation of domestic minor sex trafficking in the United States. The victims of domestic minor sex trafficking – boys and girls averaging 13 years old at the time of their initial exploitation through prostitution – number at least 100,000 each year according to conservative estimates.

Two pieces of research produced by Shared Hope International, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children* and DEMAND., are the foundation for my testimony today and I request both be admitted into the Congressional Record.

I. Summary of the key issues in responding to domestic minor sex trafficking

The key findings of the domestic minor sex trafficking study can be grouped into four components: 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.

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[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).

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. Those who are identified as minors are frequently charged with a delinquent act either for prostitution-related activities or a related offense, such as drug possession.

3. Criminalization as a Response to No Options for Placement
Law enforcement officers report they are often compelled in the absence of better options 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 pimp and the trauma-driven response of flight. The results are detrimental for the victim who rarely receives any services in detention, much less services specific to the trauma endured. 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.

5. Lack of Protective, Therapeutic Shelters for Domestic Minor Sex Trafficking Victims
Less than one hundred beds in facilities appropriate for and specialized in treating this population exist across the country. Furthermore, victims of domestic minor sex trafficking vary in their recovery processes making it critical to have at least three types of shelters to accommodate for these recovery differences: (1) an intervention shelter which will contain a child victim for her own protection until she has accepted the program of restoration; (2) a secure shelter that provides safety from outside and sufficient staff inside to encourage the child to remain in the shelter program; and (3) a long-term, transitional living arrangement which will prepare the child victim for reintegration into society. Establishing these protective shelters is critical for an effective strategy to combat domestic minor sex trafficking.

6. 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.

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. 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.

II. Background research

In 2005, Shared Hope International received funding through the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons to undertake a comparative examination of the sex trafficking and sex tourism markets with an eye toward identifying demand reduction strategies in four diverse countries: Japan, Jamaica, the Netherlands, and the United States. What we found was that demand is driving the markets and thriving due to the culture of tolerance that exists globally for the commercial sexual exploitation of women and girls. Without a buyer of commercial sex, there would not be a market for trafficked victims. Thus the report and accompanying awareness documentary were titled *DEMAND.*[2]

An especially disturbing finding surfaced in the data on America. Expecting to find large numbers of foreign national women trafficked to the United States for commercial sexual exploitation, we were stunned to instead discover much larger numbers of U.S. citizen and lawful permanent resident minors. American girls of all colors and ages were found stripping and being prostituted in the VIP rooms of gentleman's clubs, prostituted through escort agencies and Internet erotic websites, and controlled by pimps in the streets of Atlanta, Las Vegas and the Washington, DC-Baltimore corridor. Under the TVPA these girls are trafficking victims. Furthermore, anyone who has worked to restore their bodies, minds and souls from the trauma they have suffered can tell you they are victims of extreme forms of violence.

At the conclusion of the research project, Shared Hope International had accumulated information that strongly suggested a national crisis: America's youth are at risk for extreme violence through prostitution. Furthermore, the large majority of adult trafficked women reported that they were trafficked originally when they were under 18 years old. After years of providing protection for the girls and women in other countries, Shared Hope International decided to take action here in the United States.

This discovery led to a research project funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to investigate the scope of this domestic minor

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[2] See www.sharedhope.org/what/enddemand3.

sex trafficking problem and to determine what services were or were not being provided to rescue and restore the victims. Eleven locations were researched over three years and individual assessment reports issued for each. In all cases, we found that American minor children were being arrested and/or detained for prostitution or prostitution-related offenses rather than receiving treatment for the violence inflicted upon them. In all locations, a tolerance for the commercial sex industry and the demand for younger victims were the factors driving recruitment and trafficking of girls.

The eleven reports were compiled into *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*.[3] The report reveals the startling facts that at least 100,000 children are exploited in prostitution every year in the United States and the average age a minor is first exploited in prostitution is 13 years old. We learned through our research that in Las Vegas, 226 juveniles came before the Juvenile Court judge in just 20 months and in Dallas 165 juveniles were detained on prostitution and related charges in 2007 alone. These are numbers from just two cities – the real numbers in the communities across our country are certainly much larger. In nearly every case the child rather than the buyer is arrested. This child, though defined by the federal TVPA as a victim, is arrested for the crime committed against her. This arrest and treatment of the victim as a criminal is a secondary violence committed against her, compounding the trauma of the sexual violence she has already endured at the hands of the trafficker and the multitude of buyers who have used her.

An interview with one survivor of domestic minor sex trafficking provides insight into how these girls and boys are becoming victims of commercial sexual exploitation:

> *When I was 12 years old, a guy I thought was just a "dope [cool] boy" kept following me in his car when I walked to school. He was older and real cool, and he said I was really cute. He paid a lot of attention to me and eventually I got in the car with him. For a while we were girlfriend and boyfriend; we would go everywhere together. It didn't take long before I experienced the real treatment—being beaten, stomped on, manipulated and sold all day every day.*
>
> *When I think about how it must have looked to people, a baby-looking girl like me with an older "boyfriend," it makes me wonder why nobody was ever there to stop it, or even ask any questions at all. Nobody ever told me--I didn't understand--what a choice really was. People have asked me how I could have done what I did—sell my body on the street, in cars, in trucks, anywhere and everywhere and then deliver every last dollar to my pimp. Looking back on it from my vantage point today, I can't answer that question…I'm amazed myself, that I was so under the control of that man. He was the only person in my life that I felt connected to and I even felt like he was my only protection; therefore, I would have done anything to stay with him. The price was for me to sell the only thing I had, my body. He gave me a different name, a street name…it was*

[3] http://www.sharedhope.org/files/SHI_National_Report_on_DMST_2009.pdf

> *Cookie. That was fine with me because [Tonya] would never do the things Cookie did; I was a different person when I was tricking.*

The severity of trauma bonding keeps them bound in these situations, but cultural and official inability to see them as victims and the continuing use of terminology such as "child prostitutes" prevents our culture from perceiving the victimization.

III. Lack of shelter and specialized services is crippling the fight

For those in law enforcement who recognize the exploitation the domestic minor sex trafficking victim is experiencing and want to take a victim-centered approach to the investigation, the lack of secure shelter is cited as the biggest problem they face. Without access to secure shelter in some form it becomes nearly impossible to protect the child victim of sex trafficking. Further, law enforcement has come to see the critical part victim services plays in stabilizing the victim to testify in the prosecution of traffickers. As an example, the Innocence Lost Initiative, created through a partnership of the Department of Justice Child Exploitation and Obscenity Section (CEOS), the FBI, and the National Center for Missing and Exploited Children (NCMEC), has rescued over 900 trafficked children to date, but has been able to place only a few of them in shelters specifically tailored for their needs. Unfortunately, such children often end up waiting for the trial of their exploiter in juvenile detention or in an unsafe placement. Congress must make child victim protections, especially shelter development, a priority – the success of combating demand and restoring the victims depends on it.

What can Congress do? There are actions Congress can take to overcome this primary barrier to the proper response to the victims of domestic minor sex trafficking. First, pass H.R. 5575, the **"Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010,"** introduced by Congresswoman Maloney and Congressman Smith and currently co-sponsored by nearly twenty members of Congress.

The U.S. government is providing greater protection and care for non-citizens than for our own children. The TVPA authorized funding for the Department of Health and Human Services to implement three pilot shelters for juvenile victims of trafficking – the agency has never requested these funds and the intent of Congress continues to be thwarted as a result. The dichotomy between the funded and provided services and shelter for foreign victims and those mandated but not funded for domestic victims must be cured. Congress has the opportunity and obligation to send a strong message to the fifty states that Congress intends for these children to be treated as victims and be given all of the services and justice which the federal law provides. H.R. 5575 will ensure that specialized shelters and services for the victims of domestic minor sex trafficking victims are provided to these victimized children. It will also empower the law enforcement and prosecutors in up to six funded locations with better resources, investigative tools and staffing to make prosecution a real consequence for engaging in the sale and purchase of sex with a minor child.

A second key action Congress can take to remedy the failure to protect the young victims of this crime is to tie standards of protection and services for the protected class of domestic minor sex trafficking victims to current federal funding streams to the states. Congress can ensure the proper victim rights and treatment for the child sex trafficking victim by requiring certain standards of care and the development and provision of certain protections for the victims by imposing conditions on federal funding to states.

IV. Arrest instead of rescue

Our research revealed hundreds of children arrested, charged and prosecuted for prostitution despite their status as minors--and therefore as victims--of domestic minor sex trafficking. A survivor of domestic minor sex trafficking relates her experience with repeated arrests:

> *I was arrested 17 different times in all kinds of cities and every time I went to detention, they thought all they had to do is change where I was. So I ended up in group homes where people had serious drug and mental problems, but not my kind of problem...there was nothing to help me deal with the trauma of what happened to me. I wanted nothing to do with those places. Being with the "family" was at least something I was used to, so I ran away and back to my pimp every time. Each time I was transferred from out of state back to Ohio, it was in handcuffs and leg shackles and I was surrounded by policemen that I felt were my enemies. Despite my age, I spent 8 months in prison when my pimp caught a federal case. Yes,* ***I'm the one*** *that went to prison. I could never trust anyone. Sitting in a facility with criminals didn't help, it only made me more bitter.*

One reason for this arrest is the absence of options for law enforcement officers in most places in the country – the lack of safe shelter where they can place a child victim of domestic minor sex trafficking leads them to charge the child in order to hold her in detention. Appropriate protective shelter and services are critical for the protection and restoration of child sex trafficking victims - but they do not exist in most of the country.

To help guide the states in this endeavor, the federal government can promote the enactment of legislation similar to Washington SB 6476 (often referred to as the Protected Innocence Law),[4] the New York Safe Harbour for Exploited Children Act,[5] and the Illinois Safe Children Act[6]

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[4] SB 6476, signed into law April 1, 2010; eff. June 10, 2010. http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202010/6476-S.SL.pdf

[5] NYS Laws Title 8-A, Section 447.
http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@PLSOS0A6T8-A+&LIST=SEA3+&BROWSER=EXPLORER+&TOKEN=33571463+&TARGET=VIEW

[6] Public Act 96-1464, signed into law Aug. 20, 2010.
http://www.ilga.gov/legislation/billstatus.asp?DocNum=6462&GAID=10&GA=96&DocTypeID=HB&LegID=52490&SessionID=76.

which remove a minor from the juvenile delinquency process when identified as a sexual exploitation victim, converting the case from a prostitution charge to a child welfare and protection case. With the label of victim, access to services and appropriate shelter becomes possible.

V. Demand deterrence is essential to win

A study done in Georgia used Craigslist advertising to determine that 12,400 men buy sex with young women in a given month in Georgia, of whom 7,200 end up exploiting a minor. These 7,200 men account for 8,700 paid sex acts with minors each month in Georgia, with an average of 300 acts per day.[7] In Chicago, a recent study utilized the "Erotic Services" section of Craigslist, the Chicago Reader, and Chicago After Dark to recruit 113 men who buy sex to interview, learning that 34% of men use the Internet to buy sex, with Craigslist the most frequently used to buy sex.[8]

How do we fight this demand? First and foremost, intense scrutiny and enforcement must be brought to the Internet sites facilitating the sale of sex with minors. The Internet is the new prostitution track and just as law enforcement have long patrolled prostitution zones in cities across the country this enforcement activity must be brought to those online facilitators of domestic minor sex trafficking.

Innovative investigative techniques, technology, and protocols are needed to target the "john." One example of this innovation is in the Western District of Missouri which includes Kansas City. A pioneering Assistant U.S. Attorney in that district, Cynthia Cordes, with the support of her office has pursued buyers of commercial sex with children by working with the local human trafficking task force to plan and implement an Internet sting operation designed to satisfy the evidentiary requirements of the federal TVPA -- specifically sections 1591 and 2224(b) -- using the words "obtain" and "entice" to charge, indict and secure a guilty plea in seven cases of domestic minor sex trafficking thus far. Since this operation netting indictments of ten men seeking to buy sex with a minor, five other U.S. Attorney's Offices from Virginia to Alabama have initiated similarly modeled operations. Another example can be found in Phoenix, Arizona where the Phoenix Police Department Vice Unit pursue cases of domestic minor sex trafficking vigorously. Their three phase investigative approach begins with identifying and rescuing the child victim, followed by obtaining sufficient evidence to charge the trafficker (pimp), and concluding with collecting evidence to pursue charges against the many men who bought sex with the child over the course of her exploitation.

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[7] Men Who Buy Sex with Adolescent Girls: A Scientific Research Study, commissioned by A Future. Not a Past. (AFNAP), a project of the Juvenile Justice Fund (The Schapiro Group, Atlanta, GA: February 2010).
[8] Rachel Durchslag and Samir Goswami, Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex (Chicago Alliance Against Sexual Exploitation, Chicago, IL: May 2008).

It is critical that Congress express its intent to reach all actors in the sex trafficking crime with the federal TVPA, including the demand actor – the buyer. A clear statement by Congress is needed to enable the federal prosecutors to continue to indict the buyers of commercial sex with minors, bringing to bear the tremendous deterrent value of heavy federal penalties. The enormous disparity in penalties between most state convictions and a federal conviction make the TVPA the key to deterring demand. Faced with a mandatory minimum sentence of 15 years for trafficking a child under 14 and 10 years for trafficking one over 14, the buyer is likely to think twice before proceeding with the crime of buying sex with a child. In contrast, state convictions for comparable crimes generally reflect penalties in the range of 3-10 years. Also, federal prosecutors can seek restitution – a moral and financial victory for the victim of domestic minor sex trafficking.

Select states are increasing penalties and introducing or increasing fines for buyers in recognition of the deterrence value of both. Increased penalties will bring state penalties closer to federal sentences. Increased fines will make it more difficult for buyers to hide their crime from family, friends and the community. In the state of Washington a new law increases the cost of releasing an impounded vehicle used in the commission of the crime of commercial sexual abuse of a minor (child sex trafficking) to $2,500 – a sum that is hard to retrieve from an ATM and easy to notice in the family checkbook. Those who buy sex with minors should be exposed and shamed.

Law enforcement investigations of buyers requires more resources and capacity. A phase three investigation such as that being done in Phoenix is not possible for many police departments facing budget cuts that too often are hitting the vice units where these investigations are initiated. H.R. 5575 will bring much-needed federal assistance to up to six locations across the country to enable increased attention and innovative investigations into the demand side of this crime.

Deterrence does not come solely in the form of investigation and prosecution. A grassroots, preventative approach is critical to an anti-demand effort. A survey of 117 men aged 15-80 indicated that websites were the predominant influence leading them to view pornography. Other influences included pop-up ads for pornographic websites, movies and TV commercials—electronic influences present in nearly every home in developed countries. This survey done by The Defenders USA indicates that respondents first viewed pornography at approximately twelve years of age.[9] Early viewing of pornography may serve as an incubator for future buyers of commercial sex services in this and other markets. An analysis of 1,663 federally prosecuted child pornography cases indicates contact offenses were discovered in approximately one-third of cases.[10] In response to this attack on our youth, especially boys, Shared Hope International developed an initiative called The Defenders USA. This initiative is member-led by males who

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[9] The Defenders USA survey (December 2006), in DEMAND.: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States (Shared Hope International, 2007), pg. 18. See also <http://www.thedefendersusa.org>.

[10] The National Strategy for Child Exploitation Prevention and Interdiction – A Report to Congress (U.S. Dept of Justice: August 2010), pg. 20.

are raising awareness about the dangers of prostitution and pornography to men personally and to the victims in the images of sexual exploitation.

It is clear that only a multifaceted approach to demand deterrence will succeed. If victims are provided safety and security they are much more likely to become effective witnesses in cases against both traffickers and buyers; then the increased level of convictions will serve as warning to others and a deterrent, especially in combination with prevention and education efforts for men who patronize the commercial sex markets.

VI. Conclusion

The United States is a recognized leader in the anti-trafficking battle and has signed and ratified the UN Protocol against human trafficking which provides that persons under 18 years of age who are used to perform commercial sex acts are victims of sex trafficking. This international standard is reiterated in the American anti-trafficking law, the TVPA. The U.S. Department of State authors the *Trafficking in Persons Report* each year which measures the efforts of countries, including the United States, in combating human trafficking in their respective countries. This evaluation has grown to include internal trafficking; countries that have not taken a firm position on preventing internal trafficking have been affected in the evaluation as a result. Also, Congress mandated an annual report issue from the Attorney General detailing human trafficking in the U.S and efforts under the U.S. Government to combat it. Several federal agencies also participated in the U.S. Mid-term Review for the Third World Congress Against the Commercial Sexual Exploitation of Children in 2006 which generated a report demonstrating efforts are being taken but much more must be initiated to fight this problem effectively.

The devaluation of children's lives through their exploitation in commercial sex markets is resulting in a breakdown of communities in nations around the world, including our own. Congress' leadership in the fight against domestic minor sex trafficking will ensure America's position as a leader in the fight against human trafficking globally.

Honorable Chairman, distinguished Members of the Committee, on behalf of these children and the thousands more whose stories we will never hear, we urge you to take aggressive action to protect the boys and girls of our nation. Thank you for the opportunity to share with you our findings on this important issue and for considering H.R. 5575 which will enable six locations around the country to set up comprehensive responses to the child sex trafficking occurring in their cities.

# # #

Mr. SCOTT. We will work on the video and see if we can get the video. We are going to be in recess for approximately half an hour. We have five votes and that will take at least a half an hour. And so we will reconvene at 2:30. The Subcommittee stands in recess.

[Recess.]

Mr. SCOTT. While we are waiting for Judge Gohmert, could we run the tape that we planned to run before? I think it is about 2 minutes long.

[video played.]

Mr. SCOTT. Judge Gohmert will be with us shortly. Let me begin by introducing our second panel. Our first panel will be Frances Hakes, who is the National Coordinator for Child Exploitation, Prevention, and Interdiction in the Office of the Deputy Attorney General of the Department of Justice. This position was created by Congress in the Protect Our Children Act of 2008. In this capacity she is charged with implementing a National Strategy to combat child exploitation. She serves as the Justice Department's liaison to Federal, State, and local agencies and organizations on child exploitation issues and will be submitting reports on the National Strategy to Congress. She also serves as an Assistant United States Attorney for the Northern District of Georgia.

Our second witness, Ernie Allen, is co-founder of the National Center for Missing and Exploited Children. He has served as President and CEO of the private nonprofit organization since 1989. Under his leadership, more than 155,000 children have been recovered and the organization has increased its recovery rate from 62 percent in 1990 to 96 percent today. He has brought technology and innovation to the center, including age progression and forensic imaging of long-missing children, a 24-hour missing children hotline, and training for more than 276,000 law enforcement officers.

Our third witness is Tina Frundt, who has been actively raising awareness of the commercial sexual exploitation of children since 2000. A high-profile national advocate on the issue of domestic sex trafficking as well as a survivor herself of minor sex trafficking, Ms. Frundt started her own nonprofit, Courtney's House, which provides services for domestic sex-trafficked youth. Courtney's House is the first group home for sex-trafficked children, aged 12 to 18, in the Washington, D.C. metropolitan area.

Our next witness we wanted to have Mr. Lungren introduce, but he has been detained. Our next witness will be Nicholas Sensley, who was appointed Chief of Police of Truckee, California in November 2008. He has been working to combat human trafficking since 2001 when he developed an innovative, collaborative problem-solving methodology known as the CARE model, Custodial Analysis Response and Evaluation. He is one of the architects of the first anti-human trafficking task forces in the United States that was initiated in New York City in 2001. Similar task force groups are now sponsored by the U.S. Department of Justice in 42 cities throughout the United States. At the request of the Department of Justice in 2009, he authored national guidelines for anti-human trafficking task force operations.

Suzanna Tiapula is the national director—is the director of the National District Attorneys Association's National Center for Prosecution of Child Abuse, where she coordinates and manages activities and operations of the Center. She also trains child abuse professionals across the country on the investigation and prosecution of child maltreatment and exploitation. In 2004 and 2005, she co-

ordinated the development of two advanced trial advocacy courses for prosecution of online crimes against children as part of the National Center's child sexual exploitation program.

Deborah Richardson, chief program officer for the Women's Funding Network, is responsible for the implementation of the 10-year strategic plan, which includes programming, research, evaluation, communications, and project initiatives of this global network of 165 women's funds in six continents. As a nationally recognized advocate in ending child sexual exploitation, she has designed model programs such as CEASE, Center to End Adolescent Sexual Exploitation, Angela's House, which is the only safe house in the southeast for sexually exploited girls. And she has also been involved in the creation of multidisciplinary systems of care. Her organization has some shocking recordings which she will describe.

Our seventh witness is William "Clint" Powell, who is the Director, Customer Service and Law Enforcement Relations for craigslist. In that capacity he has served as craigslist's primary contact person with the law enforcement community for the past 6 years. He works directly with police officers, Federal agents, prosecutors, and others in the law enforcement community whose investigations involve craigslist content, and personally testifies in judicial proceedings throughout the United States where matters require testimony regarding craigslist records or procedures.

Elizabeth McDougall is a partner at Perkins Coie law firm's litigation practices. She focuses on Internet-related disputes, online safety and security issues, and intellectual property litigation. She maintains an active pro bono practice currently focused on combating human trafficking. Areas of her expertise include combating the use of services for unlawful activities, combating exploitation and abuse of services for unauthorized purposes, combating misuse of online and off-line content and works, and combating unlawful intrusions into client services and systems. She also offers and provides pro bono representations to nonprofit organizations on these issues, with a particular emphasis on antihuman trafficking strategies, efforts, and measures.

Now, all of the witnesses' written statements will be entered into the record in its entirety. We ask each witness to summarize his or her testimony in 5 minutes or less, and to help stay within that time limit there is a lighting device on the table which will start green, go to yellow when there is 1 minute remaining, and will turn red when the 5 minutes have expired.

Mr. SCOTT. So we will begin with Ms. Hakes.

TESTIMONY OF FRANCEY HAKES, NATIONAL COORDINATOR FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Ms. HAKES. Good afternoon, Members of the Subcommittee.

Mr. SCOTT. Excuse me. I just noticed Mr. Lungren was with us. Did you want to say a kind word about your Chief? I announced that you were coming.

Mr. LUNGREN. No, no, if I could just say this about Chief Sensley. We have had seminars in our district on the issue of human trafficking. Unfortunately, my area, by the FBI statistics, is one of the

worst in the entire United States. A lot of people have a hard time believing that in Sacramento, but we happen to be at the intersection of north-south interstates and east-west interstates. And Chief Sensley, who is from the small community of Truckee—if any of you want to know where that is, if you have ever been skiing in Lake Tahoe, you go right through his district. I asked him, how does a guy get from New York to Truckee, and he said, "Well, it helps if you like to ski."

He is an internationalized expert on this issue, he has lectured on the setup programs not only in the United States but in foreign countries. And his sensitivity to this issue is absolutely palpable. And I am so happy that he was able to come here, and I thank you, Mr. Chairman, for allowing me to put in a couple of words there.

Mr. SCOTT. Thank you. I am sorry, Ms. Hakes.

Ms. HAKES. Good afternoon Chairman Scott—Ranking Member Gohmert I don't believe is in the room yet—and Members of the Subcommittee.

As you may know, I am the National Coordinator for Child Exploitation Prevention and Interdiction. And I am attached currently to the Deputy Attorney General's Office at the Department of Justice. I am also a Federal prosecutor and I have been an assistant U.S. Attorney since 2002. Prior to 2002, I was an assistant district attorney in the State of Georgia for 6 years.

My very first trial as an assistant district attorney was a child exploitation case. I have specialized in child exploitation my entire career.

It is an honor for me to appear before the Subcommittee to discuss Department of Justice efforts around the country to prosecute individuals involved in the prostitution of children.

While, unfortunately, children around the world are victimized by various forms of sexual exploitation, my focus today is the commercial sex exploitation of American children by American citizens that occurs solely within the borders of our country. I will be describing for you the efforts being undertaken by the Department of Justice to combat child exploitation in all of its forms.

As I am sure you know, the Department submitted its first ever National Strategy for Child Exploitation Prevention and Interdiction to Congress on August the 2nd. This National Strategy contains three parts: A comprehensive assessment of the threat child exploitation poses to our children; a review of the current efforts to prevent and interdict child exploitation across the government; and finally, our comprehensive approach to deterring, preventing, and interdicting these terrible crimes.

The commercial sexual exploitation of American children is a form of human trafficking. It is often prosecuted under the sex trafficking provisions of 18 United States Code section 1591. Those who sexually exploit children, whether foreign or domestic, for commercial gain exploit the vulnerabilities of their victims. American children are recruited by pimps and madams from all socioeconomic classes and from all races. They become victims because of abandonment, abuse, or unhappiness. These children targeted by pimps and madams are typically runaways, throwaways, or victims of physical or sexual abuse.

These vulnerable children are promised stability, love, attention, and a home, but instead find themselves forced into prostitution. American pimps and madams can recruit children for nearly nothing and can easily replace one child with another. They seem to have little fear of law enforcement, confident in their ability to keep their victims from cooperating against them. And, sadly, these pimps and madams are confident that they have customers who are willing to pay to sexually assault these children.

The Department of Justice is heavily involved in combating this grave and growing problem. While it is difficult to imagine, children as young as 11 are targeted for commercial sexual exploitation.

In June of 2003, as this Committee has already heard, in order to address this growing problem, the Department, with the FBI and the Department's Child Exploitation and Obscenity Section, in conjunction with the National Center for Missing and Exploited Children, launched the Innocence Lost National Initiative. Each of the Innocence Lost National Initiative's 38 task forces and workings groups throughout the United States work in tandem with Federal agents, State and local law enforcement, and with U.S. Attorneys offices. They also bring together Federal, State, and local law enforcement prosecutors and social service providers to engage in training at the National Center for Missing and Exploited Children.

To date, this Innocence Lost Initiative has resulted in nearly 600 convictions at the State and Federal level and the location and recovery of more than 1,100 children. Investigative efforts have increasingly resulted in substantial sentences for those convicted, including four life sentences and many others ranging between 25 and 45 years.

Recognizing that a gap in services often leads to difficulty in gaining a victim's cooperation in these cases, the Department's Office for Victims of Crime is funding three demonstration projects that are focused on providing services to domestic children exploited through prostitution. These projects will hopefully identify promising practices in the delivery of a wide away of services to vulnerable victims, and we look forward to a report from these projects.

As I noted at the the beginning of my remarks, the Department has recently submitted its National Strategy for Child Exploitation Prevention and Interdiction to Congress, and I brought a copy with me today for those of who you have not seen it. We have also already begun implementing the goals and the priorities contained therein.

When we submit our next report, I expect we will be able to tell you of the strong progress we have made in the fight against all forms of child exploitation.

As we note in the National Strategy, we are committed to a multifaceted attack on child exploitation on three fronts: Prevention, deterrence, and interdiction. Each of these three is critical to our success in this fight. We are engaged with all of our law enforcement partners on interdiction efforts, with our community and agency partners at the Department of Education and others in our

prevention efforts, and with the U.S. Marshals and others on our deterrence efforts.

The message that we are sending with our National Strategy is clear. The Department of Justice is fully engaged in preventing, deterring, and interdicting these heinous crimes. Our goal is to prevent exploitation where we can and to aggressively pursue those who prey on our children with strong enforcement, vigorous prosecution, and serious jail time for those who believe they can harm our children with impunity. Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Hakes follows:]

PREPARED STATEMENT OF FRANCEY HAKES

Department of Justice

STATEMENT OF

FRANCEY HAKES
NATIONAL COORDINATOR FOR CHILD EXPLOITATION, PREVENTION, AND INTERDICTION

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

ENTITLED

"DOMESTIC MINOR SEX TRAFFICKING"

PRESENTED

SEPTEMBER 15, 2010

Statement of Francey Hakes
National Coordinator for Child Exploitation Prevention And Interdiction
Office of The Deputy Attorney General
House Judiciary Subcommittee on Crime, Terrorism, And Homeland Security
September 15, 2010

Good afternoon, Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee. As you may know, I am the National Coordinator for Child Exploitation Prevention and Interdiction. I am attached to the Office of the Deputy Attorney General, and I have held this position since January of this year. I am also a federal prosecutor, and have been an Assistant United States Attorney since 2002. Prior to my service in the U.S. Attorney's Office in Atlanta, I was an Assistant District Attorney in Georgia for six years. My very first trial as an ADA was a child exploitation case, and I have specialized in child exploitation for my entire career. It is an honor to appear before the Subcommittee to discuss Department of Justice efforts around the country to prosecute individuals involved in the prostitution of children.

While, unfortunately, children around the world are victimized by various forms of sexual exploitation, my focus today is the commercial sexual exploitation of American children by American citizens occurring solely within our borders. I will be describing for you the efforts being undertaken by the Department of Justice to combat child exploitation in all its forms. As you know, the Department submitted its first-ever National Strategy for Child Exploitation Prevention and Interdiction to Congress on August 2nd of this year. This National Strategy contains three parts: a comprehensive assessment of the threat child exploitation poses to our children; a review of the current efforts to prevent and interdict child exploitation across the government; and, finally, our comprehensive approach to deterring, preventing, and interdicting these terrible crimes.

The commercial sexual exploitation of American children is a form of human trafficking, and is often prosecuted under the sex trafficking provisions of 18 U.S.C. 1591. Those who sexually exploit children, whether foreign or domestic, for commercial gain, exploit vulnerabilities of their victims. American children are recruited by pimps and madams from all socioeconomic backgrounds and all races. They become victims often because of abandonment, abuse, or unhappiness. The children targeted by pimps and madams typically are runaways, throwaways, or victims of physical or sexual abuse. These vulnerable children are promised stability, love, attention and a home, but find themselves forced into prostitution instead. American pimps and madams can recruit children for nearly nothing, and can easily replace one child with another. They seem to have little fear of law enforcement, confident in their ability to keep their victims from cooperating against them. And, sadly, these pimps and madams are confident that they have customers willing to pay to sexually assault these children.

The Department of Justice is heavily involved in combating this grave and growing problem. While it is difficult to imagine, children as young as 11 years old are targeted for commercial sexual exploitation in the United States. Once in the custody of a pimp, everything the child earns goes to the captor and attempted escapes often result in brutal beatings or even death.

In June 2003, to address the growing problem of commercial sex trafficking of children within the United States, the FBI joined the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children (NCMEC) to launch the Innocence Lost National Initiative (ILNI).

Each of ILNI's 38 task forces and working groups throughout the U.S. include federal, state and local law enforcement agencies working in tandem with U.S. Attorney's Offices. Additionally, the program brings state and federal law enforcement agencies, prosecutors, and social service providers from all around the country to NCMEC for joint training opportunities.

Task Force operations usually begin as local actions, targeting such places as truck stops, casinos, street "tracks," and Internet websites, based on intelligence gathered by officers working in their respective jurisdictions. Initial arrests are often violations of local and state laws relating to prostitution or solicitation. Information gleaned from those arrested often uncovers organized efforts to prostitute women and children across many states. FBI agents further develop this information in partnership with other federal prosecutors and federal charges are filed where appropriate.

For its part, the FBI's Crimes Against Children Unit also coordinates a national sting operation to combat domestic sex trafficking of children entitled *Operation Cross Country* multiple times throughout the year. Innocence Lost National Initiative (ILNI) task forces in 38 cities have participated in the operation by targeting venues such as the street tracks, truck stops, motels, and casinos where children are typically prostituted. Every case initiated through the ILNI is reviewed for possible federal violations, and where applicable, cases are presented to the United States Attorney's Office for prosecution.

To date, the ILNI has resulted in nearly 600 convictions at the State and Federal level, and the location and recovery of over 1100 children. Investigative efforts have increasingly resulted in substantial sentences for those convicted, including four life sentences and numerous others ranging from 25-45 years.

One such example, the "*Precious Cargo*" investigation, targeted pimps involved in the sex trafficking of children and adult women to and from the truck stops of Harrisburg, Pennsylvania. Over 150 victims were identified during the investigation, of which 45 were identified as having been exploited while underage, the youngest of whom was 12 years old. In December 2005, eighteen individuals were indicted for the sex trafficking of children, conspiracy, transportation, and money laundering. In December 2008, Terrance Williams, aka "Sleazy T" was sentenced to

45 years for his role in the enterprise; Eric Hayes, aka "International Ross" to 35 years; and multiple other defendants to sentences exceeding 25 years in length.

These cases require dedication of investigators, victim specialists, and prosecutors as they often turn on the testimony of children who've suffered extreme psychological and physical abuse, who lack supportive family structure, and who may have become forcibly addicted to drugs or alcohol. Corroborating evidence becomes critical due to the pressure on the victim, and sometimes the victim is not willing to cooperate. The FBI and the Department of Justice prosecutors willingly accept these extra burdens to bring to justice offenders who view children as fungible objects to be sold for sex.

As I have noted, gaining the victim's cooperation in these cases can be difficult, and one of the primary reasons is that there is a dearth of services available to these children to keep them available to law enforcement, offer them treatment or a place to live to escape the only life they've come to know. The Department of Justice's Office for Victims of Crime (OVC) is now funding three Demonstration Projects that are focused on providing services to domestic children victimized by commercial sexual exploitation. The three awarded programs are Safe Horizon, Inc., in New York, New York; Salvation Army Metropolitan Division in Chicago, Illinois; and Standing Against Global Exploitation – or "SAGE" – Project, Inc., in San Francisco, California. Each program received $800,000 for 3 years. These projects will, hopefully, identify promising practices in the delivery of a wide array of services to victims, and will lead to a report about the project.

The Department of Justice recognizes that secure housing and specialized services are critical to meet the needs of this unique population of child victims. The housing piece will allow law enforcement to ensure the safety of these children, and to build the necessary rapport and trust to allow the victims to assist in the investigation and prosecution of their abusers. Specialized services for these children are also necessary, and must address the full range of trauma experienced by them. These victims are often survivors of sexual abuse even before being recruited by pimps and madams, they have often suffered violence at the hands of their pimps, and certainly by those who paid to assault them, and they may have other conditions, like drug and alcohol addiction, that require these specialized services.

As I mentioned before, the Department of Justice conducted a threat assessment as part of the National Strategy for Child Exploitation Prevention and Interdiction. This assessment found that there is a lack of definitive data on the scope of this problem, however, there is some scientific research that gives a small picture of the nature of those forced into a life of prostitution. In one study in Chicago, researchers found over half of prostitutes reported engaging in prostitution before they turned 18 years old. In San Francisco, similar research found 78 percent of those engaged in prostitution reported beginning this life as a juvenile, and some 60 percent reported they were 16 or younger.

In FY 2009, the Department of Justice awarded funding under a new program titled, "Improving Community Response to the Commercial Sexual Exploitation of Children" to Oakland, California, Portland, Oregon, and Miami, Florida. This program focuses on developing a comprehensive community-based approach to domestic commercial sexual exploitation of children. The goal of the program is to enable participating communities to improve their capacity to: recognize exploited youth and youth at risk for exploitation; effectively investigate and prosecute cases against adults who exploit children and youth; and, intervene appropriately with and compassionately serve victims including providing essential services. Additionally, in FY 2010 four awards were made to Internet Crimes Against Children Task Force – affiliated state and local law enforcement agencies to assist them in improving their community's response to victims of commercial sexual exploitation.

The Department of Justice, recognizing this lack of definitive data on this problem, is funding research to answer these key questions: 1) how many youth under 18 were victims of commercial sexual exploitation in the U.S. in 2008; 2) how many of these victims were known to law enforcement; and 3) how many of these victims were not known to law enforcement. Preliminary results from this study are due in early 2011.

As I noted at the beginning of my remarks, the Department of Justice has recently submitted its National Strategy for Child Exploitation Prevention and Interdiction to Congress. And, we have begun implementing the goals and priorities contained therein. When we submit our next Report, I expect we will be able to report strong progress in the fight against all forms of child exploitation. As we note in the National Strategy, we are committed to a multi-faceted attack on child sexual exploitation in three forms: prevention, deterrence, and interdiction. Each of these three are critical to our success in this fight. We are engaged with all our law enforcement partners on interdiction efforts, with our community and Agency partners at the Department of Education and others in our prevention efforts, and with the U.S. Marshals Service and others on our deterrence efforts. The message we are sending with our National Strategy is clear: the Department of Justice is fully engaged in preventing, deterring, and interdicting these heinous crimes. Our goal is to prevent exploitation where we can, and to aggressively pursue those who prey on our children with strong enforcement, vigorous prosecution, and serious jail time for those who believe they can harm our children with impunity.

Mr. SCOTT. Chief Sensley.

TESTIMONY OF NICHOLAS A. SENSLEY, CHIEF OF POLICE, TRUCKEE POLICE DEPARTMENT, TRUCKEE, CA

Chief SENSLEY. Thank you Mr. Chairman, Ranking Member Gohmert and other Members of the Committee. And especially to

Mr. Lungren, thank you for the support that you continue to show for us in California.

I am going to jump to the end as I speak to the issues that have been spoken to in many representations here today. Part of my concern is in the use of the term "slavery." My concern rests there because from the street level we can attest that what is going on in this domestic minor sex trafficking is, in fact, an act of slavery. Where the problem exists is that there is not the emphasis in responding to this problem of slavery that we saw some 200 years ago. And if perhaps truly a shift were to occur, we would see the needed response for our children, particularly on the street.

I go back to Mr. Gohmert's earlier statement when he spoke, in saying that this is a problem that is difficult to comprehend. It is in fact a problem that is difficult to comprehend even among the law enforcement circles, and that is a part of the problem in that it causes often an inappropriate response to a very significant problem and quite an atrocity that is being perpetrated against our children.

When in the initial years following—particularly the first year following the passage of TVPA, we were conservatively estimating that 90 percent of law enforcement was unaware of this problem as it manifests itself here in this country, let alone how it manifests itself in other parts of the world. The other-parts-of-the-world side of this issue is part of the problem in that it is largely perceived as something that goes on somewhere else and that it is not happening here at home to our own children. That in itself leads to another level of victimization for a tremendous problem that is going on in every major city, even in small cities, around the world. And we need to recognize that for what it is.

The City of Dallas, in these statistics that they have brought from their work, one of the statistics that they point out is that there is an 85 percent chance that by the second time a teenage girl runs away, she will be sexually exploited. By the third time she runs away, she will be commercially sexually exploited. She will be a victim of human trafficking.

There is great cooperation that is going on between Federal, State, and local enforcement officers and among the NGO partners that are a part of the response to this problem. But from what I am seeing it is happening in pockets around our country and with varying levels of success. That is largely dependent upon issues related to education and training; resources, particularly resources in terms of facilities.

It is a difficult matter for a young patrol officer when with some diligence has managed to identify what truly may be a victim of human trafficking, and the best that he has is to maintain that person in the back of a patrol car until they can beg or make some sort of appeal to place this child who, if not properly placed, will simply end up back on the street and in the system and in the hands of the traffickers. And when that child sees that is the system's response to the tragedy that she has lived, then there is no reason to have confidence in a justice system to find resolution to this problem.

Another matter that I would really like to speak to very quickly with regard to the bill itself. I appreciate the statement and the

concern about a "john program" that pays for the education of the perpetrators on the demand side of this issue. Quite frankly, if they had the money to pay for the services to exploit these children, then they have have the money it takes to pay for being caught in the perpetration of this crime.

I highly encourage us in this time of considering this issue that this only be the beginning of a major movement toward combating this problem. If we truly regard it as an issue of slavery, then we should give it the response that slavery deserves on a wide scale and a monumental level. Thank you very much.

Mr. SCOTT. Thank you.

[The prepared statement of Mr. Sensley follows:]

PREPARED STATEMENT OF NICHOLAS A. SENSLEY

Statement of Nicholas A. Sensley

Chief of Police, Truckee, California

Mr. Chairman and members of the Committee, thank you for holding this hearing and for inviting me to give testimony on sex trafficking within our own borders of children citizens of the United States. This crime, having been referred to as "Domestic Minor Sex Trafficking," is reasonably suspected to be a very pervasive crime in our country is worthy of your attention and response.

I have been a California law enforcement officer for nearly 23 years and during the last nine years of my career I have devoted significant effort to the fight against human trafficking as it manifests in the United States and abroad. My experiences in helping to develop effective responses to this crime have included key locations in the United States such as New York City, Dallas, San Francisco, Oakland and Sacramento. Notwithstanding the evidences of the horror attached to this crime as it is perpetrated against any of its victims in its various forms, it is most abhorrent when it is carried out against children. Often my findings are that among those of our citizens who happen to be aware of this crime, there is consistent perception that this crime is a problem for the children of other nations and is less of a concern here at home. There is sufficient evidence that this is not the case and it is to the hope of those who suffer under this crime that you should consider how we might better combat the sex trafficking of children of the United States.

I am not a statistician nor strictly devoted to the research attached to this problem. Though I am aware am greatly appreciative of such outputs, I am focused ultimately on solutions that affect the efforts at the street level of discovering the crime and appropriately responding to it in a victim-centered and comprehensive manner that leads to rescue of the children and prosecution of the perpetrators. Herein is the special problem as it relates to the Domestic Minor Sex Trafficking. That is, the impact of discovery of the crime, appropriate identification and classification of the victim, and prosecution of the perpetrators has thus far been disproportionate to the pervasiveness of the crime and not deterring to the criminals.

Among the barriers to successful responses to this crime is education among law enforcement officers, the availability of resources that allow for investment in discovering this easily masked crime, and most unfortunately, a widespread belief that the victims are complicit profit seeking criminals. My experiences do not allow me to draw a blanket conclusion that all minors involved in this crime are without measures of culpability. Often, their circumstances do not neatly satisfy the evidences that would point to them as victims. Nevertheless, there need be a required duty on the part of the justice system to fully presume, until clear evidence shows otherwise, that a minor has not been forced or coerced into the crime.

The evaluations to determine if a minor is a victim of trafficking must be done in a manner and under conditions conducive to a minor's ability to disclose free from the psychological manipulations, coaching, and false hope often created in them by their traffickers. This minimally demands a custodial environment that gives hope of the restoration of a fundamental human need to be cared for and loved, to have basic survival and safety needs intact, and a diminished sense of hopelessness and elevated sense of human value. Without such circumstances and environments, minor victims of sex trafficking are readily poised to carry out the strategic coaching of their traffickers, believe in the false hope they have been given, and flee and return to their own demise at first opportunity. Creating effective custodial environments for these victims is not among resource and skill sets of our average police departments. In practice, attempts at creating such environments within enforcement facilities often result in an apparent façade designed only to elicit cooperation for the enforcement goals. These safe custody environments can be, and should be among the resources and skills of non-enforcement service provider partners.

The ability to discover and appropriately respond to domestic sex trafficking of minors is time and resource consuming for enforcement officers and their departments. Efforts to discover and respond to trafficking of minors are counterproductive to statistics driven policing operations wherein officers are required to produce numbers, bodies, and turnkey investigations. This crime remains unconventional to the degree that it is not a crime discovered through traditional "Vice and Prostitution Stings" and other operations that do not rely upon careful and systematic evaluation of intelligence, patient follow through on investigative leads, and strategic analysis of circumstances and the persons involved. Notwithstanding the false understanding given to the use of the term "trafficking", this is a crime that does not respect borders and jurisdictions. A nationwide reporting system is desperately needed to provide resource information and long-term tracking of intelligence related to this crime.

In an economy of budget cuts to local police departments, redistribution of resources, and widespread beliefs that domestic sex trafficking of minors is a politically correct and contemporary label for prostitution involving delinquent juveniles, there will be rare efforts to give the requisite attention to this crime in the absence of additional support and incentive. H.R.5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 is an essential Act to increase education, awareness, and the capacity to combat domestic minors sex trafficking.

Mr. SCOTT. Mr. Allen.

TESTIMONY OF ERNIE ALLEN, PRESIDENT AND CEO, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, ALEXANDRIA, VA

Mr. ALLEN. Thank you, Mr. Chairman, Judge Gohmert, Members of the Committee. It has been said several times, but most Americans believe that child trafficking only happens somewhere else.

Today I can report to you that it is happening to at least 100,000 U.S. children each year. You have heard the numbers from the Members already.

The primary basis for our estimate is a study by the University of Pennsylvania, funded by the National Institute of Justice. The researchers estimated that 293,000 U.S. children are at risk each year and that 250,000 10- to 17-year-olds are involved in commercial sexual exploitation, with at least 60 percent being runaway, throwaway, or homeless kids. Of that number, we believe that at least 100,000 are trafficking victims.

One-third of street-level prostitutes are less than 18. One half of off-street prostitutes are less than 18. Since the launch of the Innocence Lost Initiative that Ms. Hakes mentioned, we at the Center have learned several important things. One is that much of this is organized crime. There is a network. These kids are moved from city to city.

While most of it is not traditional Mafia-type organized crime, in April a Federal grand jury in New York indicted members of the Gambino crime family for selling kids for sex via the Internet. Organized crime is involved for two reasons: low risk, high profit.

We have learned, as has been mentioned by Chief Sensley and others, that these kids are victims. This truly is 21st century slavery. They lack the ability to walk away. The pimps who use them are the criminals, as are the customers who purchase them. These kids need to be rescued, not arrested.

And we have learned that the offenders don't just parade these kids on city streets anymore. We have learned, we have seen over the past 7 years that there has been gradual movement to the Internet. The customers shop online from the privacy of their own homes and hotel rooms, and that is why in 2008 the National Center joined with Connecticut Attorney General Richard Blumenthal and 40 other AGs in an agreement with craigslist, the largest online classified advertising site. We recognize that law enforcement is never going to be able to arrest and prosecute everybody. If we are going to end child sexual trafficking, which is the goal, we need a multipronged attack that includes engaging the companies at the epicenter of the problem.

Why was the nonprofit National Center a party to such an agreement? Well, first, it is what we do. Secondly, Congress has given the Center 20 specific mandates, including operating the CyberTipline, the national reporting mechanism for child sexual exploitation, working to prevent child sexual exploitation, and specifically working with law enforcement, Internet service providers, electronic payment providers and others to reduce the distribution on the Internet of images of sexually exploited children. So it was absolutely necessary and appropriate for us to be a party to the agreement. And let me add that we have not received a dime from craigslist, nor will we.

In the 2008 agreement, craigslist agreed to require credit card verification, working phone numbers, and aid law enforcement investigations. Yet after several months, it was clear that the agreement was not having the intended effect. So in 2009, craigslist agreed to take additional steps, including shutting down Erotic Services, replacing it with a new category in which all ads would

be manually screened, with suspicious ads being reported to the National Center. Nude or graphic pornography photos were banned.

Again, while there was some impact, we concluded that it was not eliminating the problem, so we pressed for additional steps. It now appears that craigslist has shut down Adult Services altogether. And if indeed this has occurred, we think it is a positive and constructive step.

However, we must broaden the focus beyond craigslist and urge every online classified site to take action, including flagging and reporting suspicious ads to the National Center's CyberTipline.

Let me illustrate briefly. In July, a Maryland mother found her daughter in a sex ad on multiple sites, including craigslist and Back Page. She contacted us. We worked with the Maryland State Police and the FBI. The juvenile was recovered. The pimp was arrested. The child in the ad looked young, yet no company reported it. There are many other examples.

We received over the past 16 months 137 reports from craigslist. They removed 725,000 ads. Our message to these companies and the public is simple: If you see it, if you suspect it, if you know about it, report it. That is the way law enforcement learns about these cases.

Now, we recognize that if we crack down in one area, some of this problem will migrate to other areas. But frankly that is progress. We follow the money. The goal is to destroy the business model of those who sell children for sex on the Internet.

Let me mention briefly a few other priorities. First, many of these kids are missing children. Our analysts are doing image matching, searching databases trying to identify children who have been reported missing by their parents, and are finding a bunch of them. Yet some law enforcement agencies still do not enter them promptly into NCIC as is required by Federal law, and some not at all. There must be comprehensive law enforcement training in how to recognize high-risk victims and respond effectively.

This is a complex problem that crosses political boundaries and jurisdictions. There needs to be strong cooperation between Federal and State governments. In July, the National Conference of State Legislatures adopted a strong policy on human trafficking calling for more services for victims, enhancement of NCIC, and greater Federal-State dialogue and collaboration. We think that is important.

There needs to be far more attention to prevention. Increasingly, our society is sexualizing children at younger and younger ages, leading some kids to view sexual exploitation as normal. We must keep them from becoming compliant victims.

As you have heard, we need to attack demand, and we need to create greater understanding as to why there is such a large market in this country for sex with kids.

Finally, we have got to provide more services for the victims. Today there are some extraordinary programs doing heroic work, but there are not enough of them and the ones that exist receive insufficient funding.

In conclusion, Mr. Chairman, I can report that we are making progress, but there is much more to do and we believe that Con-

gresswoman Maloney and Congressman Smith's bill is a great step forward. Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF ERNIE ALLEN

TESTIMONY OF

ERNIE ALLEN

PRESIDENT & CEO

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

FOR THE

SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY

"Domestic Minor Sex Trafficking"

U.S. HOUSE OF REPRESENTATIVES

September 15, 2010

Mr. Chairman and members of the Subcommittee, I welcome this opportunity to appear before you to discuss domestic minor sex trafficking. The National Center for Missing & Exploited Children (NCMEC) joins you in your concern for the safety of our youth and thanks you for bringing attention to this serious problem facing America's communities.

As you know, the National Center for Missing & Exploited Children is a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice. NCMEC is a public-private partnership, funded in part by Congress and in part by the private sector. For 26 years NCMEC has operated under Congressional mandate to serve as the national resource center and clearinghouse on missing and exploited children. This statutory mandate (see 42 U.S.C. §5773) includes 19 specific operational functions, among which are:

- operating a national 24-hour toll-free hotline, 1-800-THE-LOST® (1-800-843-5678), to intake reports of missing children and receive leads about ongoing cases;
- operating the CyberTipline, the "9-1-1 for the Internet," that the public and electronic service providers may use to report Internet-related child sexual exploitation;
- providing technical assistance and training to individuals and law enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;
- tracking the incidence of attempted child abductions;
- providing forensic technical assistance to law enforcement;
- facilitating the deployment of the National Emergency Child Locator Center during periods of national disasters;
- working with law enforcement and the private sector to reduce the distribution of child pornography over the Internet;
- operating a child victim identification program to assist law enforcement in identifying victims of child pornography;
- developing and disseminating programs and information about Internet safety and the prevention of child abduction and sexual exploitation; and
- providing technical assistance and training to law enforcement in identifying and locating non-compliant sex offenders.

The CyberTipline is the national clearinghouse for leads and tips regarding child sexual exploitation crimes. It is operated in partnership with the Federal Bureau of Investigation ("FBI"), the Department of Homeland Security's Bureau of Immigration and Customs

Enforcement ("ICE"), the U.S. Postal Inspection Service, the Internet Crimes Against Children Task Forces ("ICAC"), the U.S. Secret Service, the U.S. Department of Justice's Child Exploitation and Obscenity Section, as well as other state and local law enforcement. We receive reports in eight categories of crimes against children:

- possession, manufacture and distribution of child pornography;
- online enticement of children for sexual acts;
- child prostitution;
- sex tourism involving children
- extrafamilial child sexual molestation;
- unsolicited obscene material sent to a child;
- misleading domain names; and
- misleading words or digital images on the Internet.

These reports are made by both the public and by Electronic Service Providers, who are required by law to report apparent child pornography to the CyberTipline. The leads are reviewed by NCMEC analysts, who examine and evaluate the content, add related information that would be useful to law enforcement, use publicly-available search tools to determine the geographic location of the apparent criminal act, and provide all information to the appropriate law enforcement agency for investigation. These reports are also triaged to ensure that children in imminent danger get first priority.

The FBI, ICE and Postal Inspection Service have direct and immediate access to all CyberTipline reports, and assign agents and analysts to work at NCMEC. In the 12 years since the CyberTipline began, NCMEC has received and processed more than 943,000 reports. To date, electronic service providers have reported to the CyberTipline more than 7.8 million images/videos of sexually exploited children. To date, more than 38 million child pornography images and videos have been reviewed by the analysts in our Child Victim Identification Program, which assists prosecutors to secure convictions for crimes involving identified child victims and helps law enforcement to locate and rescue child victims who have not yet been identified.

When they hear the term "child trafficking," most Americans think that it only happens somewhere else, in Southeast Asia or Central America. Even if they acknowledge that this crime happens in the United States, they assume the victims are foreign children brought into this country who are trafficked only in large cities.

In fact, we have learned that most of the victims of domestic minor sex trafficking are American kids who initially leave home voluntarily and are being trafficked on Main Street USA. One police commander said to me, "the only way not to find this problem in

any community is simply not to look for it." The good news is that America has begun to look. The bad news is that we have barely scratched the surface.

I'd like to briefly address four issues with you today: the scope of the problem; the growing role of the Internet; how we can respond more effectively; and what we can do to prevent kids from becoming victims.

The Scope of the Problem: Although it is difficult to quantify the scope of this problem with accuracy, the National Center for Missing & Exploited Children estimates that at least 100,000 American children each year are the victims of commercial child prostitution and child trafficking.

The primary basis for our estimate is the research of Dr. Richard Estes and Dr. Neil Alan Weiner at the University of Pennsylvania, funded by the U.S. Department of Justice through its National Institute of Justice. Dr. Estes and Dr. Weiner estimated that 293,000 US children are "at risk" of commercial child exploitation each year. However, they provided much greater detail and analysis.

Dr. Estes estimated that the number of 10 -- 17 year olds involved in commercial sexual exploitation in the US each year likely exceeds 250,000, with 60% of these victims being runaway, thrownaway or homeless youth. Commercial sexual exploitation is broader in scope than just child prostitution, but there is little doubt that the commercial sexual exploitation of runaway, thrownaway and homeless youth is overwhelmingly prostitution.

The researchers also estimated that one-third of street-level prostitutes in the U.S. are less than 18 while half of off-street prostitutes are less than 18. With the explosion in the sale of kids for sex online, it is clear that more kids are at risk today than ever before.

Thus, while 100,000 is a very conservative number, we believe it is empirically sound and defensible.

How old are the victims? For girls, the entry age is just 12-14; most boys enter this insidious world at age 11-13.

We have learned other things about this problem?
• Much of child sex trafficking is organized crime; and
• The children involved are victims.

These children are commodities for sale by an often sophisticated criminal network. They are trafficked, moved from city to city for the financial gain of those who use, abuse and control them. While historically, we have argued that the organized criminals involved in domestic child trafficking are not part of traditional Mafia or La Casa Nostra organizations, earlier this year a federal grand jury in New York indicted members of the Gambino crime family for selling kids for sex and using the Internet to advertise them. Organized crime is drawn to this illicit industry because it offers relatively low risk and high profit. To deter them we must increase the risk and eliminate the profitability.

These children are victims of 21st century slavery. They lack the ability to walk away. The pimps who use and discard them are the criminals, as are those who purchase them. These children need to be rescued, not arrested.

One example: A posting was found of a child being advertised online in Reno, Nevada. A NCMEC analyst ran database searches on a phone number and matched the name of a missing child in NCMEC's database. The NCMEC analyst and an FBI analyst compared the missing child poster with the photo in the advertisement, and concluded that it was the same child. They alerted the Reno Innocence Lost Task Force, which located the missing child and her one-year-old baby. In the place where they were being kept, the only furniture was a couch. The baby was sleeping on a cushion on the floor. Nevada Child Protective Services picked up the baby, and the trafficked child is getting help.

We are encouraged by the recent passage of Safe Harbor laws in New York, Connecticut, and Illinois, mandating that these children be treated as victims. We are hopeful that other states will enact similar legislation soon, codifying this principle in law.

The Growing Role of the Internet: Offenders don't just parade these children on city streets any more. Today, a "customer" can shop online for a child from the privacy of his home or hotel room. Online classified ads make it possible to pimp these kids to prospective customers with little risk.

In 2008 NCMEC joined with Connecticut Attorney General Richard Blumenthal in an agreement with Craigslist, signed onto by 39 other Attorneys General. Craigslist agreed to require credit card verification in its "erotic services" section, charge those who post ads in "erotic services," require them to submit a working phone number, and aid law enforcement investigations of illegal prostitution/trafficking of children.

Recognizing that the initial agreement was not having the hoped-for effect, in 2009 Craigslist agreed to take additional steps, including shutting down "erotic services" altogether and replacing it with a new "adult services" category in which all ads would be manually reviewed by Craigslist. Nude or graphic photos would be banned.

Yet, the problem has continued to grow. It is essential to broaden the focus to the entire online classifieds industry. It is also imperative that online classified advertising sites flag and report suspicious ads to NCMEC's CyberTipline.

Let me illustrate the importance of reporting. In July 2010 a Maryland mother found a photo of her runaway daughter in a sex ad on multiple online classifieds sites. She contacted NCMEC. Working with the Maryland State Police and the FBI, the juvenile was recovered and is getting help. The pimp was arrested. The child in the ad looked young. Yet, no company reported it. There are many other examples. We need the help and vigilance of the general public and of these companies.

Some online classified ad sites cooperate with law enforcement in investigations. However, this is not eliminating the problem. These ads must not be posted to begin with.

So how can these classified ad sites determine whether or not to post an ad? They can conduct manual reviews of the ads and photos to identify words and terms known to be used in child prostitution. Web crawling tools may automate this review, by flagging key words suggestive of child trafficking. One non-governmental organization used such a tool and found that 20% of the ads it searched contained key words often used in child trafficking. Of course, these key words are possible indicators, not proof, of criminal activity. Until law enforcement is given the information necessary to open an investigation, these children will continue to suffer as hidden victims.

In addition, NCMEC encourages all classified ad websites to report these suspicious ads to the CyberTipline. Once an ad is reported to www.cybertipline.com, NCMEC refers it to the appropriate law enforcement agency for investigation. Congress must challenge the public to report these crimes in their communities and to spread awareness of the CyberTipline. The message is simple: If you see it, know about it, or suspect it -- report it.

Of course, if we crack down on child sex trafficking on one area of the Internet, some of it will migrate to other areas. We must follow the money and follow the pimps. Like the pursuit of other kinds of criminal behavior, law enforcement will follow it wherever it goes. The goal is to make it riskier, less profitable and more difficult -- to destroy the business model for those who sell children for sex.

How We Can Respond More Effectively: In 2003 the U.S. Department of Justice recognized that this problem requires multi-disciplinary, multi-jurisdictional, and multi-agency partnerships. The FBI and the U.S. Department of Justice's Child Exploitation & Obscenity Section (CEOS) launched the Innocence Lost National Initiative. NCMEC is proud to be a partner in this 7-year-old effort.

This initiative spurred the creation 38 dedicated task forces and working groups throughout the U.S., involving federal, state and local law enforcement agencies, in a coordinated effort to attack the problem of child prostitution. Because most of these cases are violations of state law, they must be dealt with at the state/local level. Historically, pressure from law enforcement caused the pimps to simply move the kids to another city. Or, police simply arrested the kids.

Innocence Lost changed this. Combining the strength of multiple agencies with the U.S. Attorneys' offices, more than 1,110 child victims have been rescued. More than 600 pimps have been convicted, and, for the first time, many are getting serious sentences from the courts. Four were sentenced to life in prison, and many others were sentenced to 20-plus years.

The support of Congress is necessary for the continued success of this program.

While it is true that this problem is one of sexual exploitation, it begins because these children are missing --- runaway or thrownaway children. Many of them are not reported to law enforcement. Even when some of them are reported missing, some law enforcement agencies are not entering them promptly into the FBI's National Crime Information Center database (NCIC) and, in many cases, not entering them at all. Nearly

thirty years ago, the late Senator Paul Simon of Illinois coined the phrase "runaway presumption," meaning that police often presumed that a runaway child would come home on his own. Parents were told to wait a day or two to see if their child turned up before police would take the report.

Today, we know that these waiting periods and slow law enforcement response put many missing children at greater risk. Child advocacy groups estimate that as many as one-third of teen runaways/thrownaways will become involved in prostitution within 48 hours of leaving home.

In 1982 Congress passed the Missing Children's Act, making it possible to enter missing child information into NCIC. In 1990 Congress passed the National Child Search Assistance Act, mandating immediate NCIC entry in every missing child case, and eliminating the waiting periods. Congress further clarified this in the Adam Walsh Child Protection and Safety Act of 2006, specifying that law enforcement must enter missing children into NCIC within 2 hours of receiving the report.

Yet, research has shown that these laws are not implemented consistently, due in part to the fact that law enforcement is faced with approximately 600,000 NCIC entries of runaway children every year. Of the missing child cases reported to NCMEC, 78% are what we call "Endangered Runaways." These children are at the highest risk of being trafficked for sex. Of the child prostitution reports made to the CyberTipline, more than 1,700 involve known missing children being prostituted.

There must be comprehensive, widely-available law enforcement training in how to recognize high-risk victims and respond effectively.

Prevention and Next Steps: Increasingly, our society has sexualized children at younger and younger ages. To some extent, this has led many children to perceive some degree of sexual exploitation as normal. We must take appropriate steps to prevent children from becoming compliant victims who are taught to self-exploit.

While there are excellent laws for prosecuting the perpetrators who exploit or profit from the exploitation of children, more must be done to attack the demand. We must strive to better understand why there is such a large consumer market in this country for sex with kids. The trafficking of children for sexual purposes is not new, but never has it been more blatant, more visible, or seemingly more normalized than it is today in this era of the Internet.

The American Psychological Association concluded that exposure to sexualized images, fashions, and role models made girls think of and treat themselves as sexual objects. The report links sexualization with eating disorders, low self-esteem, and depression in girls and women (Report of the APA Taskforce on the Sexualization of Girls, 2007).

We must make sure that children are not vulnerable to becoming compliant victims. We must work to prevent child sexual exploitation, but also address the factors that promote the sexual interest of adults in children. Children are not sexual commodities

and yet they are casually bought and sold online for sexual purposes like other services or objects. We are convinced that social change is possible, as evidenced by the movements for tobacco-free policies, breast-cancer screening, and seatbelts and mandatory child car seats.

Finally, we must also provide needed services for the victims who are rescued. They must be given the tools necessary to prevent them from returning to a pimp. Long-term shelters and residential treatment programs currently lack sufficient resources. Many of the 1,100 children rescued by Innocence Lost had no place to go to get help.

Commercial sexual exploitation knows no biases. While some children who runaway or are deemed thrownaway may be at greater risk, a child being sold on the Internet is everyone's child.

In closing, I offer the following recommendations:

• Congress should reaffirm and expand the role of the federal government in attacking this problem. Law enforcement should receive training in the NCIC entry of missing children and identifying high-risk victims.

• Congress should reaffirm that child prostitution and child trafficking are not victimless crimes, and should urge states to enact laws ensuring that these children are treated as victims and not perpetrators.

• Congress and states should expand resources and services available for the victims. There are some extraordinary programs doing heroic work, but there aren't enough of them and the ones that exist receive insufficient funding.

• Congress should challenge everyone to report child prostitution in their communities. The message is simple: If you see it in your city, or if you know about it, or if you suspect it, report it.

I am encouraged to report that there is real movement and real progress. Federal, state and local governments are working together and doing more. The media has shined a spotlight on this crisis. But we need to do more, and it is important that Congress provide leadership.

We are grateful to Representatives Maloney, Smith, Poe, Speier and others who are spearheading the effort to provide more help to the victims and to awaken the nation to this problem of hidden victims in its midst.

Mr. SCOTT. Ms. Frundt.

TESTIMONY OF TINA FRUNDT, EXECUTIVE DIRECTOR/ FOUNDER, COURTNEY'S HOUSE, WASHINGTON, DC

Ms. FRUNDT. Thank you, Mr. Chairman and Members of the Committee. I am a survivor of child sex trafficking. I was 13 when I fell in love for the first time. He turned out to be a pimp. I was gang-raped, psychologically manipulated, sold for sex, and beaten. I had a broken arm, a broken finger, and a broken spirit when the police found me at the age of 15 through a raid. Sadly, they arrested me and I spent 1 year in juvenile detention. Torture.

This is the typical experience of a child sex trafficking victim. Arrest rescued me from my pimp, but it gave me the label of delinquent. Detention gave me a year away from the daily rapes and beatings that I was enduring but it did not provide me with the counseling or the treatment for the trauma. I spent 1 year locked up, and came out at the end with no referrals for services, nothing to help me go back and have a normal childhood.

I took those experiences and made it my mission, as many, many survivors do, to be a part of the solution. A decade ago I committed to developing and providing the specialized services that I did not receive when I was a victim. And soon I will provide a specialized shelter, so desperately needed, to truly help hundreds and thousands of children used in prostitution in our country every year.

First, I founded Courtney's House in the District of Columbia which provides outreach, case management, specialized services to treat the trauma victims of child sex trafficking. Next, I began developing Shae's Place, a shelter for girls, ages 12 to 18, in Northern Virginia. We are set to open this year. However, one of the gaps we have at this time is the absence of safe housing. Appropriate shelter, specifically for boys and girl victims of domestic sex trafficking.

Shae's Place is designated to be a long-term home for six residents with a maximum stay of 3 years, with a 2-year aftercare program. It can take years for a victim to recover, and each victim requires tailored therapy. This can only be accomplished effectively in a place of safety and trama-centered treatment.

A shelter like Shae's Place is not inexpensive to operate. Our annual projected budget is $600,000. While this provides housing, home schooling, counseling, therapy, as well as activities, food, everything they need, it is supplemented by generous gifts right now: drastically reduced rent, in-kind gifts of furniture and necessities, as well as volunteer activities. Also, sizable grants from donors like Shared Hope International.

Our cooperation with law enforcement has been critical on both the rescue front and the aftercare programs and shelter preparations. As the most frequent first responders in a case of domestic minor sex trafficking, it it is critical that they are connected to Courtney's House so that we can accompany them on raids to stabilize and advocate for any victims identified at the scene. We also follow through with case management after the rescue which gives the victims confidence to work with law enforcement in building cases. And after the case is over, they will still continue to work with us and receive the proper treatment that they deserve.

There are group homes and shelters all over the country where children are placed, and some may even have specialized shelters for different types of various sexual abuse. However, the special trauma suffered by a victim of domestic minor sex trafficking requires a specialized environment. This population suffers from intense embarrassment and shame, having been conditioned by the traffickers to blame themselves.

The Internet has played a big part in the sex trafficking of every client, both boys and girls. Not only craigslist, but every child we have, has been sold on craigslist, averaging ages of 11 to 17.

But what we really need to take a look at is the other resources us as well. Every pimp has a MySpace page. Every pimp has a MySpace page. They also use backpage.com. And also every pedophile who buys sex from children have john boards where they go online and post information on where to buy children. And this is not only inside our United States, it is also worldwide. This has been going on for many, many, many years. We must do something about our children being sold on the Internet.

Honorable Chairman, Members of the Committee, thank you for the opportunity to share my experiences. As a voice of a survivor, and now as leader in providing services and, soon, specialized shelter to victims of domestic minor sex trafficking, I must tell you that when we see for the average age for boys and girls is 11 to 12 years old. I implore you to pass the H.R. 5575, which will enable six locations around the country to set up comprehensive responses to the child sex trafficking occurring in their cities. One of these six grants may not be used in Washington, D.C., or Northern Virginia, but the benefit of six shelters somewhere in the Nation, likely doubling the number of beds currently allocated to domestic minor sex trafficking victims, cannot be underestimated. And we need this yesterday.

Thank you very much.

[The prepared statement of Ms. Frundt follows:]

PREPARED STATEMENT OF TINA FRUNDT

Testimony before the
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security

"Domestic Minor Sex Trafficking"

September 15, 2010

Tina Frundt
Founder and Executive Director

Courtney's House
P.O. Box 12054
Washington, D.C. 20005-2054
www.courtneyshouse.org

Tina Frundt, Founder and Executive Director, Courtney's House
September 15, 2010
House Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security

Mr. Chairman and distinguished members of the Committee, I thank you for the opportunity to testify today on the matter of domestic minor sex trafficking.

I am a survivor of child sex trafficking. I was 13 years old when I fell in love for the first time – he turned out to be a pimp. I was gang raped, psychologically manipulated, sold for sex, and beaten. I had a broken arm, broken finger, and broken spirit when the police found me at age 15 through a raid. Sadly, they arrested me and I spent one year in juvenile detention. *Torture…* this is the typical experience of a child sex victim.

Arrest rescued me from my pimp, but it gave me the label of delinquent. Detention gave me a year away from the daily rapes and beatings I was enduring, but it did not provide me with counseling or treatment for the trauma. I spent one year locked up and came out at the end with no referrals for services or assistance to rejoin a teenager's life in America.

Nonetheless, I took those experiences and made it my mission, as many survivors do, to be a part of the solution. A decade ago I committed to developing and providing the specialized services that I did not receive when I was the victim and soon I will provide the specialized shelter so desperately needed to truly help the hundreds of thousands of children used in prostitution in our country every year. First I founded Courtney's House in the District of Columbia which provides outreach, case management and specialized services to treat the trauma victims of child sex trafficking endure. Next I began developing Shae's Place, a shelter for girls ages 12-18 in Northern Virginia. We expect to open Shae's Place this year.

Courtney's House reaches the victims through street outreach and word of mouth. Specialized street outreach is a very important component because most victims of domestic minor sex trafficking do not self identify; they come to believe their trafficker's assertion that prostitution is their choice. And trafficking victims are under tight pimp control which prevents them from seeking out help. So Courtney's House goes to see them where they can – most often on 14th and K Streets just two blocks from the White House in our nation's capitol. We let the girls and boys know we are there for them when they are ready. We operate a 24 hour hotline for survivors by survivors who can immediately relate to the victimization of the caller. We currently have eight survivor-volunteers working with Courtney's House. Survivor informed programs and survivor leadership is critical to effective responses to trafficking.

The most debilitating gap we have at this time is the absence of a safe and appropriate shelter specifically for the boy and girl victims of domestic minor sex trafficking. Some of the twenty regular clients of Courtney's House have good homes where they can live while participating in the restorative programs and counseling we offer. They are the lucky ones. For the ones who do not, we look for placements out of state. Currently we have six clients in temporary out of state housing programs; these six will move to Shae's Place once it opens. Even those victims who do

have good homes may not be able to return to them. Their trafficker may be from the neighborhood endangering their families or their schoolmates may have learned of the prostitution they were involved in making school an unbearable environment. Living in a safe, specialized group home with others who have shared experiences encourages the disclosures and the resulting healing. Shae's Place is designed to be a long term home for the six residents with a maximum stay of three years followed by a two year aftercare program. It can take years for a victim to recover and each victim requires tailored therapy. This can only be accomplished effectively in a place of safety and trauma-centered treatment?

A shelter like Shae's Place is not inexpensive to operate. Our annual projected budget is nearly $600,000. While this provides housing, homeschooling, counseling, therapy, as well as activities, food, clothing, and toiletries to up to six girls, it is supplemented with generous gifts of drastically reduced rent on the home, in-kind gifts of furniture and necessities, as well as volunteer activity providers and, of course, sizable grants from donors, like Shared Hope International. Also, in Virginia, every uninsured child is provided with Medicaid, allowing our budget to cover only emergency uncovered medical costs. Twenty-four hour and on-call staff are required and needed. Shae's Place is a secured facility; cameras are placed inside and outside the perimeter. A resident can leave the home but staff will be notified immediately providing the opportunity for on-the-spot counseling to defuse the girl's impulse to run away.

Our cooperation with law enforcement has been critical on both the rescue front and the aftercare programs and shelter preparations. As the most frequent first responders in a case of domestic minor sex trafficking, it is critical that they are connected to Courtney's House so that we can accompany them on raids to stabilize and advocate for any victims identified at the scene. We also follow through with case management afterward the rescue which gives the victims confidence to work with law enforcement in building cases against the offenders. Washington Metro Police Department's Youth Division, Montgomery County Police Department, Fairfax County Police Department's Anti-Child Trafficking Unit, and the FBI have all been critical law enforcement partners for us and other service providers in the field. In preparation for Shae's Place opening, we have developed a special protocol with the neighborhood law enforcement patrol identifying particular responses to potential situations with the residents that may arise.

There are group homes and shelters in the area where children are placed and some may even specialize in sheltering victims of various types of sexual exploitation; however, the special trauma suffered by a victim of domestic minor sex trafficking requires a specialized environment. This population suffers from intense embarrassment and shame having been conditioned by their trafficker to blame themselves. They also were forces to grow up fast and assume an attitude of tough, powerful girls to protect themselves. When these girls are placed in settings that are not focused on treating the trauma of sex trafficking, they will not identify with

the other children and the will usually run away within 72 hours to return to trafficker -- the only familiar environment, as dangerous as it is.

One teenaged girl we now provide services to demonstrates the problem. A victim of child sex trafficking, she felt unable to open up at the sexual abuse group therapy because her experience was so different from the others, involving the exchange of money for sex acts, the violence of the trafficking relationship, and the love she felt for her pimp that led her into the situation of being trafficking. These now-humiliating experiences prevented her from disclosing the experience and receiving appropriate trauma-based therapy. She felt the others would look down on her as often happens when peers learn of a girl's involvement in prostitution.

The Internet has played a part in the sex trafficking of every client at Courtney's House. Furthermore, every pimp has a MySpace page. Traffickers are learning how to exploit the Internet using Craigslist and Backpage.com, as well as chat rooms where they become as familiar as a classmate to the girls and boys having lengthy "conversations" with them every night safely at home. Something must be done to restore safety to the Internet.

Honorable Chairman, members of the Committee, thank you for the opportunity to share my experiences. As the voice of a survivor and now a leader in providing services and, soon, specialized shelter to the victims of domestic minor sex trafficking – boys and girls averaging 12 years old – I implore you to pass H.R. 5575 which will enable six locations around the country to set up comprehensive responses to the child sex trafficking occurring in their cities. One of those six grants may not be made to Washington, D.C. or Northern Virginia but the benefit of six shelters somewhere in the nation, likely doubling the number of beds currently allocated to domestic minor sex trafficking victims, cannot be underestimated.

Mr. SCOTT. Thank you. Ms. Tiapula.

TESTIMONY OF SUZANNA TIAPULA, DIRECTOR, NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE, NATIONAL DISTRICT ATTORNEYS ASSOCIATION, ALEXANDRIA, VA

Ms. TIAPULA. Chairman Scott, Ranking Member Gohmert and Members of the Subcommittee, thank you for inviting me to testify today on behalf of the National District Attorneys Association, the oldest and the largest organization representing over 39,000 district attorneys, States attorneys, attorneys general and county, city and tribal prosecutors with responsibility for prosecuting 95 percent of the criminal violations in every state and territory of the United States. Protecting our children from those who would commercially sexually exploit them remains one of the most important challenges facing America's criminal justice system today. Commercial sexual exploitation of children is particularly problematic, since many criminal justice systems have only recently begun to address the victimization of our adolescents and our children that occurs in the guise of sex trafficking and prostitution. Emerging research on the adolescent brain, trauma bonding, the intimate partner violence dynamic of pimp/child relationships is reshaping our criminal justice responses to more appropriately address the needs of these children, while bringing justice to those who would commercially sexually exploit them.

As the program director of the National Center for Prosecution of Child Abuse, a program of the National District Attorneys Association, I provide technical assistance, and training support to the 39,000 prosecutors charged with protecting the boys and girls in this country from commercial sexual exploitation and allied professionals. I am a former prosecutor. I have served as a State and local prosecutor in multiple jurisdictions handling a range of intimate partner violence and child abuse cases, many of which involved victims of human trafficking.

It is through these experiences that I applaud and thank you for appreciating the need to improve systems responses to bring justice to these victims and to end human trafficking and slavery in this country. The leadership demonstrated by each of you who serve on this Subcommittee and hosting this briefing suggests that the coordination of Federal, tribal, State and local efforts in this area is now widely recognized as an increasing priority in America's criminal justice system. There are countless cases where juvenile justice responses, civil trial protection and criminal prosecution of child abuse do not reflect common schema or coordination. The statutory frameworks which criminalize adolescent victimization through prosecution stand in stark contrast to the human trafficking statutes which are specifically designed and outline protection for victims of trafficking. Many jurisdictions, too many jurisdictions, have conflicting statutory frameworks for addressing the victimization of our children.

As long as we are arresting the child victims we are facilitating the sex industry in this country. Statutory frameworks which provide limited opportunities for the underage trafficking victim to cooperate with prosecution and make healthier choices fly in the face of our understanding of the adolescent brain, the intimate partner violence dynamic and the trauma bonding which occurs in these cases. The post-traumatic stress issues which are related to a his-

tory of repeated sexual assault and the inability of our child protection systems to respond appropriately to the needs of sexually exploited children and to the children in our foster care system.

We have invited medical partners, including the American Academy of Pediatrics, to develop a public health model for addressing the medical needs of these children. A criminal justice framework is absolutely appropriate for responding to those who are commercially sexually exploiting our children. Other frameworks might provide insights for better meeting the needs of the child victims in these cases. The need for adequate victim services is critical to improving the criminal justice responses with victim center investigation and prosecution practices.

Another concern that has been largely overlooked is that many of the underage female victims in these cases have children or are pregnant at the time of the investigation, often by their trafficker or pimp. Child protection needs to be involved to consider carefully the needs of the second generation victims in these cases. Also, we too often find the very inappropriately named john schools included in victims service allocations. I believe that was raised earlier. From a linguistic and a victim's perspective, John is a book in the Bible, the name of my brother, and many excellent individuals. The criminals who commercially sexual exploit our children should not have their criminal behavior minimized by this language.

Chairman Scott, Ranking Member Gohmert, Members of the Subcommittee, I appreciate the opportunity to testify before you on this important topic and thank you for appreciating the need to improve systems responses for the domestic victims of sex trafficking in this country. I am more than happy to answer any questions you may have.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Tiapula follows:]

PREPARED STATEMENT OF SUZANNA TIAPULA

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

National District Attorneys Association
44 Canal Center Plaza, Suite 110, Alexandria, VA 22314
703.549.9222 (o) • 703.836.3195 (f)
www.ndaa.org

Written Testimony of

Suzanna Tiapula
Director
National Center for Prosecution of Child Abuse
A program of the
National District Attorneys Association

Hearing on Domestic Minor Sex Trafficking

House Judiciary Committee
Subcommittee on Crime, Terrorism, and Homeland Security
United States House of Representatives

September 15, 2010

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, thank you for inviting me to testify today on behalf of the National District Attorneys Association (NDAA), the oldest and largest organization representing over 39,000 district attorneys, state's attorneys, attorneys general and county and city prosecutors with responsibility for prosecuting 95% of criminal violations in every state and territory of the United States.

Protecting our children from those who would sexually exploit them remains one of the most important challenges facing America's criminal justice system. Commercial sexual exploitation of children is particularly problematic since many criminal justice institutions have only recently

begun to address the victimization of our adolescents and our children that occurs in the guise of sex trafficking and prostitution. Emerging research on the adolescent brain, trauma bonding and the intimate partner violence dynamics of pimp/child relationships is reshaping our criminal justice responses to more appropriately address the needs of these children while bringing justice to those would commercially sexually exploit them.

As the Program Director of the National Center for Prosecution of Child Abuse (NCPCA), a program of the National District Attorneys Association, I provide technical assistance and training support to the 39,000 prosecutors charged with protecting the boys and girls in this country from commercial sexual exploitation. I am a former prosecutor and have served as a state and local prosecutor in multiple jurisdictions, handing a range of intimate partner violence and child abuse cases, many of which involved victims of human trafficking. The seasoned professionals within NCPCA train prosecutors, law enforcement officials and allied professionals in the investigation and prosecution of human trafficking, and work closely with state and local prosecutors in the trenches trying to protect these children. It is through these experiences that I applaud and thank you for appreciating the need to improve systems responses to bring justice to these victims and to end human trafficking in this country. The leadership demonstrated by each of members who serve on this Subcommittee in hosting this briefing suggests that that coordination of federal, tribal, state and local efforts in this area is now widely recognized as an increasing priority in America's criminal justice system.

There are countless cases where juvenile justice responses, civil child protection and criminal prosecution of child abuse do not reflect common schema or coordination. The statutory

frameworks which criminalize adolescent victimization through prostitution stand in stark contrast to the human trafficking statutes specifically outlining protection for victims of trafficking, while many jurisdictions have conflicting statutory frameworks for addressing the victimization of our children. Even the more progressive statutory responses to these victims too often reflect a lack of understanding of the intimate partner violence relationship between many adolescent and teen victims of trafficking and their trafficker and/or pimp.

Statutory frameworks which provide limited opportunities for the underage trafficking victim to cooperate with prosecution and make healthier choices fly in the face of our understanding of the adolescent brain, the IPV dynamics/trauma bonding in this cases, any post traumatic stress issues related to a history of repeated sexual assault and the inability of our child protection systems to respond appropriate to the needs of sexually exploited children/children in the foster care system. We have invited medical partners, including the American Academy of Pediatrics, to develop a public health model for addressing the medical needs of these children. A criminal justice framework is appropriate for responding to those who are commercially sexually exploiting these children; other frameworks might provide insights for better meeting the needs of these victims.

The need for adequate victim services is critical to improving the criminal justice responses with victim-centered investigative and prosecution practices. Too many of the very best prosecutors and investigators in this country acknowledge using criminal charging of minor victims as their only recourse for protection when housing and other victim service options are not available.

One increasing concern we've found in the field is for the need to expand our understanding of and outreach to male minor victims of commercial sexual exploitation. Law enforcement reports more contacts with boy victims of commercial sexual exploitation than with girls[1], yet few services are available for boys and little outreach is directed towards male victims. Victim services for both populations need to be considered and should include at a minimum, housing, mental health, substance abuse screening and treatment where appropriate, and educational/vocational training.

Another concern that has been largely overlooked is that many of the underage female victims in these cases have children or are pregnant at the time of the investigation, often by their trafficker or pimp. Child protection needs to be involved to consider carefully the needs of the second generation victims in these cases.

Also, we too often find the inappropriately named "John Schools" included in victim service allocations. From a linguistic and victim perspective, "John" is a book in the bible and the name of many excellent individuals and the criminals who commercially sexually exploit our children should not have their criminal behavior minimized.

A recent study of individuals trying to purchase sex on Craigslist noted that almost half of those trying to purchase sex on-line were willing to purchase even when told that the female was under 18 years of age.[2] The rehabilitation programs often tout their services as applying only to those

[1] Finkelhore and Omrod, Prostitution of Juveniles: Patterns from the National Incident Based Reporting System, OJJDP, 2004. www.ojp.usdoj.gov.

[2] http://afnap.org/research/demand-study/

convicted of crimes involving adults. In law enforcement, we would never use someone underage in a sting operation so convicting a purchaser of attempted prostitution with a minor is problematic and only happens in a handful of scenarios.

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, I appreciate the opportunity to testify before you on this important topic and thank you for appreciating the need to improve systems responses for the domestic victims of sex trafficking in this country. I am more than happy to answer any questions that you may have at this time.

Mr. SCOTT. Ms. Richardson.

TESTIMONY OF DEBORAH RICHARDSON, CHIEF PROGRAM OFFICER, WOMEN'S FUNDING NETWORK, SAN FRANCISCO, CA

Ms. RICHARDSON. Good afternoon, Chairman Scott, Ranking Member Gohmert and Members of the Subcommittee. I have worked for more than a decade to protect girls from domestic sex trafficking. I have seen girls as young as 10 years old handcuffed, hauled off to juvenile detention while their predators who pay for sex with them went free. And I would just like to stop and thank you, Tina, for speaking on behalf of so many young girls who cannot speak for themselves.

An independent tracking study released today by the Women's Funding Network shows that over the past 6 months, the number of underage girls trafficked online has risen exponentially in three diverse States, Michigan, a 39.2 percent increase, New York, a 20.7 percent increase, and Minnesota, a staggering, 64.7 increase. And what you see on the projected slide documents what you have already heard. The intimate is the predominant source for trafficking of domestic underage girls. The anonymous veil of the Internet makes this crime practically risk-free for traffickers and the men who buy sex with innocent girls, laws protecting these young girls have not kept up with technology.

To demonstrate my point, I brought some audio tapes today which I am not able to hear, but I ask, Mr. Chairman, if I may respectfully submit them as part of my written testimony.

Mr. SCOTT. Without objection, so ordered.

Ms. RICHARDSON. Thank you. What you would have heard on this tape are men calling online ordering sex from young girls. The young girl said, I am just turning 16. Is that okay? The man responded, that is okay. Actually, I wish you were 12. Another man, in talking about the location with this young girl where they would meet up, the girl said yes, I know where that is. It is next to my school. Those voices are shocking. But what they demonstrate is that every day, in every community, calls are being made by men who are our neighbors and colleagues.

Mr. Allen said a few minutes ago, you must follow the money. And in a report released today by the AIM Group, it says where the money is that demonstrates in 12 online sites, they will account for $63 million in sex for sale ad revenue in 2010. And until craigslist took down its site earlier this month, they were accounting for $30 million of these sales. The next competitor is Backpage, with $17.5 million. In the 2010 independent study, men who buy sex with adolescent girls, more than half the men responding to this ad featuring young girls wanted to continue the transaction despite multiple warnings that the girl they were about to buy was underage.

As a matter of fact, according to our study, ads on craigslist received three times as many responses compared to Backpage. When we released this study, craigslist's initial response was a cease and desist demand. The Women's Funding Network asked to sit down and talk to them about solutions, but they declined. Backpage response, nothing at all. While we acknowledge craigslist for its recent actions, we are interested in what you will present today in

terms of solutions. We hope the Committee will ask craigslist how it will make sure that no girl is sold on its site. Notwithstanding the significant role of the Internet, we believe that there are both public policy and grassroots efforts that can be deployed to address this issue. The Women's Funding Network is one of the largest philanthropic networks in the world representing womens' funds on six continents, and we have accelerated our efforts in the United States to end domestic sex trafficking.

We are making an initial investment of $1 million to support the work of our member funds, and this investment will go toward replicating the successful models of future not a past, that campaign that has amazing results in Georgia. The Michigan Women's Foundation, the Women's Foundation of Minnesota, the New York Women's Foundation, and the Dallas Women's Foundation, are the first four of 10 States that are mounting statewide efforts. The Georgia model, as Ms. Hakes is very much aware of, combines independent resources, law enforcement, the statewide system for care and grassroots and leadership. And we are seeing that their numbers on the number of girls being sexually exploited in the past 6 months is trending downward.

The Women's Funding Network will stand side by side with Congress, law enforcement and fellow advocacy organizations who will use the collective voices and the power of our 142 members funds in 42 States in this country representing hundreds of thousands of women and men to end domestic trafficking of underage girls.

Finally, we ask the facilitation and exploitation of girls through commercial exportation we all know is against Federal law. To ultimately address this, we ask the Department of Justice to aggressively investigate and prosecute those who break Federal law. We cannot completely prosecute our way out of this issue, and this is why we must address demand. Backpage, craigslist and others, what is your solution and the role you play in perpetuating this crime? Together, as a Nation that holds the highest values of human rights, we must come together now and create a no tolerance for buying and selling our children for sex. Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Richardson follows:]

PREPARED STATEMENT OF DEBORAH RICHARDSON

United States House of Representatives Judiciary Subcommittee on Crime Terrorism, and Homeland Security Hearing Regarding "Domestic Minor Sex Trafficking"

September 15, 2010

Testimony Provided by Deborah Richardson
Chief Program Officer
Women's Funding Network

United States House of Representatives Judiciary Subcommittee on Crime Terrorism, and Homeland Security Hearing Regarding "Domestic Minor Sex Trafficking"

September 15, 2010

Testimony Provided by Deborah Richardson, Chief Program Officer, Women's Funding Network

Good afternoon.

I would like to thank Chairman Conyers for inviting me to be here today and Committee Chairman Scott, Committee Ranking Member Representative Gohmer and all members of the committee for providing this opportunity to call attention to a national tragedy that has gone largely ignored for far too long. I'd also like to thank Representatives Maloney, Smith, Poe and Speier for their leadership on this issue.

It is an honor to be a part this momentous hearing and a voice in this timely federal discussion surrounding domestic minor sex trafficking.

I have been working to protect girls from domestic sex trafficking for more than a decade. I have seen girls as young as 10, handcuffed, literally hauled off to juvenile detention – and charged as offenders, while the men who paid for sex with these young victims went free.

Every day action is delayed girls across our country - our daughters, our future – are being forced into a life unimaginable.

As passion emanates from our hearts and souls – independent research supports our cry for action.

Since February 2010, an independent research firm has conducted quarterly counts of adolescent girls who were being advertised for commercial sex. Our numbers for the month of August are just in. Michigan, New York and Minnesota show an exponential rise in online domestic sex trafficking from February to August of this year:

Michigan, a 39.2% increase; New York a 20.7% increase and Minnesota a staggering 64.7% increase.

The Internet is consistently the predominate source of traffickers to advertise girls and for predators to purchase young girls. The anonymity and low risk the internet provides make this heinous crime practically risk free.

On paper, online trafficking appears as a series of numbers without a face or a voice. But numbers alone cannot convey the despicable nature of this crime. To demonstrate my point, allow me to play for you segments of actual voice recordings from men who were answering an online ad to purchase young girls.

Audio Recordings

These voices are shocking and what you have heard is only a few out of the 264 voice recordings over six days in states that permit an individual to record a call. And every day there are media reports across the nation detailing cases of underage girls who have been trafficked.

You may be familiar with the independent study, "Men Who Buy Sex with Adolescent Girls," commissioned by Georgia's *"A Future, Not A Past."* It is the first-of-its-kind to quantify, describe, and understand demand for paid sex with underage girls.

It clearly identifies the Internet as the primary platform for domestic minor sex trafficking, painting a lucid picture of the adult men who buy sex with underage girls.

- The numbers were staggering — 12,400 men each month in Georgia pay for sex with a young female. These men account for 8,700 paid sex acts with adolescent females each month, which means that each adolescent female is **forced into paid sex an average of 3 times per day.**

- Those men who responded to ads for sex with young females represent 67% of the larger population of men who pay for sex overall.

- Craigslist was by far the most efficient medium for advertising sex with young females; ads on this site received 3 times as many responses compared to identical ads placed on other sites.

- After three warnings that the girl was an adolescent, 65% of men who were bold enough to ignore the second warning with regard to the age of the girl, were also bold enough to ignore the third warning and continue with the transaction.

Objective review suggests that running these advertisements on Internet classifieds can be highly profitable.

The AIM Group, which has tracked craigslist's revenue since 2003 reported the company's projected 'Adult Services' revenues, prior to removing the section, were $44 million annually across all of its U.S. markets.

Backpage, another Internet classifieds site, generates approximately $17.5 million per year, according to the study. These profits – even in part – should not be generated by the trafficking of young girls.

Laws protecting young girls have not kept up with technology. And there seems to be little political and public will to protect young girls from online domestic trafficking within the United States.

This needs to change.

Women's Funding Network has accelerated our efforts to end domestic sex trafficking of our girls by an initial investment of $1 million through our women's funds. Through this investment, we are launching the replication of *"A Future. Not A Past.,"* a model with successful results in Georgia. This model is currently being launched into four states—Michigan, Minnesota, New York and Texas. We plan to leverage an additional $2 million to continue this replication in partnership with our members in six additional states.

As important, we will use the collective voices of our 151 members in 42 states representing a constituency of hundreds of thousands of women and men to stand side-by-side with Congress, law enforcement and fellow advocacy organizations to end the domestic sex trafficking of underage girls.

We believe the strategies to end domestic sex trafficking are clear:

--Decriminalize girls who are trafficked, provide them with care and protection as victims and provide services for their rescue and restoration.

--Provide resources to law enforcement to increase arrests, prosecuting both the traffickers and especially the predators.

-- Legislative response to claims by websites that their conduct is immune from local and state law enforcement.

--Oversight role of other federal branches of government responding to these issues.

--Together as a nation, that values human rights, we must come together and create a no tolerance for buying and selling our children for sex.

Like all complex social justice issues, the road to combating domestic minor sex trafficking is long. But a first step at the federal level to protect our girls from being trafficked is to pass H.R. 5575, the "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010," introduced on June 23 by Congresswoman Carolyn Maloney (D-NY) and Congressman Chris Smith (R-NJ) to provide critical funding for collaborative pilot programs in regions across the country to combat domestic minor sex trafficking.

Our girls are waiting for us, and we are honor bound to act.

Mr. SCOTT. Mr. Powell.

TESTIMONY OF WILLIAM "CLINT" POWELL, DIRECTOR, CUSTOMER SERVICE AND LAW ENFORCEMENT RELATIONS, CRAIGSLIST, INC., SAN FRANCISCO, CA

Mr. POWELL. Thank you, Chairman Scott, Ranking Member Gohmert and Subcommittee Members. My name is William Clinton Powell, and I am craigslist's director of customer service and law enforcement relations. I have served as craigslist's primary liaison with law enforcement since I joined the company in April 2004. I appreciate the opportunity to meet with you this afternoon.

I know that Jim Buckmaster and Craig Newmark were initially invited. Given the short notice, Jim was not available to travel to Washington to testify today. And Craig is focused primarily on his role as a member of my customer service team and has not been involved in the day-to-day management of the company for about 10 years. I also want to echo the sentiments of speakers that have preceded me with respect to the horror and revulsion that we all feel about this issue. I also agree with Congresswoman Speier's characterization of the issue as a human tragedy because it is.

As background, I would like to say a few words about the service that craigslist provides. We offer local online classified ad listings and discussion forums that are used by over 60 million Americans each month. Craigslist users post and respond to ads to help them find basic necessities in their everyday lives such as jobs, housing, secondhand items, local services, personal relationships and event listings. Today craigslist is far and away the leading classified advertising service used in the United States. Until recently, craigslist included an adult services category. It was created in 2001 at the request of craigslist users tired of seeing adult services ads mixed into the personals categories. They wanted a separate category for such ads, similar to what Yellow Pages, newspapers and other advertising venues have done for a number of decades. Working collaboratively with attorneys general, law enforcement, prominent NGOs, and other concerned parties, craigslist has developed industry leading best practices for adult services ads, including the following: Educating and encouraging users to report suspected trafficking and exploitation, prominently featuring law enforcement contacts and hotlines for reporting illegal activity, creating specialized victim search interfaces for law enforcement agencies, implementing a wide variety of technical screening and filtering measures, and manually reviewing every adult service ad prior to posting.

To our knowledge, no other venue has adopted these best practices, and, in fact, very few venues adopted more than one of the measures. Indeed, craigslist, we feel, has been one of the bright spots and success stories in the critical fight against trafficking and child exploitation. We have been told as much by experts on the front lines, many of whom we have met with in person, from whom we have gathered helpful suggestions that we have incorporated into our approach. Craigslist has been virtually alone among the many advertising venues carrying adult ads in vigorously combating exploitation and trafficking.

Regarding cooperation with law enforcement and other partners, craigslist facilitates billions, literally billions of human interactions each month, many of them face to face, among tens of millions of

U.S. users, nearly all of whom are well intentioned law abiding citizens seeking legitimate ends. The incidence of crime related to the use of craigslist is extremely low. But despite our best efforts, it is not and cannot be zero. When craigslist is misused for illegal activity, we assist law enforcement in their investigations. The company has a long history of close cooperation with law enforcement. For example, with respect to the subject matter for today's hearing, we pride ourselves on our responsiveness to law enforcement. Our goal is to turn around inquiries within one business day, rather than the typically much longer intervals at other Internet companies.

I have personally been told many times by law enforcement agents that craigslist is by far the most responsive Internet company that they deal with. We participate actively in the cyber tip line program administered by the National Center for Missing and Exploited Children, and ads that meet NCMEC's reporting guidelines are reported immediately. Moreover, we have been advised by NCMEC that we are the only such participant making direct reports among countless other venues that carry adult service ads. We have assisted sweeps, anti trafficking sweeps by the FBI and have been credited by agents with helping make those sweeps successful. We have engineered special tools to facilitate the work of NCMEC and law enforcement. These include creation of multiple special search interfaces that facilitate the search for missing children across all craigslist sites.

In conclusion, I would like to reiterate two items that may be helpful to the Committee. First, craigslist discontinued its adult services section on September 3, 2010, and there are no plans to reinstate the category. Those who formerly posted ads in the adult services category will now have to advertise elsewhere, and in fact, there is evidence that this process began immediately after September 3. And second, craigslist has always taken pride in assisting law enforcement and we will continue to do so in the future. Once again, thank you for extending the invitation to meet with the Committee.

[The prepared statement of Mr. Powell follows:]

PREPARED STATEMENT OF WILLIAM CLINTON POWELL

TESTIMONY OF WILLIAM CLINTON POWELL

DIRECTOR, CUSTOMER SERVICE AND LAW ENFORCEMENT RELATIONS

OF

CRAIGSLIST, INC.

BEFORE THE U.S. HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE

SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY

HEARING ON DOMESTIC MINOR SEX TRAFFICKING

SEPTEMBER 15, 2010

Thank you Chairman Scott, Ranking Member Gohmert, and Subcommittee Members. My name is William Clinton Powell, and I am craigslist's Director of Customer Service and Law Enforcement Relations. I have served as craigslist's primary liaison with law enforcement since I joined craigslist in April, 2004.

I appreciate the opportunity to testify today. I know that Jim Buckmaster and Craig Newmark were invited initially. Given the short notice, Jim was not available to travel to Washington to testify today. Craig is focused primarily on his role as a member of my customer service team, and has not been involved in the day-to-day management of the company for nearly ten years.

Background on craigslist

craigslist provides local online classifieds and discussion forums used by 60 million Americans each month. craigslist users post and respond to ads to help them find basic necessities in their everyday lives, including jobs, housing, second hand items, local services, personal relationships, event listings, and community information. Today, craigslist is far and away the leading classified advertising service used in the United States.

Until very recently, craigslist included an adult services category. It was added to craigslist in 2001, at the request of craigslist users tired of seeing adult services ads mixed into the personals categories. They wanted a separate category for such ads, similar to what yellow pages, newspapers, and other advertising venues have done for decades. Working collaboratively with Attorneys General, law enforcement, prominent NGOs, and other concerned parties, craigslist has developed industry-leading best practices for adult services ads, including the following:

- educating and encouraging users to report suspected trafficking and exploitation;
- prominently featuring law enforcement contacts and reporting hotlines;
- creating specialized victim search interfaces for law enforcement agencies;
- actively participating in the National Center for Missing and Exploited Children (NCMEC) CyberTipline program;
- leading all awareness efforts for the National Trafficking Hotline;
- implementing a wide variety of technical screening and filtering measures;
- manually reviewing every adult service ad (both text and image) prior to posting;
- requiring phone verification for every adult service ad;
- credit card authorization and a fee to post each adult service ad;
- implementing the PICS content labeling system; and
- meeting regularly with experts at nonprofits and in law enforcement.

To our knowledge no other venue has adopted these best practices, and in fact very few venues have adopted more than one of these measures. Indeed, craigslist has been one of the few bright spots and success stories in the critical fight against trafficking and child exploitation. We've been told as much by experts on the front lines, many of whom we have met with in person, gathering helpful suggestions we have incorporated in our approach. Even our critics grudgingly

admit that we made giant strides, and that craigslist has been virtually alone among the many advertising venues carrying adult ads in vigorously combating exploitation and trafficking.

Cooperation with Law Enforcement and NCMEC

craigslist facilitates billions of human interactions each month, many of them face-to-face, among tens of millions of US users, nearly all of whom are well-intentioned law-abiding citizens seeking legitimate ends. The incidence of crime relating to use of craigslist is extremely low. However, despite craigslist's best efforts, it is not and cannot be zero, and any incidence of crime across tens of millions of people will generate enough crime stories to keep the newspapers, who compete with us in the classifieds business, busy reporting. When craigslist is misused for illegal activity, we assist law enforcement in their investigations, a role we have always excelled at.

craigslist is known among Internet companies for being "law enforcement friendly," and has a long history of close cooperation with law enforcement. For example, with respect to the subject matter for today's hearing:

- We pride ourselves on our responsiveness to law enforcement requests for information. Our goal is to turn around law enforcement inquiries within one business day, rather than the typically much longer interval at other Internet companies. I have personally been told many times by law enforcement agents that craigslist is by far the most responsive Internet company that they deal with. Indeed, we receive these compliments both verbally and in email correspondence on a regular basis.

- We participate actively in the NCMEC CyberTipline program, immediately reporting ads that meet NCMEC's reporting guidelines. Moreover, we have been advised by NCMEC that we are the ***only*** such participant making direct reports among countless venues that carry adult service ads. We have also provided prominent links on craigslist encouraging our users to report any suspicious activity to NCMEC.

- We assist anti-trafficking "sweeps" by the FBI, and have been credited by FBI agents with helping make those sweeps successful. As an example, in February 2009, craigslist was thanked by the FBI for our role in a very successful FBI nationwide sweep that resulted in the rescue of 48 minors.

- We have engineered special tools to facilitate the work of NCMEC and law enforcement. These include the creation of multiple special search interfaces that enable NCMEC and law enforcement to search for missing children across all craigslist sites.

- Our CEO, Jim Buckmaster, traveled to Washington DC in 2008 to meet with NCMEC (and members of the FBI assigned to NCMEC) so as to learn how to better work together. In July of this year, I accompanied Jim on another visit to NCMEC to exchange notes with staff there, and discuss how we could further coordinate our efforts.

Reporting Ads to NCMEC

Beginning in May 2009 craigslist commenced manual pre-screening all adult services ads. This enabled our reviewers (all of whom are practicing US attorneys) to reject ads that did not comply with our posting standards, standards much stricter than those typically applied by telephone yellow pages or newspapers, let alone online venues where such standards are largely absent. It also enabled our reviewers to report ads to NCMEC that corresponded to their reporting categories. Ads reported to NCMEC were of course rejected, and the accounts of the persons posting the ads were blocked. In July 2010 when Jim Buckmaster and I visited NCMEC, we asked representatives of NCMEC to comment on whether they felt we were applying appropriate standards in making these reports, and were told they believed our reviewers were reporting appropriately. In fact, they said that of the thousands of venues hosting adult services ads, craigslist was the only company participating in the CyberTipline program.

Working with NGOs

In the past year, my role at craigslist expanded to include some involvement in craigslist's outreach to various NGOs.

- Along with representatives of other prominent Internet companies, we have participated in a series of ongoing meetings with the DNA Foundation (founded by Demi Moore and Ashton Kutcher) and continue to work with this group.

- craigslist has actively engaged with prominent NGOs that work with victims of trafficking. Beyond financial support, craigslist has met with NGOs in recent months to determine how best to use the craigslist adult services platform to address relevant audiences with targeted messaging. For example, in collaboration with SAGE (Standing Against Global Exploitation), and MISSEY (Motivating, Inspiring, Supporting and Serving Exploited Youth), we were preparing a campaign aimed at helping potential trafficking victims access available social services, as well as intensive messaging campaigns designed to moderate societal demand for sexually exploited persons.

Meeting at the White House

In July 2010, Jim Buckmaster and I met at the White House with relevant Advisors, as well as representatives of the Justice Department and the office of the Vice President. The meeting was intended as an introduction and we left with the consensus of all present that craigslist's best practices for managing adult services advertising could be used as a model for the countless other venues that currently host unmoderated adult content, do not assist law enforcement, and do not engage in best practices generally speaking.

Conclusion

As of September 3, 2010 craigslist has terminated its adult services section. Those who formerly posted adult services ads on craigslist will now advertise at countless other venues. It is our sincere hope that law enforcement and advocacy groups will find helpful partners there.

-4-

Mr. SCOTT. Ms. McDougall.

TESTIMONY OF ELIZABETH L. "LIZ" McDOUGALL, PARTNER, PERKINS COIE, LLP, SEATTLE, WA

Ms. MCDOUGALL. Good afternoon. Thank you, Chairman Scott and Committee. Thank you for having me here. My name is Liz

McDougall. I am with the law firm of Perkins Coie, and I am here today because I am counsel to craigslist on online safety, security and abuse issues and I have been counsel to craigslist in that regard for over 2 years. I want to say, first off, that there is substantial common ground that we share with everybody on this panel today. We believe, as they do, that human trafficking and child exploitation is a heinous and insidious problem. We also agree, as Mr. Allen said, it is an extremely complex problem. It is a problem that involves the luring and seduction of victims. It involves the social conditions that make victims susceptible. It involves the culture and profitability of pimps and of organized crime.

And it involves demand. It involves finding a way to stop the demand, the men, predominantly men who create this market. Because of the complexity of the problem, it comes as no surprise that there is a significant divergence and even clash sometimes of views as to how to solve this problem. This is where, I think, we and some the groups at the table today diverge. A number of the groups that have spoken have an approach toward solving the child sexual exploitation problem by the idealistic approach that, if you eradicate prostitution and adult services in any venue, you will eradicate victims. There will be no more victims if there can be no more services. Craigslist's approach, after getting input from interested parties, including NGOs, advocacy groups, law enforcement, politicians, and victims, craigslist has adopted a practical approach.

Craigslist's approach has been to contain, control, educate and support and assist law enforcement. With respect to containment, craigslist created first the erotic services, then the adult services category so that adult content, which includes legal adult services, could be put in one location, and that both serves the purpose of making sure that people who don't want to see such content don't have to view that content. However, it also gives a single location for law enforcement, rescue groups, families looking for children, one location to go to. It is like in a city that zones a particular area for adult entertainment, adult activities. It is confined to a particular zoned area. The police know where it is, and they can look for illegal activity in that region.

With respect to controls, craigslist implemented flagging that was commended as one way to help control this problem on the Internet. Craigslist also engages in active reporting. They have numerous technical measures to filter out ads that could involve trafficking, child exploitation or child pornography. And they implemented, in conjunction with the attorneys general and the National Center for Missing and Exploited Children, a telephone verification system, a credit card fee and verification system, and enforcement actions to stop some of the tools that were being sold that facilitated the abuse on craigslist Web site. There is one point I would like to be very clear about, and that is, as you know, I just said that the attorneys general and NCMEC were part of the request. It was their idea that craigslist charge a fee for adult services because it facilitates tracking the perpetrators behind posting the ads.

Up to that time, craigslist had never charged for the adult services and had no intention to charge for the adult services. With respect to the education that craigslist provides, craigslist imple-

mented and this was years ago, long before craigslist had become engaged with the attorneys general, a help page for the exploitation of minors that included reference to the national trafficking hot line.

That page developed over time to include references to the reporting, the cyber tip line for NCMEC, as well as numerous local resources. Furthermore, on the entry pages to the adult services section, there were warnings and again references to NCMEC's cyber tip line and requests for users to also report, if they suspected illegal activity. Finally, with respect to referrals and assistance and support for law enforcement, in addition to making referrals to NCMEC, as Mr. Powell described, craigslist has been foremost in responding rapidly, cooperatively, to law enforcement, created specific tools, and pursuant to the joint statement, continued regular meetings with the attorneys general and invited meetings with anybody who was willing to listen.

Indeed, the Georgia juvenile justice contacted craigslist with respect to a possibility for improving the ability to identify minors in photographs on-line. We responded to the call the very same day, followed up, and we were engaged in a dialogue about it. Unfortunately, the woman at Georgia Juvenile Justice suffered a death in the family, and although we followed up and hoped to continue that dialogue, they never responded. I would also like to point out in terms of voluntary action by craigslist, when craigslist implemented these measures, credit card verification and phone verification, a lot of that started to migrate over to the therapeutic services category on craigslist, and voluntarily craigslist implemented these same measures there.

So in addition to phone verification, credit card fees and manual screening on the adult services, they implemented it voluntarily in therapeutic services. So craigslist has more than fulfilled the obligations under the joint statement, and now craigslist has also removed the adult services category. With respect to a couple of comments that were made, I do want to point out there has been reference to a study by the Shapiro Group and there have been some numbers quoted and relied on by that to indicate that craigslist is somehow the worst offender out there, rather than the most active, aggressive online service combating trafficking. There was submitted to this Committee, I believe, a report today by the Urban Institute that addresses the report that was published by the Shapiro report, and I will just ask you to look at that and to consider the comments when you, if you, indeed, choose to consider information that has been derived from that report.

I would like to address Mr. Allen's point regarding reports made to NCMEC. He pointed out, correctly, that craigslist blocked over 700,000 ads from posting on its adult services category, and noted that only approximately 137 of those resulted in referrals to NCMEC. Well, if you look at the chart that was provided this morning to the Committee, it's a chart from ALEXA which tracks online activity. You will see that activity on Backpage spiked, both in May 2009 when craigslist implemented the credit card payment procedure, and it spiked because the perpetrators knew that was much easier then for them to be caught on craigslist, and they moved their traffic.

You will also see a significant spike occurring at the very end of the graph which indicates September 3 when craigslist took down the adult services section and the traffic moved again over to Backpage. My point there is that we have identified only 137 referrals to NCMEC because the people that were trafficking children were smart enough to move their children off our site because we have never been, never been a friendly place for criminal activity. In fact, when we use guidelines to determine who may be a child in an image online, we apply a guideline of 21 years old rather than 18 years old just to err on the safe side. Finally, I would just like to say that if craigslist, if I could eliminate human trafficking and child sexual exploitation on the Internet or in the world, we would do it. We would do it in a heartbeat. Who wouldn't do it? With the removal of adult services, like the manual review, what has happened is that the ads have migrated to other sites. The evidence of that is clear. The AIM group report that I submitted with my testimony demonstrates that. This ALEXA chart that I provided demonstrates that. Consequently, craigslist fears that its utility to help combat child exploitation has been grossly diminished. However, we remain willing and able to work with the Committee to do whatever we can to continue to fight this absolutely horrific problem. Thank you.

[The prepared statement of Ms. McDougall follows:]

PREPARED STATEMENT OF ELIZABETH L. "LIZ" MCDOUGALL

TESTIMONY OF ELIZABETH L. McDOUGALL

PARTNER, PERKINS COIE LLP,

COUNSEL TO CRAIGSLIST, INC. ON ONLINE SAFETY, SECURITY AND ABUSE

BEFORE THE U.S. HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE

SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY

HEARING ON DOMESTIC MINOR SEX TRAFFICKING

SEPTEMBER 15, 2010

Thank you Chairman Scott, Ranking Member Gohmert, and Subcommittee Members. My name is Elizabeth (Liz) McDougall. I am a partner with the law firm Perkins Coie LLP, and I am counsel to craigslist on safety, security and abuse issues. I have been working with craigslist regarding these issues for over two years.

The scope of my representation and work with craigslist includes preventing and combating the misuse of craigslist's services, particularly misuse in connection with unlawful activities, and most especially misuse in facilitation of crimes such as human trafficking. To this end, I have provided and continue to provide counsel to craigslist; I have met with government officials to address concerns and work collaboratively to further improve measures to prevent harm; and I implemented an enforcement program to identify, investigate and stop abuses of craigslist's services, including through the prosecution of civil claims.

I have a personal interest in combating human trafficking, including the sexual exploitation of women and children, and have dedicated personal time and *pro bono* efforts to this grave societal concern. My work with craigslist has enabled me to further advance these causes with a willing and able partner. Consequently, I am personally and professionally interested in helping this Committee further understand the efforts of craigslist in addressing this complex problem.

As a preface to my own factual testimony, which will follow, I have been authorized to make the following statements on behalf of craigslist:

1. On September 3, 2010, craigslist closed its U.S. "adult services" category.

2. craigslist is employing proprietary technical measures to force the migration of adult services ads from craigslist to other venues. Frequent spot-checking by craigslist and third parties indicate that these efforts have been largely successful, and traffic at other venues for adult service ads has risen significantly due to this migration. For example, a blog article by the AIM Group from September 9, 2010, enclosed with my testimony, notes the effect of these measures.

3. craigslist abhors and has a long track record of vigorously combating crimes such as human trafficking and child exploitation in the context of adult services, and is highly sympathetic to the victims of such unspeakable abuses.

4. Migration of the relatively small percentage of total U.S. adult services advertising that had been posted on craigslist to less socially responsible venues uninterested in best practices is an unfortunate step backward in the fight against trafficking and exploitation. An article authored by researcher danah boyd on this point is enclosed with my testimony.

5. The many former craigslist adult services advertisers who posted appropriately and legally are understandably resentful of being mischaracterized as criminals or victims, and object to being excluded from craigslist.

HUMAN TRAFFICKING AND THE TRAFFICKING OF MINORS

Human trafficking, particularly and especially the trafficking of minors for sex services, is a horrific social scourge. Few would disagree with this premise. Certainly, craigslist and I do not.

However, the dearth of verifiable data regarding the scope, causes and possible solutions to this quiet plague is striking. Even more striking is the divergence and clash of views across a broad array of largely well-intentioned public interest organizations focused on this issue.

In meetings, discussions and the many media interviews and reports about craigslist's previous adult services category, many agendas have become apparent. The agenda of craigslist – that I have had the privilege to help them pursue – has been to try to balance the often conflicting input of politicians, law enforcement agencies, a broad array of NGOs and advocacy groups, and other concerned parties, in a best practices approach to socially responsible Internet classified advertising.

CRAIGSLIST'S JOINT STATEMENT WITH 43 ATTORNEYS GENERAL AND THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

In late 2007, craigslist entered into a dialogue with representatives of Connecticut Attorney General Richard Blumenthal. Although I was not directly involved in these early discussions, colleagues of mine were, and I understand that craigslist listened to and considered carefully the concerns of Attorney General Blumenthal and the other state Attorneys General whose interests he represented. The meetings and discussions were cooperative and constructive. With no legal obligation and no compulsion, and at a time when it was already the best practices leader among online classified services, craigslist came to the table with the National Center for Missing and Exploited Children (NCMEC) and the Attorneys General to explore effective ways that craigslist could do even more to battle human trafficking and child exploitation. (An article by the Electronic Frontier Foundation (EFF) explaining why craigslist is and was not legally obligated to take any action is enclosed with my testimony.) NCMEC, the Attorneys General and craigslist left the table with a Joint Statement that laid out additional measures and plans the parties collectively agreed were positive steps toward this objective. Of all of the thousands of traditional and online media hosting ads for adult services, craigslist, and only craigslist has worked with the Attorneys General to collaboratively fashion such a Joint Statement.

Although the "Joint Statement" was not a binding legal document, craigslist fully performed its commitments.

Here is a summary of some of the major points covered in the Joint Statement:

- Telephone Verification. In March 2008, craigslist implemented a system of telephone verification, whereby each erotic services ad posted was tied to a working telephone number. This information was available to law enforcement pursuant to a subpoena.

- Credit Card Verification. At the suggestion of the Attorneys General, craigslist also commenced charging a fee for each erotic services ad. This tied each ad to a working credit card to reduce the volume of ads (which were previously free) and provide information available to law enforcement pursuant to a subpoena.

- Legal Actions. craigslist also launched an aggressive enforcement program to stop the sale of tools (software and services) that facilitate circumvention of craigslist's Terms of Use and misuse of its services. To date, the program has included twenty federal lawsuits, cease and desist demands to scores of distributors and operators, and investigation of hundreds of targets. Prominent distributors have been taken down, and craigslist has obtained judgments with injunctive relief and significant financial penalties and deterrents against many defendants. However, new software and services launch to replace the old ones, and the enforcement program is actively continuing.

- Cooperation with Law Enforcement. The Joint Statement referenced law enforcement tools that craigslist had previously developed and made available to NCMEC, including national search tools for images and telephone numbers. These tools have been actively improved over time according to ongoing feedback from NCMEC and FBI, and have now been widely distributed to law enforcement agencies across the country.

- Educational Materials. The Joint Statement referenced educational materials and acknowledged that craigslist would continue to work to refine those materials. An example of the educational information and links to resources made available on the craigslist website is provided in the materials enclosed with my testimony.

- Future Efforts. The Joint Statement contemplated future meetings, a commitment by craigslist to "explore" new technologies to block image uploads, and cooperation with the Attorneys General for screening language used in ads.

The Joint Statement also mentioned that craigslist planned to contribute 100% of the net revenues from the erotic services category to charity. I have been advised that this undertaking, as well as all other undertakings of craigslist described in the Joint Statement, have been fulfilled.

SUBSEQUENT MEETINGS WITH ATTORNEYS GENERAL

As provided for in the Joint Statement, craigslist met again with representatives of the Attorneys General in May 2009, to continue to explore methods to combat misuse of the craigslist service. At the time of the meeting, it was craigslist's perspective that the measures that craigslist had implemented as contemplated by the Joint Statement had been very successful. Data was shared with the Attorneys General showing dramatic declines in the number of erotic services advertisements in four United States cities, which contrasted with dramatic growth in two comparable Canadian cities, where the measures described in the Joint Statement had not been implemented. A copy of the presentation by craigslist at this meeting is enclosed with my testimony.

However, at the meeting the Attorneys General in attendance, Attorneys General Blumenthal, Koster and Madigan, pressed craigslist for still further action. Following this meeting, craigslist made the voluntary decision to eliminate the "erotic" services category throughout the United States and create a new "adult" services section that would continue to require telephone verification and a fee paid by verified credit card, but would also entail manual review of every ad submitted for compliance with craigslist's Terms of Use and posting guidelines before being

posted in the category. craigslist implemented the new adult services category with manual screening in May 2009. To ensure the highest possible quality of review, craigslist arranged at considerable expense to have the review of each ad conducted by a team of US-licensed attorneys.

The combination of telephone verification, credit card verification and manual review was a deterrent to many abusers of the "adult" service category and craigslist began to observe such ads migrating into the therapeutic services category. As a result, in June 2009, craigslist also implemented telephone verification, credit card verification and manual review in the therapeutic service category.

In September 2009, in a meeting that I attended, craigslist met again with Attorneys General Blumenthal and Koster, as well as (either in person or by conference call) representatives of other Attorneys General. Prior to the meeting, I participated in a number of calls with staff of the Attorneys General of various states, sharing data regarding the migration of ads for adult services from craigslist to other online venues in their particular states. We also shared summaries that contrasted craigslist ads and practices with adult advertising and practices in local media publications in the Attorneys General's states. A sample of these summaries for Kansas City, Missouri, is enclosed with my testimony (excluding the very graphic images at the embedded links.) At the meeting with Attorneys General present and participating by phone, craigslist described and demonstrated the measures, particularly the manual review, it had implemented. Among other topics, we reviewed the detailed screening procedures that had been implemented by craigslist and described the manual screening process in detail. The Attorneys General expressed general praise and appreciation for these measures. No specific further requests or measures were discussed or decided, and all parties left with a commitment to continue their dialogue. Unlike the May meeting, there was no public announcement made.

COOPERATION WITH LAW ENFORCEMENT

Police, the FBI and other entities that are charged with enforcing the law have opted to work with craigslist to identify and implement practical measures to help rescue victims of trafficking and exploitation, and bring those responsible to justice. Over the years, craigslist has earned a reputation for being especially responsive to the needs of law enforcement.

As an example, when the Polk County (Florida) Sheriff's Office publicly announced concerns about suspected ads for prostitution appearing on craigslist in and around Polk County, craigslist promptly contacted the Sheriff's Office and requested a meeting to discuss the Sheriff's concerns. The Sheriff agreed, and I flew to Polk County with another craigslist representative and met with the Sheriff and his prosecuting attorney. By the conclusion of this meeting, we got to the heart of the particular enforcement challenge he was encountering and we mutually committed to develop a mechanism to address the problem - which working together, we did.

Similarly, when agents of the Royal Canadian Mounted Police (RCMP) leading that country's enforcement efforts against human trafficking and child exploitation had questions about craigslist's services, I flew to Toronto with another craigslist representative. We met with the agents, answered questions, and launched an ongoing dialogue about problems and potential solutions in combating trafficking and exploitation.

CONCLUSION

All people of conscience, myself and the management of craigslist included, abhor human trafficking and child exploitation, and wish to see these scourges eliminated to the greatest extent possible. In craigslist, law enforcement and NGO advocates had a highly responsive partner that listened to and was willing to meet with all concerned parties, and worked collaboratively to develop and implement best practices for minimizing such harms in the context of adult services advertising. As a legal counselor with a strong personal interest in combating human trafficking and child exploitation, it has been my sincere privilege to assist this exceptionally conscientious company and it is sadly dismaying to see craigslist's good deeds in this regard be unduly punished.

Perkins Coie | Legal Counsel to Great Companies

May 2009 Progress Report

craigslist and Law Enforcement: Making Progress Toward Common Goals

craigslist is the most used classifieds service worldwide

- 50 million Americans use craigslist each month, posting over 40 million classified ads in over 100 categories, and generating over 22 billion page views.
- craigslist is 7th overall among Internet companies in terms of English-language page views served.

Perkins Coie

Americans rely on craigslist for their most basic human needs – employment, shelter, commerce, romance.

Job Sites	Page Views
craigslist jobs	1,999,296,445
Monster.com	889,884,767
careerbuilder	481,454,511

Personals	Page Views
craigslist personals	4,665,025,038
Match.com	789,008,918
eHarmony.com	382,024,549

Housing Sites	Page Views
craigslist housing	1,777,152,395
Realtor.com	456,024,863
Apartments.com	151,054,918

Service Directories	Page Views
craigslist services	2,443,584,544
Yelp	217,539,073
Yellowpages.com	228,540,853

Merchandise	Page Views
craigslist for sale	10,662,914,373
eBay	14,106,623,255
Amazon	2,802,514,523

Perkins Coie

Q: Why does craigslist have an "erotic services" category in the first place?

A: It was established at the request of users, who had been seeing ads for escort services, massage parlors, adult web cams, phone sex operators, exotic dancers, adult websites, nude housecleaners, etc. mixed into the personals and services categories. They asked to have them in one place, behind a warning screen, where those uninterested would not see them.

Illegal activity is absolutely unwelcome, and craigslist has gone to considerable lengths to prevent and eliminate it – and has earned a reputation for being unusually responsive to requests from law enforcement when they need assistance in their investigations.

Perkins Coie

The Joint Statement: November 2008

JOINT STATEMENT

craigslist, the Attorneys General listed below, and the National Center for Missing and Exploited Children ("NCMEC"), announce new measures that craigslist is taking to help combat unlawful activity and improve public safety on its web site.

This agreement culminates a series of discussions and in person meetings between Jim Buckmaster, CEO of craigslist, Richard Blumenthal, Attorney General of the State of Connecticut, and NCMEC.

craigslist is a popular internet classifieds service that provides the public with many benefits. Like all communication tools, it can unfortunately be misused to facilitate unlawful activity.

craigslist has a long record of implementing measures to prevent misuse of its web site, assisting law enforcement investigations, and of improving safety for craigslist users. Law enforcement personnel have called craigslist's attention to misuse of craigslist's "erotic services" category to facilitate unlawful activity. This problem requires new safeguards for craigslist and new ways of working together with law enforcement. Further innovation and collaboration in addressing these issues will be beneficial for the safety of craigslist users and the general public. Accordingly, craigslist, the Attorneys General, and NCMEC, announce the following measures for combating unlawful activity and improving public safety on craigslist:

I. DIGITAL TAGGING, COMMUNITY FLAGGING, ELECTRONIC SCREENING

- craigslist has implemented a community self-policing program which allows users to "flag" a

Perkins Coie

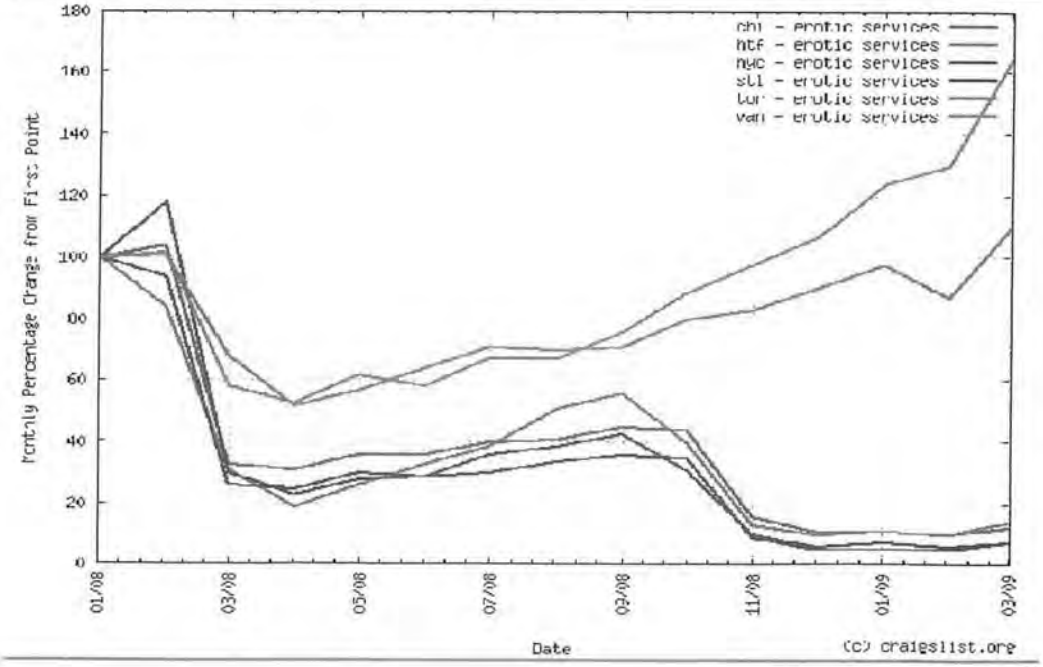
Six months after the Joint Statement was announced, "erotic services" ads have decreased dramatically in US cities*.**

Compliance with craigslist Terms of Use is much improved for the ads that remain.

***Compare with trend in Canada, where craigslist is now being approached about establishing a framework for collaboration similar to the one for the US that was announced in the November Joint Statement.

Perkins Coie

"Erotic service" ad volume trend in US and Canada



Introduction of new measures in the past year has yielded dramatic improvements

- Telephone Number Verification
- Credit Card Authorization
- Keyword Filtering System
- Image Blocking Software (testing phase)

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Telephone Verification Program

In order to post in "erotic services," user must provide a phone number. Number is dialed by craigslist systems, a series of digits is read to user, user must type code into web page to continue. Number is kept on file, associated with all postings by user, and made available to law enforcement under search warrant.

Telephone Account Verification - Microsoft Internet Explorer provided by Perkins Coie LLP

File Edit View Favorites Tools Help

Back Search Favorites

Address https://accounts.craigslist.org/login/phnext?rt=P&rp=/nyc/P Go Links

Telephone Account Verification

We need you to provide a valid, working phone number so that we can verify your account.

To help enforce our terms of use, craigslist requires an account verified by phone for posting in certain categories. Terms of use violations will be subject to account suspension and blacklisting of the phone number used to verify the account.

Shortly after entering your phone number below, you will receive an automated phone call during which an authorization code will be provided to you.

Enter this authorization code on the next page, and your account will be verified.

Problems? Let us know.

Phone Number: 1 ( ) ___ ____

Give verification code via: voice text

Send verification code in: english français

verify

Start 2 Microsoft Office ... 5 Internet Explo... DTE 2003 #16028127v2-LEG... 16030288_1.PPT 2 Adobe Reader 7.0 Internet 1:35 PM

Credit Card Authorization

Users must submit valid credit card credentials and pay a $5 fee to post in "erotic services."

Information is kept on file and can be made available to law enforcement pursuant to search warrant.

new york craigslist | posting > erotic services - Microsoft Internet Explorer provided by Perkins Coie LLP

File Edit View Favorites Tools Help

Back Search Favorites

Address https://post.craigslist.org/nyc/Pfers/mrh/123/7nF240r9uh0cQj06/lussb

new york craigslist (manhattan) > erotic services > create posting

| logged in as eam1755@hu

Your posting will expire from the site in 7 days.

Description	Price
Demo Post	
erotic services	5.00
Total To Be Charged:	**5.00**

Required fields are in **green**.
The address entered in this form must EXACTLY match the billing address on your monthly credit card statement.

Please enter your Credit Card information: (security info)

Card Number: Verification Number: (What's this?)

(We accept American Express, MasterCard, and Visa - **No gift cards or pre-paid credit cards!**)

Expiration Month / Year: Month / Year

Card Name, First: Last:

Card Address:

City: State: Zip/Postal Code:

Country: ◉ US ○ Canada

Who should we contact if we have questions about your posting?

Contact Name:

Contact Phone Number:

Contact Email Address: eam4755@hotmail.com

(Please click ONLY ONCE, this step may take up to 60 seconds.)

Submit Credit Card Payment

Keyword Filtering

During the week of April 23, 2009, keyword filters blocked 26% of "Erotic Services" ads submitted in US cities.

New technologies designed to identify and address attempts to circumvent keyword filters are being tested.

Image Blocking

New measures currently being tested have shown potential for a 90% or greater reduction in "erotic services" images being posted in violation of craigslist Terms of Use.

Specific images found in violation of craigslist Terms of Use can be blocked from being re-posted.

Even before these new measures, craigslist hosted far fewer and far less graphic images than can easily be found on some of the largest, most mainstream, "family friendly" sites.

craigslist cracks down on those facilitating misuse of its services

- 14 federal lawsuits filed against defendants violating craigslist's Terms of Use or facilitating violation by others.
- Most targeted operations shut down immediately.
- 4 cases resolved, three with permanent injunctions.
- 10 ongoing.
- 65 cease and desist demands issued.

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craigslist goes above and beyond in supporting law enforcement efforts

- Image Search Tool developed for law enforcement permits rapid scanning of images to facilitate location of missing/exploited minors.
- Telephone Search Tool developed for law enforcement permits rapid location site-wide of ads containing telephone numbers of interest.
- craigslist personnel go on "standby" at request of FBI for large scale "sweep" actions.
- craigslist has earned reputation among law enforcement departments for being especially prompt and cooperative.

Perkins Coie

Charitable efforts will include combating human trafficking and child exploitation.

- craigslist Charitable Fund launched winter 2008.
- Unprecedented 100% of net revenues from "erotic services" ads earmarked for charity.
- Fund-raising campaign to fight child exploitation and human trafficking preparing for roll-out.
- Other charitable campaigns being planned.

Perkins Coie

Net Effects:

Inappropriate "erotic services" ads have decreased dramatically since the Joint Statement 6 months ago.

Compliance with craigslist Terms of Use in ads being posted to the "erotic services" section today is much improved.

Far from resting on its laurels, craigslist continues to develop new methods for eliminating inappropriate activity.

Law Enforcement efforts are being augmented by custom tools, information, and assistance provided by craigslist.

Grants from the craigslist Charitable Fund will make a large positive impact in addressing societal issues like human trafficking and child exploitation.

Perkins Coie

Wouldn't it be easier to just shut down "erotic services," to prevent advertising by escorts and massage parlors, which can sometimes serve as fronts for illegal prostitution?

craigslist users prefer having legal erotic services ads in a separate category behind warning screens, rather than having them posted throughout the personals and services categories, as had happened previously, and would happen again should the "erotic services" category be removed.

Having "erotic service" ads in a separate category facilitates targeted warnings, monitoring, filtering, messaging, and law enforcement efforts when required.

Compared to a veritable "who's who" of very large and prominent public companies that feature "erotic service" ads, craigslist has taken the leadership role in terms of social responsibility, by the breadth of protective measures it has taken, the lengths to which it has gone to assist law enforcement, and by choosing to contribute an unprecedented 100% of net revenues to charitable causes.

Perkins Coie

craigslist and Law Enforcement are logical partners in pursuing a common goal:

Eliminating postings which violate craigslist's Terms of Use while preserving all utility and benefit for the tens of millions of law-abiding Americans who value and depend on craigslist's free local community services in their everyday lives.

Perkins Coie

ELECTRONIC FRONTIER FOUNDATION

SEPTEMBER 8TH, 2010

Beyond "Censored": What Craigslist's "Adult Services" Decision Means for Free Speech

Commentary by Matt Zimmerman

On Saturday, after years of pressure from law enforcement officials, Internet classified ad web site Craigslist bowed to demands to remove its "Adult Services" section which critics charged encouraged prostitution and other sex-related crimes. Or at least it appears that it did. Without explanation, following the latest in a series of open letters from state attorneys general decrying the third party content permitted on the site, Craigslist replaced the "Adult Services" link that formerly appeared on the front page of the site with a white-on-black "censored" bar. Whether this move will substantially affect the rate of illegal prostitution across the country remains to be seen. Many, even some of Craigslist's critics, appear to have their doubts. If nothing else, however, this latest turn in the AGs v. Craigslist saga underscores the misguided nature of the AGs' tactics as well as the fundamental disagreement that we (and Congress) have with the AGs' vision of how the Internet should operate.

Through this now years-long struggle, Craigslist's legal position has been and remains absolutely, unequivocally correct: the Communications Decency Act of 1996 (or CDA) grants providers of "interactive computer services" an absolute shield against state criminal law liability stemming from material posted by third parties. Put simply, the law ensures that the virtual soapbox is not liable for what the speaker says: merely creating a forum in which users post ads that may violate state law plainly does not lead to liability for a web site operator.

The federal statutory immunity upon which Craigslist relies is not some clever loophole. Rather, the intermediary immunity provided by the CDA represents a conscious policy decision by Congress to protect individuals and companies who would otherwise be vulnerable targets to litigants who want to silence speech to which they object, illegal or not. We agree with Congress that a federal policy of holding lawbreakers liable for their own illegal behavior instead of holding intermediaries responsible for the illegal acts of others is the right one, both as a matter of fairness as well as an effective strategy by which speech and innovation can be encouraged and rewarded.

This clear protection plays an essential role in how the Internet functions today, protecting every interactive web site operator -- from Facebook to Craigslist to the average solo blog operator -- from potentially crippling legal bills and liability stemming from comments or other material posted to web sites by third parties. Moreover, if they were obligated to pre-screen their users' content, wide swaths of First Amendment-protected speech would inevitably be sacrificed as web site operators, suddenly transformed into conservative content reviewers, permitted only the speech that they could be sure would not trigger lawsuits (or intimidating visits from the attorney general). The ability to encourage speech of all sorts without fear of legal reprisal is a feature of the CDA 230 world, not a shortcoming, one that encourages the publication of a diverse range of viewpoints and not just those of rich and cautious media companies who can afford the financial risk of publication.

As the chief law enforcement officers of their respective states, the attorneys general certainly know that their legal threats are completely meritless. Yet these and other law enforcement officers have shown little regard for what the law actually requires and have instead embarked on a vigorous campaign to strong-arm a company into submission based on bogus legal threats that nonetheless play well to many of their constituents. This strategy might amount to good politics, especially in an election year, but it continues to show remarkable disdain for the bedrock legal principles that have largely served the Internet well over the past 15 years.

It didn't have to be this way. Over the past two years, Craigslist repeatedly offered to go far above and beyond their legal obligations to work with law enforcement officials, offering to manually screen ads, require working phone and credit card numbers from ad posters (thereby creating digital footprints by which lawbreakers could be tracked), and help identify missing persons. Not surprisingly, however, having offered to do more than the law required but less than the AGs demanded, the AGs kept coming back for more, some flatly stating that the essential protections offered by CDA 230 should be repealed.

At least two lessons can be drawn from this latest skirmish in the battle between Craigslist and its critics. First, there sadly appears to be little upside to working with many of these law enforcement officials to resolve such important Internet policy disagreements. At each step of this public debate, the AGs have inevitably rewarded completely voluntary, non-mandatory offers of cooperation from Craigslist with further demands and insults. What possible motivation will other companies have to work with law enforcement to address similar concerns in the future?

Second, and more importantly, supporters of the First Amendment should loudly voice their opposition to this type of misguided rhetoric from elected officials. While Craigslist may have "voluntarily" shuttered its Adult Services section, they did so under constant threat from government officials who continually promised meritless lawsuits and even criminal prosecution if their target did not comply. No one (including Craigslist) disputes that sex trafficking is a reprehensible practice that should be vigorously opposed. The dispute lies in whether law enforcement officials should be permitted to bully and dragoon private web site operators into becoming de facto censors. Many,

including EFF, profoundly disagree with the prospect of such a reimagined Internet, and the AGs at minimum owe it to the public to be honest about the First Amendment impact of what they are proposing.

Related Issues: Free Speech

[Permalink]

Want to learn how you can defend free speech, stand up for privacy, fight for government transparency, support consumer rights, and protect your right to innovation in the digital world? Visit **http://eff.org/fight** to find ways to help.

Craigslist removes 'censored' label, hookers (mostly) gone | AIMGroup.com

Point made, Craigslist has removed the "censored" label it used as a placeholder where its adult-services ad section used to be on its U.S. sites. And no, the hookers aren't back. In fact, they're almost nowhere to be found.

Craigslist — or the Craigslist community — seems to be policing the "casual encounters" personals section for prostitution posts. When the portal shuttered the adult ads late last Friday, we found some prostitutes had posted in the personals subcategory where anything goes. We also found that a few hookers had posted in the fee-based "therapeutic" category, alongside licensed massage therapists, aromatherapists and other legitimate professionals.

Those ads appear to have been removed — at least in San Francisco, Craigslist's hometown. It's harder to tell in the therapeutics category but there were no blatantly suggestive ads.

In a quick check this morning, we didn't find any blatantly obvious hooker ads in either category. There were also very few pictures, let alone x-rated ones. One or two listings — where subject lines had suggested "sugar daddy" arrangements — were flagged for removal.

A check on New York's casual encounters category found one sex-for-money ad posted this morning that was subsequently flagged. No obvious hooker ads in the same category in Houston. Or Los Angeles. In Chicago, there was no casual-encounter ad older than this morning.

Has Craigslist turned a corner? Maybe so.

On non-U.S. sites, Craigslist still supports an "erotics" category where prostitutes can post ads for free — a fact not unnoticed by human-rights groups that are urging the classifieds portal to remove those ads, too.

The House Judiciary Crime Subcommittee is scheduled to hold a hearing next week on sex trafficking and the Internet's role in it.

September 13, 2010

This is the print preview: Back to normal view »

Danah Boyd

Senior researcher, Microsoft Research

Posted: September 6, 2010 08:14 PM

How Censoring Craigslist Helps Pimps, Child Traffickers and Other Abusive Scumbags

For the last 12 years, I've dedicated immense amounts of time, money and energy to end violence against women and children. As a victim of violence myself, I'm deeply committed to destroying any institution or individual leveraging the sex-power matrix that results in child trafficking, nonconsensual prostitution, domestic violence and other abuses. If I believed that censoring Craigslist would achieve these goals, I'd be the first in line to watch them fall. But from the bottom of my soul and the depths of my intellect, I believe that the current efforts to censor Craigslist's "adult services" achieves the absolute opposite. Rather than helping those who are abused, it fundamentally helps pimps, human traffickers and others who profit off of abusing others.

On Friday, under tremendous pressure from US attorneys general and public advocacy groups, Craigslist shut down its "Adult Services" section. There is little doubt that this space has been used by people engaged in all sorts of illicit activities, many of which result in harmful abuses. But the debate that has ensued has centered on the wrong axis, pitting protecting the abused against freedom of speech. What's implied in public discourse is that protecting potential victims requires censorship; thus, anti-censorship advocates are up in arms attacking regulators for trying to curtail First Amendment rights. While I am certainly a proponent of free speech online, I find it utterly depressing that these groups fail to see how this is actually an issue of transparency, not free speech. And how this does more to hurt potential victims than help.

If you've ever met someone who is victimized through trafficking or prostitution, you'll hear a pretty harrowing story about what it means to be invisible and powerless, feeling like no one cares and no one's listening. Human trafficking and most forms of abusive prostitution exist in a black market, with corrupt intermediaries making connections and offering "protection" to those who they abuse for profit. The abused often have no recourse, either because their movements are heavily regulated (as with those trafficked) or because they're violating the law themselves (as with prostitutes).

The Internet has changed the dynamics of prostitution and trafficking, making it easier for prostitutes and traffickers to connect with clients without too many layers of intermediaries. As a result, the Internet has become an intermediary, often without the knowledge of those internet service providers (ISPs) who are the conduits. This is what makes people believe that they should go after ISPs like Craigslist. Faulty logic suggests that if Craigslist is effectively a digital pimp who's profiting off of online traffic, why shouldn't it be prosecuted as such?

The problem with this logic is that it fails to account for three important differences: 1) most ISPs have a fundamental business -- if not moral -- interest in helping protect people; 2) the visibility of illicit activities online makes it much easier to get at, and help, those who are being victimized; and 3) a one-stop-shop is more helpful for law enforcement than for criminals. In short, Craigslist is not a pimp, but a public perch from which law enforcement can watch without being seen.

1. Internet Services Providers have a fundamental business interest in helping people.

When Internet companies profit off of online traffic, they need their clients to value them and the services they provide. If companies can't be trusted -- especially when money is exchanging hands -- they lose business. This is especially true for companies that support peer-to-peer exchange of money and goods. This is what motivates services like eBay and Amazon to make it very easy for customers to get refunded when ripped off. Craigslist has made its name and business on helping people connect around services, and while there are plenty of people who use its openness to try to abuse others, Craigslist is deeply committed to reducing fraud and abuse. It's not always successful -- no company is. And the more freedom that a company affords, the more room for abuse. But what makes Craigslist especially beloved is that it is run by people who truly want to make the world a better place and who are deeply committed to a healthy civic life.

I have always been in awe of Craig Newmark, Craigslist's founder and now a "customer service rep" with the company. He's made a pretty penny off of Craigslist, so what's he doing with it? Certainly not basking in the Caribbean sun. He's dedicated his life to public service, working with organizations like Sunlight Foundation to increase govemment accountability and using his resources and networks to help out countless organizations like Donors Choose, Kiva, Consumer Reports and Iraq/Afghani Vets of America. This is the villain behind Craigslist trying to pimp out abused people?

Craigslist is in a tremendous position to actually work *with* law enforcement, both because it's in their economic interests and because the people behind it genuinely want to do good in this world. This isn't an organization dedicated to profiting off of criminals, hosting servers in corrupt political regimes to evade responsibility. This is an organization with both the incentives and interest to actually help. And they have a long track record of doing so.

2. Visibility makes it easier to help victims.

If you live a privileged life, your exposure to prostitution may be limited to made-for-TV movies and a curious dip into the red-light district of Amsterdam. You are most likely lucky enough to never have known someone who was forced into prostitution, let alone someone who was sold by or stolen from their parents as a child. Perhaps if you live in San Francisco or Las Vegas, you know a high-end escort who has freely chosen her life and works for an agency or lives in a community where she's highly supported. Truly consensual prostitutes do exist, but the vast majority of prostitution is nonconsensual, either through force or desperation. And, no matter how many hip-hop songs try to imply otherwise, the vast majority of pimps are abusive, manipulative, corrupt, addicted bastards. To be fair, I will acknowledge that these scumbags are typically from abusive environments where they too are forced into their profession through circumstances that are unimaginable to most middle class folks. But I still don't believe that this justifies their role in continuing the cycle of abuse.

Along comes the Internet, exposing you to the underbelly of the economy, making visible the sex-

power industry that makes you want to vomit. Most people see such cesspools online and imagine them to be the equivalent of a crack house opening up in their gated community. Let's try a different metaphor. Why not think of it instead as a documentary movie happening in real time where you can actually do something about it?

Visibility is one of the trickiest issues in advocacy. Anyone who's worked for a nonprofit knows that getting people to care is really, really hard. Movies are made in the hopes that people will watch them and do something about the issues present. Protests and marathons are held in the hopes of bringing awareness to a topic. But there's nothing like the awareness that can happen when it's in your own backyard. And this is why advocates spend a lot of time trying to bring issues home to people.

Visibility serves many important purposes in advocacy. Not only does it motivate people to act, but it also shines a spotlight on every person involved in the issue at hand. In the case of nonconsensual prostitution and human trafficking, this means that those who are engaged in these activities aren't so deeply underground as to be invisible. They're right there. And while they feel protected by the theoretical power of anonymity and the belief that no one can physically approach and arrest them, they're leaving traces of all sorts that make them far easier to find than most underground criminals.

3. Law enforcement can make online spaces risky for criminals.

Law enforcement is always struggling to gain access to underground networks in order to go after the bastards who abuse people for profit. Underground enforcement is really difficult, and it takes a lot of time to invade a community and build enough trust to get access to information that will hopefully lead to the dens of sin. While it always looks so easy on TV, there's nothing easy or pretty about this kind of work. The Internet has given law enforcement more data than they even know what to do with, more information about more people engaged in more horrific abuses than they've ever been able to obtain through underground work. It's far too easy to mistake more data for more crime and too many aspiring governors use the increase of data to spin the public into a frenzy about the dangers of the Internet. The increased availability of data is not the problem; it's a godsend for getting at the root of the problem and actually helping people.

When law enforcement is ready to go after a criminal network, they systematically set up a sting, trying to get as many people as possible, knowing that whoever they have underground will immediately lose access the moment they act. The Internet changes this dynamic, because it's a whole lot easier to be underground online, to invade networks and build trust, to go after people one at a time, to grab victims as they're being victimized. It's a lot easier to set up stings online, posing as buyers or sellers and luring scumbags into making the wrong move. All without compromising informants.

Working with ISPs to collect data and doing systematic online stings can make an online space more dangerous for criminals than for victims because this process erodes the trust in the intermediary, the online space. Eventually, law enforcement stings will make a space uninhabitable for criminals by making it too risky for them to try to operate there. Censoring a space may hurt the ISP but it does absolutely nothing to hurt the criminals. Making a space uninhabitable by making it risky for criminals to operate there -- and publicizing it -- is far more effective. This, by the way, is the core lesson that Giuliani's crew learned in New York. The problem with this plan is that it requires funding law enforcement.

4. Using the Internet to combat the sex-power industry

It makes me scream when I think of how many resources have been used attempting to censor Craigslist instead of leveraging it as a space for effective law enforcement. During the height of the moral panic over sexual predators on MySpace, I had the fortune of spending a lot of time with a few

FBI folks and talking to a whole lot of local law enforcement. I learned a scary reality about criminal activity online. Folks in law enforcement know about a lot more criminal activity than they have the time to pursue. Sure, they focus on the big players, going after the massive collectors of child pornography who are most likely to be sex offenders than spending time on the small-time abusers. But it was the medium-time criminals that gnawed at them. They were desperate for more resources so that they could train more law enforcers, pursue more cases, and help more victims. The Internet had made it a lot easier for them to find criminals, but that didn't make their jobs any easier because they were now aware of how many more victims they were unable to help. Most law enforcement in this area are really there because they want to help people and it kills them when they can't help everyone.

There's a lot more political gain to be had demonizing profitable companies than demanding more money be spent (and thus, more taxes be raised) supporting the work that law enforcement does. Taking something that is visible and making it invisible makes a politician look good, even if it does absolutely nothing to help the victims who are harmed. It creates the illusion of safety, while signaling to pimps, traffickers, and other scumbags that their businesses are perfectly safe as long as they stay invisible. Sure, many of these scumbags have an incentive to be as visible as possible to reach as many possible clients as possible, and so they will move on and invade a new service where they can reach clients. And they'll make that ISP's life hell by putting them in the spotlight. And maybe they'll choose an offshore one that American law enforcement can do nothing about. Censorship online is nothing more than whack-a-mole, pushing the issue elsewhere or more underground.

Censoring Craigslist will do absolutely nothing to help those being victimized, but it will do a lot to help those profiting off of victimization. Censoring Craigslist will also create new jobs for pimps and other corrupt intermediaries, since it'll temporarily make it a whole lot harder for individual scumbags to find clients. This will be particularly devastating for the low-end prostitutes who were using Craigslist to escape violent pimps. Keep in mind that occasionally getting beaten up by a scary john is often a whole lot more desirable for many than the regular physical, psychological, and economic abuse they receive from their pimps. So while it'll make it temporarily harder for clients to get access to abusive services, nothing good will come out of it in the long run.

If you want to end human trafficking, if you want to combat nonconsensual prostitution, if you care about the victims of the sex-power industry, don't cheer Craigslist's censorship. This did nothing to combat the cycle of abuse. What we desperately need are more resources for law enforcement to leverage the visibility of the Internet to go after the scumbags who abuse. What we desperately need are for sites like Craigslist to be encouraged to work with law enforcement and help create channels to actually help victims. What we need are innovative citizens who leverage new opportunities to devise new ways of countering abusive industries. We need to take this moment of visibility and embrace it, leverage it to create change, leverage it to help those who are victimized and lack the infrastructure to get help. What you see online should haunt you. But it should drive you to address the core problem by finding and helping victims, not looking for new ways to blindfold yourself. Please, I beg you, don't close your eyes. We need you.

(My views on this matter do not necessarily represent the views of any institution with which I'm affiliated, including my employer Microsoft Research, the MacArthur Foundation, and my research affiliation with Harvard's Berkman Center which includes Craig Newmark as one of its supporters.)

Follow Danah Boyd on Twitter: www.twitter.com/@zephoria

Summary:

Missourans rely on craigslist for finding jobs, housing, autos, goods and services, and much else. Like most classifieds, it has an adult ad section. However, many venues available to Missourans, including Riverfront Times (St Louis) and The Pitch (Kansas City) feature larger volumes of such ads, and feature explicit content well outside the standards enforced at craigslist.

Adult services dwarfed by jobs, apartments, autos on craigslist -- not so for backpage classifieds (and a host of other venues)

3 day ad volume for selected categories, August 16-18, 2009

	craigslist STL	Riverfront Times (backpage.com)
job ads	660	42
apartments	1320	153
automobiles	3025	114
adult service	46	174

	craigslist KC	The Pitch (backpage.com)
job ads	520	42
apartments	865	94
automobiles	2808	165
adult services	47	168

Adult services ads on backpage (and countless other venues) feature images and language far beyond what is allowed on craigslist

- example 1 (exposed genitalia, explicit language, legal disclaimer)
- example 2 (exposed genitalia, explicit language, code words, legal disclaimer)
- example 3 (exposed genitalia, masturbation, code words)
- example 4 (exposed genitalia, explicit language, code words)
- example 5 (exposed genitalia, code words)
- example 6 (exposed genitalia)
- example 7 (exposed genitalia , code words, references to specific sex acts)
- example 8 (exposed genitalia)

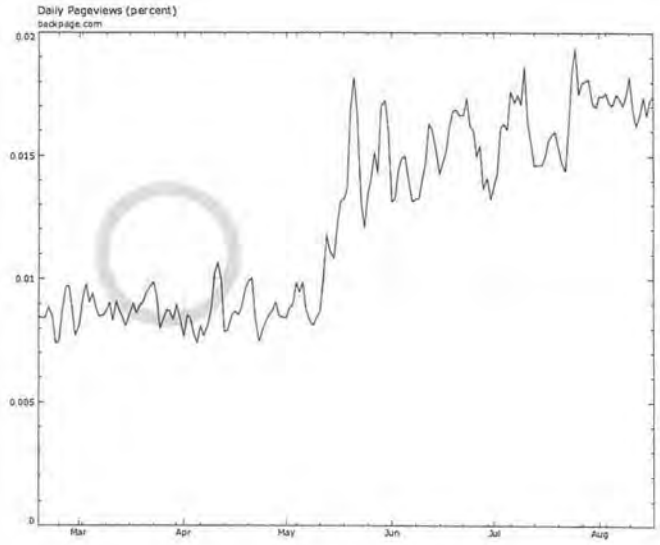
Postings and traffic to craigslist adult services down 50% from former "erotic services" (closed May 09), as non-compliant users have gone elsewhere

Since May, overall traffic to backpage.com has risen 100% while traffic and postings to its adult services are up multiple hundreds of percentage points

- chart from Alexa.com
- chart from Compete.com

craigslist adult services features links for reporting exploitation of minors, to parental control software, and personal safety tips.

Adult entertainment sections for Riverfront Times and The Pitch instead feature upselling ads, links to an affiliate program, and a legal disclaimer.


Daily Pageviews (percent)
backpage.com
0.02
0.015
0.01
0.005
0
Mar
Apr
May
Jun
Jul
Aug

Page Views
compete

craigslist
online community

Updated
Mar 29th 2010 02:10 PM

about > help > exploitation of minors

national and international

National Center for Missing & Exploited Children (NCMEC)

- cybertipline - report child exploitation
- 800-843-5678

National Human Trafficking Resource Center (Polaris Project)

- 24-Hour Hotline: 1-888-3737-888

Canada: National Child Exploitation Coordination Centre (NCECC)

- Hotline: 1-800-387-7962

Global Hotlines List - Country-by-Country List of Human Trafficking Hotlines

local and regional

Austin

- Police - Child Abuse Unit
- 512-974-6880
- child.abuse@ci.austin.tx.us

Boston

- Boston Police Human Trafficking Unit 617-343-5783, oconnellk.bpd@cityofboston.gov
- Massachusetts Human Trafficking Task Force

Chicago

- The Salvation Army - Partnership to Rescue Our Minors from Sexual Exploitation (PROMISE)

Florida

- Florida Office of the Attorney General Child Predator CyberCrime Unit 904-348-2720 pamela.bennett@myfloridalegal.com

Michigan

- Michigan Attorney General Criminal Prosecutions Division 313-456-0180

New York

- Missing & Exploited Children Clearinghouse

Portland, OR

- Police Dept. Child Abuse Team

San Francisco

- San Francisco District Attorney districtattorney@sfgov.org
- SFPD Internet Exploitation Unit

Seattle

Los Angeles

- District Attorney
- Children of the Night

- Seattle PD Human Trafficking Emphasis Program

Southern California - Tijuana, Mexico

- Bilateral Safety Corridor Coalition
- (619) 666-2757 24 hr trafficking hotline

Suggestion for additional agency listings should be directed to legal@craigslist.org

Still have questions? try our help desk discussion forum or send us a note.

Mr. SCOTT. Thank you. I understand, Mr. Sensley, do you have to leave shortly.

Chief SENSLEY. Sir, I have made other arrangements. Thank you.

Mr. SCOTT. Okay. Thank you. Then I will recognize myself for 5 minutes. And I will begin with Mr. Powell. Mr. Powell, you made a promise to monitor posting. Is it logistically possible, with the number of postings to actually review on an individual basis postings on your site?

Mr. POWELL. Are you referring to the content that appears after we removed the adult services category?

Mr. SCOTT. Either way.

Mr. POWELL. We have a number of technological measures that are used, along with some manual review that we feel does a good job at ensuring that the content that had previously appeared in the manually reviewed adult services category does not migrate to the other categories that appear on our site, the personals categories, other services categories. And, in addition to review by our staff of those categories in the past 10 days, the chart that Ms. McDougall referred to with respect to increase in traffic on Backpage seems to support that.

Mr. SCOTT. If someone is communicating with craigslist, can you identify, technologically identify which computer made that contact?

Mr. POWELL. Yes.

Mr. SCOTT. And so you can track the person, if necessary?

Mr. POWELL. Well, in cases where we have received a request from law enforcement, we release the records to the district attorneys, to the police officers, to the FBI agents and they use the information we capture to do that tracking.

Ms. MCDOUGALL. I can further elaborate if that is helpful.

Mr. SCOTT. Okay.

Ms. MCDOUGALL. What craigslist can provide is the e-mail address and IP address of the person that posted the ad. Craigslist can't from there identify the specific computer or individual. What you do then is contact, you can identify online who the service provider is for that IP address, and you can contact the service provider and get from them the information as to who owns that IP address. Law enforcement can do it by subpoena. You can do it in a civil suit by subpoena as well.

Mr. SCOTT. Ms. Hakes what laws apply to Internet providers like craigslist that would make them criminally liable for the postings?

Ms. HAKES. Mr. Chairman, I am not aware of any laws that would make them liable, unless there was evidence that craigslist was a participant specifically, whether they were, for example, conspiring with those who were misusing their site, that is, knowingly conspiring to violate the laws. What we have seen in the past——

Mr. SCOTT. What about if they are not actively conspiring? What about just intentional neglect? Or they just don't care?

Ms. HAKES. Mr. Chairman, I am not aware of any Federal statutes anyway with respect to neglect being the standard. In Federal law, the standard for prosecution would be knowing or willful. And when you are talking about in cases that have come up, the investigations that have been done by the FBI and others, I am not aware of anything that shows us that craigslist might be criminally liable.

Mr. SCOTT. Well I'm not talking about just craigslist. I'm talking about any of them. If there are no laws on the books now, are there any potential laws we could put on the books that would pass constitutional muster that would be helpful in tracking down people that make these postings?

Ms. HAKES. Mr. Chairman, the Department of Justice would be more than happy to work with the Committee and consult with you on whether or not there are tools with respect to the topic that you're discussing. However, I would say that I believe that at this point, we have the proper tools. We have what we need to pros-

ecute the guilty, that is, the people who are using the Internet, and it isn't just craigslist and of course it isn't just prostitution of children, it is sexual exploitation of children in all its forms. Many predators, many of those who would prey on children, utilize the Internet, misuse the Internet in order to prey on those children, to traffic in child pornography, to advertise children for child prostitution. And I don't think anyone would here would propose closing the Internet.

Mr. SCOTT. You have two parts of this transaction. One is the posting of the availability of the children, and the other is of the demand side. Are there any efforts to essentially set people up so that anyone who goes on the Internet searching for people can get ensnared in a sting operation?

Ms. HAKES. Yes, sir, Mr. Chairman. As a matter of fact, over the last year, in the western district of Missouri, Operation Guardian Angel has en in effect, and that is a law enforcement operation utilizing Internet service providers like craigslist to post adds suggesting that they have children who are underage that they would provide for sex. In Operation Guardian Angel, several people answered the ads. Several people made arrangements over the telephone to meet with who they thought would be underage children for sex and they were prosecuted for those crimes. And some of them received——

Mr. SCOTT. And what is the typical penalty when they get caught?

Ms. HAKES. They received very substantial sentences depending on the crime under which they were prosecuted. It ranges anywhere, as I said in my earlier statement for trafficking in children and child exploitation could be as little as 5 years. It could be as many as life.

Mr. SCOTT. The Dateline NBC with Chris Hansen——

Ms. HAKES. To Catch a Predator, yes, sir.

Mr. SCOTT. The penalties that they publish are in the matter of a months, a couple of months; is that not typical?

Ms. HAKES. No, sir. That would be State and local. In my experience, when I was assistant district attorney, some of the charges that are utilized in State and local offenses for enticing a child in certain jurisdictions might be misdemeanors. In Federal law however, it is a felony. And enticing a child over the Internet carries a mandatory minimum penalty of 10 years in prison.

Mr. SCOTT. Now how much cooperation is there, Federal State and local law enforcement in these investigations and prosecutions?

Ms. HAKES. Well, as I said in my statement, we are very strongly supportive of the Innocence Lost National Initiative. We believe that it has been extremely successful. And one of the things that we are doing in the National Strategy for Child Exploitation, Prevention and Interdiction, is working with all of our partners, community-based, law enforcement-based, industry-based, in order to establish what are the best practices that we are all engaging in, expanding our cooperation and collaboration with respect to child exploitation, and we are looking into whether or not the Innocence Lost National Initiative should be expanded from 38 task forces and working groups that exist now to more areas across the country.

But I would say that where we have the Innocence Lost National Initiative Task Forces and working groups they are very successful. Since 2003 we have located over 1,100 children and federally and State we have prosecuted more than 600 offenders who have received some very substantial sentences.

Mr. SCOTT. Thank you. Mr. Poe.

Mr. POE. Thank you, Mr. Chairman. I appreciate you responding so quickly to a letter I wrote requesting this hearing based upon the fact that so many victims groups had contacted me and other Members of Congress. So I appreciate that.

Ms. Frundt, thank you for being here. You are to be admired. People like you are really important to solving problems, and I admire you for your courage just to come here and talk to Congress and tell your story. So thank you very much for being here.

Craigslist, it is good to hear that this site has been shut down. We want to make that clear, that y'all have done that. Is that correct, Mr. Powell?

Mr. POWELL. That is correct, yes.

Mr. POE. Good. There are many issues. You have all talked about the problems and the issues. I am concerned as a former judge and prosecutor, about the victim. The girl, the young lady is not a criminal. But yet in our State courts, because of different reasons and excuses, they are still treated like criminals. To get into the system, to get any kind of treatment they are treated like criminals in the domestic trafficking. International trafficking there are some services. We have to fix that problem. We have a social duty to fix that problem so the things that happened to Ms. Frundt do not continue to happen to young women in our country.

The people involved, besides the victim, you have got the trafficker, and you may have been present when I made comments about what ought to happen to traffickers, at least what a Texas Ranger thinks ought to happen to traffickers, Chief Sensley; the old comment, well, get a rope. Anyway, but then you have got the consumer. And I think we need to zero in on the consumer who pays for this crime, who pays in the sense that they are able to exploit children because when there is a market, this crime will continue. When there is a buyer, and so we need to make to more difficult for the consumer who seems to be, I think, traditionally in this type of crime, gets away with it.

Now, Ms. Hakes, you mentioned the fact that the Missouri U.S. Attorneys Office had a project. But I understand they only prosecuted 10 cases; is that correct?

Ms. HAKES. I am not sure of the exact statistic, Congressman Poe. I can get that for you, but it was not a huge number.

Mr. POE. I think it is 10. Seven pled guilty. So of all of these cases happening in the United States, on the Federal level we have seven people that pled guilty, because other districts, I'm talking about the consumer, the buyer, the john, the other criminal. Is that correct?

Ms. HAKES. No, Congressman Poe. Not exactly. I can't give you the exact number of how many people have pled guilty or been convicted to date, but we have expanded Operation Guardian Angel. Other districts are employing some of the same techniques. I don't want to get too much into that in a public hearing. But I can as-

sure you that the department and a variety of districts in the Nation are pursuing those who pay to sexually assault children.

Mr. POE. Get me those statistics if you will, because the statistics that I have that the Missouri U.S. attorney is the only one that is doing this and they got seven out of 10. To me that is not near good enough. You know, we talk about the Internet and how it is being used by criminals. Well, maybe law enforcement we ought to figure out a way to do this. When we capture these consumers, these people that pay for this crime, this service, if they are convicted their photographs ought to be on the Internet. We ought to advertise to the world who these people are that have exploited young women in the United States.

As a judge, I used to try to do some innovative things. But we need to be thinking about how we can use the Internet to advantage of enforcement of the law, because if these guys all of a sudden start seeing their photographs on the Internet they may stop this conduct. But anyway, that is a responsibility we have to figure out some solutions.

But Chief, in your district, tell me how you deal with a sexually exploited child that has been trafficked and you come in contact with her. Do you all file on her for prostitution? What happens in the domestic situation?

Chief SENSLEY. Well, Congressman Poe, part of the problem is that there is a lack of resources when it comes down to the contact of the victim of this crime. As it stands, most of the work that I have been doing in northern California has been out of Congressman Lungren's district in the Sacramento region because it is one of our most prolific areas where this is going on at a tremendous rate and spreading throughout that region. We have four multi disciplinary task force of local, Federal, State enforcement agencies and a multitude of non governmental agencies to respond to the problem.

Fortunately, there are a few nonprofit organizations that are, have come into play, like Courage House out of the Sacramento area to provide a place for these victims to go to, which is part of the problem, because if we can't get them out of the law enforcement context, in order to remove them from the environment which they are preyed upon then they go right back into the system because they find that it is a hopeless environment.

So, in effect, we are really at a struggling point, having effective laws and tools to really deal with the perpetrators because, as you mentioned earlier, oftentimes at the State and local level there is a 1-month or a 2-month penalty for the pimps who are, in fact, better classified as traffickers. And that is a cost of doing business for them. They are willing to suffer that for the hundreds of thousands of dollars that they can draw in from this on an annual basis. So in effect, we are struggling when it really comes to it for lack of resources, for a lack of places, quite frankly, and that is a significant issue to turn these victims away from the system.

And so it keeps officers from having to put them into the justice system as criminals just as an attempt to remove them from their victimization. But, again, as I stated earlier, it becomes a matter of revictimizing in another way.

Mr. POE. One last question, if I may, Mr. Chairman, on this issue. We have a lot of work to do. But we need to make it so that the consumer, or the buyer and the trafficker, it is not a cost of business. The penalty is too great for them to stay in business. But more importantly, I think that we need to find and take care of these young women, these victims, whether it is on the State or local level and find a way where they don't lose hope and have their spirits broken because of the crime that has been continued to be committed against them. Thank you, Mr. Chairman.

Mr. SCOTT. The gentlelady from Texas.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, for this hearing, and to the Ranking Member. And I would like to connect to my friend and colleague from Texas and build on the testimony. Forgive me for being delayed and not being able to hear all of the testimony. But many of you I am familiar with, and I am also a speed reader to assess some of the comments that you have made. So first of all, let me thank you for the work that you do. I chair the Congressional Children's Caucus and we have looked at these issues, and I have been engaged with Ernie Allen for a number of years, both in my own district and here in Washington, D.C.

Let me pay tribute not only to Tina Frundt, who I'll ask a question, but to a constituent of mine by the name of Catherine Griffin, who struggles in my own community, Chief Sensley, if I am reading it correctly, to the question of resources. And so you hit the nail on the head. And as I ask the Chairman's indulgence, let me first begin, Chief Sensley, I am reading it instead of looking down. Let me first of all speak to Mr. Powell and thank him for his presence here. What we would like to think is when witnesses come, that, as Members pose questions we are being provocative so we can secure real answers to the problem. And my first question, since craigslist has such a brand, and I think you would agree, media has its way of interpretation. And you would agree that the last month was not a good public exposure for craigslist.

People are only led, good or bad, by what they see. And the first initial response appeared to be stonewalling, lack of response, and it gave all of us a bad taste in our mouth. I think the real question is, as we look, because you now can stand as an example for a lot of Internet sites and Web sites and other levels of technology that continue to proliferate. What took you so long to immediately stop? How can we be convinced that when the heat goes away, the material results of income, value that you get from these services does not find itself back on your site?

And the last question to you is, I had the impression that you took off adult services, but individuals migrated to other sites on craigslist and are just proliferating and having a good time. I gave you three questions but I'd appreciate, I hope that you can remember them. Otherwise I will try to remember them and call them again.

Mr. POWELL. To respond to the first question regarding the timing, I don't have the specific information about why September 3 was selected. But I can assure the Members of the Committee and others that we do not have any intention to restore that category. I think there is a sense that in some ways, taking that step may be a step backward in terms of addressing some of the core causes

of the issue. My hope is that the migration that we have seen of these particular ads to other Web sites, and it is not to other parts of craigslist. We have seen some fairly strong indications that the measures we have taken and are continuing to take have prevented that.

But the other sites that have been mentioned previously, we would hope that they continue to adopt some of the practices that craigslist has had in place for a number of years, including working collaboratively with the National Center for Missing and Exploited Children, providing reporting mechanisms, working closely with law enforcement.

Ms. JACKSON LEE. I don't want to cut you off but I have a short time and I may be overlapping. No amount of money is going to cause craigslist to reinstitute in another name this kind of site.

Mr. POWELL. I can't answer that directly because I am not directly involved with the decision-making process for that. But what I can tell you is that——

Ms. JACKSON LEE. Mr. Powell, please. I recognize layers of responsibility, and I am keeping a tone of respect because I understand you are a representative. Mr. Powell, please. No amount of money will cause you to reinstate that site? And are you suggesting to me that business decisions and judgments may play into this site coming back again? I have already given you compliments for being a standard bearer for change, but now I am hearing that it might come back again.

Mr. POWELL. No, no. What I am saying is that we do not have any intention to bring that category back, and that money is not a consideration as we make our decisions.

Ms. JACKSON LEE. Chief Sensley, where does that place you? And what then do we need to do in Congress? You see, we have a tough challenge of the First Amendment. And I could be categorized very openly so as a progressive in a dilemma. But let me tell you what my position is. Shut them down, period. But when you hear the answer of Mr. Powell, who I respect, and he has indicated as best he could, but what does that say about the potential proliferation of these sites elsewhere, which plays into your work, I take it.

Chief SENSLEY. It does. Ma'am, it plays very significantly into this work. And to the credit of craigslist, I will agree that they have made significant strides and provided tremendous resources in terms of when the problem is brought to their attention and a request for assistance. On the other hand, we do have a difficult task. You have a difficult task when it comes to the legislative of piece of it because of our, as it goes, freedom has its price. However, I would like to hear the affirmative response that says this will not come back under any circumstances, which I think was the answer that you were looking for.

Ms. JACKSON LEE. I was. And Chief, and I would ask the Chairman if I could have an additional minute. I hope I can speak quickly. He is yielding. Thank you. Thank you, Mr. Chairman. This is an excellent hearing. Let me just go back so you can say on record again. You mentioned the word "resources." Why don't you say it again. You need more resources to do what?

Chief SENSLEY. We need resources to train and educate law enforcement. We need resources to provide for shelters and a place

to get these children off the street and away from being put into the system as criminals. And that has to be done outside of the justice system with our non law enforcement partners like Ms. Frundt has just spoken to very eloquently in terms of the need there. That is where we need resources. We also need resources to allow law enforcement the time to invest in this, because this is not the type of crime that is driven by, its driven by time and investment of follow up and follow through and recognition that we have to do this in a victim centered approach rather than trying to complete an investigation so that we can get it before the prosecutor. We have to keep the individuals who have been victimized at the center of this effort. That takes time and resources.

Ms. JACKSON LEE. Let me thank you. Let me move quickly to Ernie Allen, who I remember when we were first confronting the issue of HIV/AIDS. Everybody was whispering. Until we took it to the national level of exposure, billboards, everyone speaking about it around the coffee pot, in hallways and byways and local community houses, et cetera. That people began to be comfortable with acknowledging I was HIV infected or acknowledging that I need help. I notice some of the recommendations that you have made. You've been very good with the organization on getting us to understand missing, abused. Exploited is not an understandable word. So here is my point. You have got four points here that I see that can be meshed into legislation. I know there is some legislation Members have spoken about that I will be reading. But it seems to talk about taking this to another level. We need people talking about that these have are and not criminals. We need to be able to say to the Federal Government, it is worthy of your enhanced involvement. And we have already talked about resources. And then the only way that you get communities talking about this is that you put this right up to them. You put this right to their faces, principals and teachers and school boards and pastors and others. Ernie, what do you say about that? And have we done that?

Mr. ALLEN. We have not done that. I think we have begun to do that. One of the quotes I included in my testimony was a quote from a police commanding officer many years ago who said, the only way not to find this problem in any community is simply not to look for it. I think America has begun to look. But you are exactly right. We have a generation of kids who are sexualized. Many of these victims become compliant. You know, what we have got to do is educate the American people. And you are exactly right. Using the HIV/AIDs example, we have educated America and responded to the challenge over tobacco. We have responded in terms of seatbelts and car seats.

Ms. JACKSON LEE. There you go.

Mr. ALLEN. This is going to require social change and it is going to require enormous public awareness because these kids are hidden victims.

Ms. JACKSON LEE. Let me have just great respect for the smokers in America because they are there and they have their rights. But I know they would raise their hand and say boy, it is pretty uncomfortable to be smoking in America because of the communities sense, this is what Judge Poe is speaking of.

Besides, I didn't mean that—realizing the actor, meaning perpetrator, we have got to make it darn uncomfortable and it is not.

Mr. Chairman, I just want to pose this question, if I could move toward my more personal vision. But let me ask the Department of Justice and then just conclude with Tina.

I heard something that I hope was inaccurate. Maybe I don't have the facts, and it may be some underpinnings of something that may be positive. But am I hearing something about Justice Department looking at lessening penalties on sex perpetrators, people in porn, or is that what you all are doing? Do you know what I am saying?

Ms. HAKES. Congresswoman Jackson Lee, I am somewhat familiar with what you are talking about.

Ms. JACKSON LEE. I am against it, but I yield to you.

Ms. HAKES. Speaking as a prosecutor, Congresswoman Jackson Lee, I personally am for heavy penalties on those who exploit children in all their forms, as is the Department of Justice.

The Attorney General, when he rolled out our National Strategy for Child Exploitation, Prevention and Interdiction, said publicly that this was more than a crime issue for him. This was a legacy issue for him because this was a very important issue to him, and we have got to protect the children and prosecute the offenders and we are going to continue to do that.

What you are referring to, I believe, was a letter from someone in the Department of Justice to the Sentencing Commission staff where he indicated that a review of the child pornography guidelines might be advisable by the Sentencing Commission. But the Department has not—and I would be shocked if they did—issued any opinions as to saying that the penalties for child exploitation should be lessened. We have not done so.

Ms. JACKSON LEE. I support a wide range of lessening of sentencing, but I can assure you, I hope that we will silence that person in their letter writing, not in any other way, but to silence that letter and to extinguish it before it gets to any place of review.

I want to conclude, and unless anyone else wants to comment, but Ms. Frundt, I have legislation that deals with retaining the DNA of sexual predators in a bank focused on child sexual predators, but in any event a DNA bank, so that Chief Sensley can computer in if he gets someone and it pops up that this individual was in Iowa 5 months ago with the same kind of behavior.

Chief, you understand? And it is a question of whether we have that finite system, because you could go into a big DNA bank and be there forever, but if you had it separated by the fact that this was a perpetrator of children's crimes.

However, you were a victim as well and have come forward. Can you just share with us what you think the single thing is—you have heard a lot of what the Federal Government can do. You have heard about the children aspect and you heard craigslist. Do we need to have people rise up and accept their good citizenship and say they will not have these kind of sites on any form of public, if you will—when I say "public," a commercial enterprise, where people are making money off of sex crimes.

Ms. FRUNDT. I think it is very difficult to shut down every site that is on the Net. You shut down one and there will be another

one. However, I truly agree with the Chief here saying if we are going to have these sites, let's do investigations properly. Again, I am not exaggerating when I say Myspace, every pimp has a Myspace page. We know this. If we are giving them the information, printing it out, giving them the Web sites, how to contact them, so let's do an investigation off of that. Let's collect—why are service providers collecting all this information, giving it to the police? Shouldn't they be taking that response and doing it themselves to create cases? We basically helped create these cases of finding out information, collecting all the data that the police need to make sure they actually prosecute and do what they are supposed to and not hold the children on a material witness warrant in jail. And so let's take that up.

And I would be honest and tell you this. It is difficult for the police. They don't have the funding and the resources as well for it, but it shouldn't be an excuse.

Ms. JACKSON LEE. So taking it to the next level of exposure nationally, where people realize that this is a crime against humanity——

Ms. FRUNDT. Yes.

Ms. JACKSON LEE. The resource question to help the Chief build cases and the point about the child is not—or the person is not the victim. But I would expect you would say it would be pretty good to make the perpetrator, the offender, very uncomfortable and that society would almost extinguish it being credible for somebody to act in that behavior.

Ms. FRUNDT. You know, we mention all these cases where traffickers have gotten really high sentences around the country and around the United States. In Minneapolis, they have done it, here in D.C. Where a trafficker got life. You didn't hear one time about the criminals who abused the child, who bought sex from the child anytime at all. There wasn't a mention in any of these cases whatsoever one time where they actually went after the man who raped the child, and so we really need to—I think we have a misconception that these men are men who have a little bit of money and they have lower jobs—no, that's not true. Maybe we get afraid because of who they are, we don't want to shed the light on that.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I could pursue this.

Mr. SCOTT. We are going to have another round of questions.

Ms. JACKSON LEE. Oh, you are, okay. Well, let me just thank you, Mr. Chairman, for indulging. And I support a lot of the framework which I think we can also operate beyond the other legislative initiatives that have been placed before us. Thank you all for your testimony. Thank you, panel, very much.

Mr. SCOTT. Thank you. I have just a couple of other questions.

Mr. Powell, just in the news the other day, when it was reported about you taking down the site, you mentioned something about the international site might not have been taken down, the Adult Services. Can you tell me what they were talking about?

Mr. POWELL. There are remaining erotic services categories outside of the United States, including Canada. I think Ms. McDougall might be able to speak more effectively to that, because to my un-

derstanding there are a number of issues country by country, as well as legal issues for that.

I can tell you that something on the order of 97 percent of our viewers and use is within the United States and Canada.

Mr. SCOTT. Can a United States person access a foreign craigslist site?

Mr. POWELL. Yes. Anyone, anywhere, can access any craigslist site anywhere.

Mr. SCOTT. So what is the significance of taking down the site in the United States?

Mr. POWELL. Well, the site in the United States was set up—and again, Ms. McDougall can probably explain this more effectively—as part of an arrangement with a series of Attorneys General back in last year, and I think the intent was to do a number of things: capture credit card information, capture phone information. We decided on September 3rd to remove that category and, again, have no intention of returning——

Mr. SCOTT. If I am in Washington, D.C. And accessing the Canadian site, can I advertise services that would be available in Washington, D.C., on the Canadian site?

Mr. POWELL. Yes, you could, but there would be virtually no value whatsoever because the individuals who view the site, say, in Montreal, are living in Montreal.

Mr. SCOTT. How about someone in Washington, D.C. Viewing the Canadian site?

Mr. POWELL. I am not sure I understand.

Mr. SCOTT. You said you could access any site from anywhere.

Mr. POWELL. Correct.

Mr. SCOTT. Within Washington, D.C., accessing the Canadian site, can I see the ad posted there by someone offering services in Washington, D.C.?

Mr. POWELL. Yes, you can. If you are in Washington, D.C., can you see the site in Montreal?

Mr. SCOTT. Right.

Mr. POWELL. Yes.

Mr. SCOTT. Can I post services that would be available in Washington, D.C., on the Montreal site?

Mr. POWELL. Yes. But again, the utility is virtually zero because the traffic that views the Web pages for Montreal or Seattle or Miami are local populations. So if I were to place an ad for Washington, D.C., for something that I was selling or a job or, in this case, a services ad in another city, there would be no value whatsoever because nobody near me is a patron of that.

Mr. SCOTT. How long would it take people to figure out that the site that they were to be looking at is the Canadian site?

Mr. POWELL. That I can't answer. But what I can tell you from, again, my impression of what has been happening over the past 10 days is that the people who are creating these ads, who had previously used the Adult Services ads, have decided that there is no value in using craigslist anymore. So they are moving to other sites.

Mr. SCOTT. Mr. Sensley, you indicated that this was so prevalent. If the ads are there as big as day for everybody to notice, why

aren't you stinging people right and left, both the people that are putting on the ads and the people that are responding to such ads?

Chief SENSLEY. Mr. Chairman, there are a number of things that are going on in various cities around the country utilizing the various Web sites that are advertising this behavior. Quite frankly, the problem is, if law enforcement resources were to have a fractional impact upon it, then it would draw upon nearly every resource in every department in order to do it. It is that large. What it really comes down to it, Mr. Chairman, the craigslist is really one of many, and again, to their credit, not nearly the worst when it comes to down to this problem.

Mr. SCOTT. You are saying if you went on a sting operation, you would be just catching people right and left?

Chief SENSLEY. Sooner or later they catch on to us. Law enforcement, as it is, Mr. Chairman, is——

Mr. SCOTT. There ought to be some risk in posting such an ad. There ought to be some risk in posting such an ad.

Chief SENSLEY. Absolutely, but the the risk is not there now, sir.

Mr. SCOTT. Well, that is because there is no one stinging people. I mean, the police officers are not responding to the ads, setting up meetings.

Mr. ALLEN. There actually—there are some. Philadelphia police just did a sting targeting craigslist users. A Polk County, Florida sheriff just did a sting. Clearly one of the messages here from a lot of these ads is they have ceased to be subtle. They are blatant, they are overt. And on that basis, I think a reasonable case can be made that there is knowing and intentional selling of services via the Internet. So I think there could possibly be criminal jurisdiction. Even under the Communications Decency Act, there is just civil immunity. There is not criminal immunity.

Mr. SCOTT. If the ad is there, why can't we create some risk in even posting the ad by having the police respond to the ads and figuring out who posted it and catching them and prosecuting?

Mr. ALLEN. I think that is happening. I just don't think it is happening widely enough.

Mr. SCOTT. Wasn't it the prosecutors—DOJ, is it a matter of resources?

Ms. HAKES. Mr. Chairman, I believe that we have a decent record of success—in fact, I would call it an excellent record of success—since 2003 with our Innocence Lost National Initiative. It is not inconsiderable to say that we have prosecuted more than 600 offenders at the State and local level and recovered more than 1,100 children. So while I would agree with Mr. Allen and Chief Sensley, and in fact, we agree on our National Strategy in the document——

Mr. SCOTT. Well, 600 is about on the magnitude of one per congressional district, one and a half maybe per congressional district, and this is something that is just widespread and notorious. You ought to be catching people in every city and town.

Ms. HAKES. Mr. Chairman, I would say, as we concede in the National Strategy, child exploitation, generally, is at an epidemic level: child pornography, trafficking, as well as the commercial exploitation of children. It is one of the reasons that we have recommitted ourselves to this fight against child exploitation. We have

launched a National Strategy Working Group. We are working with our partners to develop ideas——

Mr. SCOTT. Let me ask, Mr. Sensley, if you decided to set up a sting, how long would it take you to catch somebody?

Chief SENSLEY. Mr. Chairman, quite frankly, it doesn't take very long in terms of—well, long is relative.

Mr. SCOTT. Half an hour?

Chief SENSLEY. Well, it would take half an hour for someone to hit, or less than that. Someone would hit on the interest that is being put out before them. But it may take several hours to actually make contact and be able to bring that person to justice. So for one person, it could be a day-long operation to bring one person down. They hit on these——

Mr. SCOTT. If you went on the Internet and within a day you would have some somebody caught, right? So you so it every day, you are talking about one person, one police officer; by the end of the year we have 300?

Chief SENSLEY. Mr. Chairman, in theory that is possible, one person a day. However, it takes more than one police officer to do it, and the resources on the average drain most police departments in focusing on this alone.

Mr. SCOTT. Well, once you start going after people, presumably you would have less of a problem because people would feel that there would be some risk involved.

Chief SENSLEY. I agree, Mr. Chairman. I certainly hope that that is the direction we are going.

Mr. SCOTT. Let me ask two other questions.

Ms. Frundt, what services do the victims need and how much do these services cost?

Ms. FRUNDT. I think that is a very important question because we have been mentioning all these ways that could happen or the 1,100 victims in Philadelphia, Florida. I would like to say how many receive additional services, how many are still receiving victim services, how many were placed in housing programs?

So, when we do these rates, I am going to have to go with Chief Sensley when he said you do these raids, you are going to need services, 110 percent. This is not something that you need 2 years now or 6 months until the case is over. This is continuous services, not just housing. But if you can't—again, there are small amounts of housing. So you are doing housing. You definitely still need direct services through outreach, a hotline, 24-hour care because these victims—this is not nine to five. So after 5 o'clock when they are having issues at home, who are they going to call?

So when we saw these cases, and there are Innocence Lost, which I am very familiar with—how many receive services? How many were not detained for their own safety?

Mr. SCOTT. What kind of services are needed and how much do the services cost?

Ms. FRUNDT. To run a group home is $600,000 a year. For a month of services that is not in a group home would be about $5,000 a month for one child and that includes everything, all services, all trauma care, long-term care.

Chief SENSLEY. Mr. Chairman, if I may answer that, that is part of the problem in the theoretical aspect of a single operation to

bring in one person. If there isn't a place to place the victims, then they go back into the system. There has to be a multidisciplinary and very collaborative effort.

Mr. SCOTT. You mentioned the fact that the perpetrators make a lot of money. Do you ever get forfeiture——

Chief SENSLEY. Yes, that comes out of these types of——

Mr. SCOTT. How successful are you in getting——

Chief SENSLEY. That forfeiture is generally when we operate on the organized crime level. Rarely does it come out on the individual level with the, for lack of a better of term, street-level pimps.

Mr. SCOTT. You can't get houses and cars?

Chief SENSLEY. Mr. Chairman, these perpetrators are so skilled at squirreling away money and behind different levels, it takes literally years of the court process to even find it.

Mr. ALLEN. Mr. Chairman, on the customers—we have been working with the National Conference of State Legislatures, and a number of the State legislatures have been enacting laws providing for asset forfeiture, restitution. In a lot of these cases the penalties, the criminal penalties aren't very high, but they are making it painful for the customers in these cases. So I think there is enormous benefit in exploring techniques that—and I think it will also create deterrence and attack the demand side by making it hurt for these guys, even if it is only financial, and they can help pay for the necessary treatment and the necessary follow-up that these victims need.

Mr. SCOTT. Let me ask one final question. What preventive services, prevention initiatives, can we pursue that would reduce the chances that young children would get involved in this? Ms. Tiapula?

Ms. TIAPULA. Thank you, Chairman. The prevention needs to look at systems approaches. We need to be talking about child protection. We need to look at the funding status for juvenile justice and criminal justice, which right now do not work together as they should on this issue. Our children are in foster care. We need to be working with the foster care system.

The prevention options are there. We know the children who become victims of trafficking, and right now we criminalize them as adolescents instead of providing services at an earlier age and looking at gaps in systems.

Ms. RICHARDSON. Mr. Chairman, if I may, I want to underscore two points. One that you just made is that what we have found, that both parents who are responsible for the care and protection of children are not working together. So we could eliminate a lot of redundancy if we would all coordinate the services and realize that it is in our vested interest to work together.

The second point I want to make is underscore, Tina, what you were saying. Our analysis has shown that if we were doing analysis of what it would take to house and care for young women in a specialized facility, it would be less than what it takes for that young woman to be held in juvenile detention.

Mr. SCOTT. Thank you. Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

It seems to me that we might be able to figure out a way that the solicitation itself, with the intent to induce a minor child and

under the Mann Act, with the intent to induce—in other words, you don't have to actually induce the child; but with the intent, you place the ad, that makes it a Federal offense. So we might need to work on something that we already have under the Mann Act to make inducement a crime, without having to go through the entire process that you mentioned, Chief, that takes a lot of work. So the placing of the ad may come under that purview as well.

We have several issues. We have a cultural issue where we, as a culture, have to realize that these young ladies, for the most part, are crime victims. They are victims. They are not criminals.

We have the second issue of making sure that these young victims understand that they are going to be treated as a victim, so that they don't lose hope when they are in a situation where they feel like, even if I tell somebody, they are going to treat me like a criminal. So we have to remove that stigma that they understand that we as a culture are going to treat them as crime victims.

And then down the road, we have got to have a lot of resources, and that is part of the problem why, in my opinion, not a whole lot has been done, because it is going to take a lot of money to rescue these people that are in the situation and take care of them.

So we want to do something I think to make the situation better, not worse, not make it more difficult, and let the criminals know that they are not going to be able to get away with this. We are going to go after them with everything that we can and to put them out of business and make them pay; and, as you said, Mr. Allen, the price is too heavy. They will go out of business because the penalty is too great. And that includes the trafficker, includes the person that wants to use this as the demand, the "john" as we call them, and I still like the idea of posting their photographs on the Internet.

So anyway, thank you, Mr. Chairman. I yield back.

Mr. SCOTT. Thank you. Gentlelady from Texas.

Ms. JACKSON LEE. Mr. Chairman, I think as we conclude this hearing, what we have gleaned is what we all knew I guess coming in, is that this is not a victimless crime, and that the rich or comfortable persons, whoever it might be that is engaging, whatever category they fall in, are not doing—in essence, they are doing harm. They are not harmless. It is not harmless.

And it seems to me that for, if you will, throughout our history sex crimes have been viewed as just harmless, or it is the victim's fault or their parents gave them away so they could be utilized. So I believe it is crucial that we raise the ante on the heinousness of this crime, and as the judge indicated and as the Chairman indicated, that no one would get away.

Ms. Frundt qualified her costs. Chief, throw out a number because Chairman Scott made a good point, and I really appreciate the work of the Justice Department. It is resource-based, but that is about one child per congressional district; and add the Senate with a hundred Senators, and I know that we are probably not touching, even minimal, the depth of the problem in this country alone.

Chief, what would it take because you are one police department? We haven't heard from New York's police department. We haven't heard from Chicago, major cities. You are in a smaller

area, but California is big, and we certainly haven't heard from Texas yet. What would be the cost on the law enforcement side and outside of the Federal side?

Chief SENSLEY. Madam Congresswoman, I would like to be able to give you an exact figure, but I will say that I agree that an example needs to be made, as the Chairman was emphasizing as well, that if we get out there and we start stinging them, the word will get out and it will make a difference.

Ms. JACKSON LEE. I won't hold you to it, but if you had so much more money, you would be able to do—make a better dent.

Chief SENSLEY. I would say that if in the Sacramento region, with the resources I know are available and willing and standing by to try and make a difference, to give us a 1-year period and a minimum of $2 million to make it happen, we will provide that——

Ms. JACKSON LEE. What is the population you would be covering?

Chief SENSLEY. We would be covering for this particular region. And the multicounty cooperation that we currently have in this, we are looking at a population area in excess of 10 million people.

Ms. JACKSON LEE. Well, I won't come back at you and hold you to that number, but you said a very important point. This probably works better if there is collaboration over jurisdictional lines: counties, cities. And therefore you could make the argument to the Federal Government and the taxpayer that I will leverage the money. Is that what you are saying?

Chief SENSLEY. Yes, ma'am.

Ms. JACKSON LEE. Because that is very important.

Chief SENSLEY. Very important. And for the Eastern District of California, where we are currently working out of the U.S. Attorney's Office, with their leadership there, we again stretch into a minimum of half a dozen counties that are currently on board and ready to be a part of a strategic, collaborative effort to combat this problem.

Ms. JACKSON LEE. Would a DNA database that would take you directly to the list of perpetrators that dealt with just specifically child victims, would that be helpful to narrow to that extent?

Chief SENSLEY. Yes, ma'am, it would be very helpful.

Ms. JACKSON LEE. Let me go back to Mr. Powell again and just give you the scenario that the Chairman was leading you to.

You said 97 percent of the utilization is Canada and the United States. So that means that we are in the big side. The 3 percent, we don't diminish, but it is certainly smaller than 97. That means that Canada is a big player in craigslist. Is that my understanding, a big part of your consumer base?

Mr. POWELL. Yes.

Ms. JACKSON LEE. The challenge that you have and the disagreement that I have with you is that we are in a fluid and fairly mobile society, and so I disagree that it being on Canada with no restrictions—and certainly that is Canada, a sovereign Nation—poses an incidence problem. So I am really going to ask the question for you to take back to owners and leadership, and certainly, the idea of cooperation looks like a treaty issue or diplomatic question to Canada, because they are a sovereign Nation.

But the fact that craigslist is on or has these Adult Services in Canada, it just means that I get on and I am able to read this, and

as I am able to read it, I move around. That is our neighbor. So I am going to ask you to find out the logistics of how Craigs relates to this issue in Canada. I would like a response back to the Committee, because I am going to ask something that you are obviously are not going to be able to answer—is they should shut down in Canada. I am obviously reaching at this point.

But what I am saying to you is that that seems like an accessible, easy reach for someone in the United States to be able to take advantage of, and it looks like you are pointing toward your attorney and it looks like you would like to say something. Let me yield to you.

Mr. POWELL. That was the statement I was going to make. I would defer to Ms. McDougall because, as I said earlier, there are some legal issues.

Ms. JACKSON LEE. Ms. McDougall.

Ms. MCDOUGALL. Craigslist, including myself, have actively been meeting and in communications with the RCMP in Canada, the officers that are leading their anti-trafficking child exploitation endeavors. At this point, they have different considerations. They are a sovereign nation. We have don't believe that it is appropriate for the U.S. Policy to dictate what Canada's policy should be with respect to craigslist Web site and Adult Services. We are actively engaged in those discussions with Canada.

Ms. JACKSON LEE. Let me finish on this note. Do you have a contract between craigslist and the Canadian Government?

Ms. MCDOUGALL. No.

Ms. JACKSON LEE. Okay. So you are a private business, and my understanding is that a private business sells what it wants to sell. So I don't understand the legal oversight that Canada has to tell a private business that I am going to just not provide you—because we all know, and we have heard, you could go to other sites, other various venues. But if craigslist, the business, said I am not willing to have this line item, Adult Services, what is the jeopardy as it relates to the Canadian Government and law?

Ms. MCDOUGALL. Well, let's be clear that even in the United States, there isn't a contract between craigslist and the government, and there isn't currently, as was indicated, a law to force craigslist to——

Ms. JACKSON LEE. Right. And you did it on your own. You pulled it down on your own, absolutely right. You ceded to public opinion and pressure, and thank you for that. Why can't you take it off Canada?

Ms. MCDOUGALL. My point with Canada is we believe that it needs to be a decision in collaboration with the Canadian authorities as to whether or not to do that. And that is not a request that has been discussed with them at this point. We are working actively with them to address their concerns, but so far, the U.S. Has told us that—various Attorneys General have told us that they wanted it shut down here. If Canada wants a different solution, we need to to respect that.

Ms. JACKSON LEE. I think I probably won't be able to pursue this much longer, Mr. Chairman, but let me just say I disagree with you. I think if a business—if GM decides not to sell their most profitable vehicle in Canada because they want it only to be for Ameri-

cans—obviously that is a bad example—but I think they make a business decision that they want to keep whatever it is here to sell. It is not an equal example, but I do think it is a business judgment that the company makes.

I think the other side of the coin is that what you might be getting is that the government would ask, Well, why are you doing it, and may make some kind of plea or make some kind of statement, whether it be positive or hostile, why are you taking it down? But that has not happened. I don't see the basis of negotiating with the government on a private entity that can take it down.

Ms. MCDOUGALL. The reason—there is an actual answer to that, and that is that not everybody, as we have seen in some of the materials we submitted, a lot of advocacy groups think that taking down Adult Services was the wrong thing to do, setting aside the issue that it gives nowhere for legitimate Adult Services to have a forum. A lot of the advocacy groups feel very disappointed because it is much more difficult to find the victims now dispersed on these other sites that are noncooperative. So craigslist made the decision to do it here, but that does not mean it is the company's position that this is the right move, and that is why it has not gone ahead and done it in Canada, because Canada so far has not said that they think that that is the answer either.

Ms. JACKSON LEE. Let me just conclude by saying that we will probably agree to disagree, but I am not in discussions with Canada; and I do recognize that law enforcement has said that the sites have generated an opportunity for them to press for the victims and then find the perpetrators.

I would say to the Chief that we might give him other resources to find these perpetrators or enough resources to find them and not proliferate sites in other places. I think the sites are quite destructive, and I would probably talk with you off record about Adult Services that are necessary that need to be kept in place. And maybe I am misreading what Adult Services are.

But Mr. Chairman, I do thank you for the opportunity, and I have gleaned from the testimony, both written and the statements being made by all of these individuals, that we have work to do. And if we have any sensitivity about taking it to the highest level and yielding nothing, we need simply look at the child that has been the continuing victim for eons of our civilization, going beyond the boundaries of the United States. I would think the 21st century would be time to say enough is enough. I am ready to do that and I yield back to the Chairman.

Mr. SCOTT. Ms. Hakes, Mr. Sensley indicated that in an area of about 10 million people, $2 million would make a substantial difference. Thirty times $10 million is $300 million, which would cover the country. So 30 times $2 million, $60 million. This is kind of a broad brush, and there is no specific plan involved, but it seems to me if that is the order of magnitude we are talking about, you and Mr. Sensley and other chiefs of police ought to get together and come up with a plan.

Is there anything in the report to Congress which suggests where additional funding for enforcement might go?

Ms. HAKES. Mr. Chairman, that is one of the things that we are working on with our National Strategy Working Group; that is,

very specifically, we have asked all of our Federal, State and local partners—which include the National District Attorneys Association, the National Association of Attorneys General, a variety of Federal agencies here in Washington, and our State and local Internet Crimes Against Children Task Force commanders—we have asked that group to come up with recommendations to make to the policymakers; that is, the Attorney General and the Deputy Attorney General at the Department of Justice. And we are engaged in those.

Mr. SCOTT. So you will have a response to his challenge that with a couple of million dollars they can make a substantial difference?

Ms. HAKES. I am going to avoid responding to Chief Sensley's challenge, as he is a lot bigger than I am. However, what I can say is I do think that he is right, that working together is important and worth more than money. Money is clearly important when it comes to these kinds of cases, but more important is the will to do something about it.

The public attention that is being paid to this issue, like this hearing today and the relationship that we are working hard on and have been working hard on, are as important, if not more important, than financial resources.

Mr. SCOTT. I would like to thank the witnesses for their testimony today. Members may have additional written questions which we will forward to you and ask that you answer promptly as you can so that the answers may be made part of the record.

Without objection, the Executive Summary of the National Strategy for Child Exploitation Prevention and Interdiction, a Report to Congress, dated August 2010, will be included in the record, and the hearing record will remain open for 1 week for the submission of additional materials.

[The information referred to follows:]

THE NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION
A REPORT TO CONGRESS
JULY 2010

"There can be no keener revelation of a society's soul than the way in which it treats its children."[1] "Given the current statistics surrounding child pornography, we are living in a country that is losing its soul."[2]

I. EXECUTIVE SUMMARY

The sexual abuse and exploitation of children rob the victims of their childhood, irrevocably interfering with their emotional and psychological development. Ensuring that all children come of age without being disturbed by sexual trauma or exploitation is more than a criminal justice issue, it is a societal issue. Despite efforts to date, the threat of child sexual exploitation remains very real, whether it takes place in the home, on the street, over the Internet, or in a foreign land.

Because the sexual abuse and exploitation of children strikes at the very foundation of our society, it will take our entire society to combat this affront to the public welfare. Therefore, this National Strategy lays out a comprehensive response to protect the right of children to be free from sexual abuse and to protect society from the cost imposed by this crime.

In the broadest terms, the goal of this National Strategy is to prevent child sexual exploitation from occurring in the first place, in order to protect every child's opportunity and right to have a childhood that is free from sexual abuse, trauma, and exploitation so that they can become the adults they were meant to be. This Strategy will accomplish that goal by efficiently leveraging assets across the federal government in a coordinated manner. All entities with a stake in the fight against child exploitation—from federal agencies and investigators and prosecutors, to social service providers, educators, medical professionals, academics, non-governmental organizations, and members of industry, as well as parents, caregivers, and the threatened children themselves—are called upon to do their part to prevent these crimes, care for the victims, and rehabilitate the offenders.

Background

In 2008, Congress passed and President Bush signed the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2008 (the "PROTECT Our Children Act" or the "Act"). This Act requires the Department of Justice (the "Department") to formulate and implement a National Strategy to combat child exploitation. The Act also requires the Department to submit a report on the National Strategy (the "National Strategy" or "Report") to Congress every other year. The Act mandates that the National Strategy contain a significant

[1] Nelson Mandela
[2] The Honorable John Adams, Northern District of Ohio, *U.S. v. Cunningham*, 1:09-CR-00154-JRA.

amount of information, including: (1) an assessment of the magnitude of child exploitation;[3] (2) a review of the Department and other state and federal agencies' efforts to coordinate and combat child exploitation;[4] and (3) a proposed set of goals and priorities for reducing child exploitation.[5] In this inaugural National Strategy report, the Department describes its first-ever threat assessment of the danger that faces the nation's children, its current efforts to combat child exploitation, and posits some goals and plans to fight the threats that are facing our Nation's children.

The Threat Assessment

This Report attempts to marshal a massive amount of information about the nature of the child exploitation problem and the significant efforts being undertaken by federal, state, and local agencies to address this epidemic. To evaluate the extent and forms of child exploitation, between approximately February 2009 and February 2010, the National Drug Intelligence Center ("NDIC") prepared a threat assessment (the "Threat Assessment" or "Assessment") that is summarized in this Report. In conducting the Threat Assessment, NDIC interviewed over a hundred prosecutors, investigators, and other experts in the field, conducted interviews to collect information, reviewed thousands of pages of documents from investigations, cases, relevant research, and analyzed data from the National Center for Missing & Exploited Children. In addition to conducting the Threat Assessment, the Department and the Library of Congress have gathered and reviewed an extensive amount of studies and research relevant to the field of child exploitation to help inform the Department and its partners of the most recent information available from academia on this subject.[6]

The Threat Assessment research indicates that the threat to our nation's children of becoming a victim of child exploitation is a very serious one. For example, investigators and prosecutors report dramatic increases in the number, and violent character, of the sexually abusive images of children being trafficked through the Internet. They also report the disturbing trend of younger children depicted in these images, even including toddlers and infants. Further, offenders have become proficient at enticing children to engage in risky behavior, like agreeing to meet for sexual activity, or even to display themselves engaging in sexual activity through images or webcams. In addition, the offenders have been able to master Internet technologies to better mask their identities.

To address the threat to our nation's children, the National Strategy focuses on the following types of child sexual exploitation: (1) child pornography, often called images of child sexual abuse; (2) online enticement of children for sexual purposes; (3) commercial sexual exploitation of children, and (4) child sex tourism.

Child Pornography: The expansion of the Internet has led to an explosion in the market for child pornography, making it easier to create, access, and distribute these images of abuse. While "child pornography" is the term commonly used by lawmakers, prosecutors, investigators, and

[3] *See* the Act, Section 101(c)(16-17).
[4] *See* the Act, Section 101(c)(5-13, 15, 20).
[5] *See* the Act, Section 101(c)(1-4, 14).
[6] *See* Appendices E and F.

the public to describe this form of sexual exploitation of children, that term largely fails to describe the true horror that is faced by hundreds of thousands of children every year. The child victims are first sexually assaulted in order to produce the vile, and often violent, images. They are then victimized again when these images of their sexual assault are traded over the Internet in massive numbers by like-minded people across the globe.

The anonymity afforded by the Internet makes the offenders more difficult to locate, and makes them bolder in their actions. Investigations show that offenders often gather in communities over the Internet where trading of these images is just one component of a larger relationship that is premised on a shared sexual interest in children. This has the effect of eroding the shame that typically would accompany this behavior, and desensitizing those involved to the physical and psychological damage caused to the children involved. This self-reinforcing cycle is fueling ever greater demand in the market for these images. In the world of child pornography, this demand drives supply. The individual collector who methodically gathers one image after another has the effect of validating the production of the image, which leads only to more production. Because the Internet has blurred traditional notions of jurisdiction and sovereignty, this urgent crime problem is truly global in scope, and requires a coordinated national and international response.

Online Enticement of Children: Child predators often use the internet to identify, and then coerce, their victims to engage in illegal sex acts. These criminals will lurk in chat rooms or on bulletin board websites that are popular with children and teenagers. They will gain the child's confidence and trust, and will then direct the conversation to sexual topics. Sometimes they send the child sexually explicit images of themselves, or they may request that the child send them pornographic images of themselves. Often, the defendants plan a face-to-face for the purpose of engaging in sex acts.

The Commercial Sexual Exploitation of Children: Children are being recruited and coerced into the world of prostitution in our own cities. Teen runaways - who are often trying to escape abusive homes – may turn to prostitution as a means of survival. They also frequently fall prey to "pimps" who lure them in with an offer of food, clothes, attention, friendship, love, and a seemingly safe place to sleep. Once the pimps gain this control over the children, they often use acts of violence, intimidation, or psychological manipulation to trap the children in a life of prostitution. Pimps will also cause the children to become addicted to drugs or alcohol (or will increase the severity of a pre-existing addiction) in order to ensure complicity. These children are taught to lie about their age and are given fake ID. They are also trained not to trust law enforcement and to lie to protect their pimps. As a result, these victims are often not recognized as victims, and may be arrested and jailed. The dangers faced by these children– from the pimps, from their associates, and from customers—are severe. These children become hardened by the treacherous street environment in which they must learn to survive. As such, they do not always outwardly present as sympathetic victims. These child victims need specialized services that are not widely available given that they often present with illnesses, drug additions, physical and sexual trauma, lack of viable family and community ties, and total dependence – physical and psychological – on their abusers, the pimps.

Child Sex Tourism: "Child sex tourism" refers to Americans or U.S. resident aliens traveling abroad for the purpose of sexually abusing foreign children (usually in economically disadvantaged countries). Americans, capitalizing on their relative wealth and the lack of effective law enforcement in the destination countries, easily purchase access to young children to engage in illicit sex acts, sometimes for as little as $5. Like child pornography and other Internet-facilitated crimes against children, the Internet has revolutionized the child sex tourism industry. As a result, a new, emboldened crop of offenders are finding the navigation of travel in developing countries much easier than in the past. Additionally, the Internet allows like-minded offenders to gather and exchange information on how and where to find child victims in these foreign locations, making the offenders better informed about where sex tourism is prevalent and where law enforcement is lax. Numerous countries in Southeast Asia are so well-known for child sex tourism that there are entire neighborhoods which are considered brothels, and there are open-air markets where children can be purchased for sex.

In short, the threat of sexual exploitation faced by children today is very real.

Brief Overview of the Nation's Efforts to Combat Child Exploitation

While the threat has increased, so, too, have the resources dedicated to addressing this issue. This Report provides an overview of the significant efforts of the Department and numerous other federal, state, and local agencies that are working to prevent and interdict child exploitation. The efforts are multi-faceted and many of these groups work cooperatively to address this ever-expanding problem.

The Department has a number of components, offices, and agencies that devote personnel, resources, and time to the issue of preventing, investigating, and prosecuting child exploitation, as well as to providing services to victims and families. These components include, but are not limited to: the Office of the Deputy Attorney General (ODAG), the Federal Bureau of Investigation (FBI), the U.S. Marshals Service, Interpol Washington, the U.S. Attorney's Offices, the Criminal Division's Child Exploitation and Obscenity Section (CEOS), and the Office of Justice Programs (OJP).

The ODAG helps to direct all of the Department's efforts to combat child exploitation. The Department has appointed a National Coordinator for Child Exploitation Prevention and Interdiction, who is an official within the Office of the Deputy Attorney General.

The FBI leads the Department's investigative efforts and as a part of that mandate created the Innocent Images National Initiative which focuses on technology-facilitated child exploitation. Between 1996 and 2007, there was a 2062% increase in child exploitation investigations throughout the FBI. In 2004, the FBI launched the Innocent Images International Task Force, which has brought dozens of investigators from all over the world to train with the FBI and foster international cooperation in the global fight against child exploitation.

The Marshals Service is tasked under the Adam Walsh Act with the primary responsibility for locating and apprehending sex offenders who have failed to register on a sex offender registry. As part of the Adam Walsh Act, the Marshals Service has three principle responsibilities:

assisting state, local, tribal and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders; investigating violations of the Adam Walsh Act for federal prosecution; and assisting in the identification and location of sex offenders relocated as a result of a major disaster. Dozens of Deputy U.S. Marshals lead task forces of federal, state, and local partners to track down and apprehend these offenders. In addition, the Marshals Service has formed a Sex Offender Investigations Branch. In Fiscal Year 2009, this Branch arrested more than 10,000 fugitives, wanted for failing to register and/or actual sex offenses, and conducted thousands of compliance checks.

INTERPOL Washington is the official U.S. representative to the International Criminal Police Organization (INTERPOL). As the national point of contact for INTERPOL in the United States, INTERPOL Washington routinely exchanges criminal investigative data with international counterparts on behalf of the more than 18,000 federal, state, local and tribal law enforcement agencies in the United States. In addition to providing support to NCMEC, ICE and the FBI, INTERPOL Washington tracks sex offenders who travel overseas, and coordinates a number of international alerts relating to child exploitation.

The 94 United States Attorney's Offices prosecute federal child exploitation cases throughout the country and coordinate Project Safe Childhood within their districts, the Department's 2006 national initiative to marshal federal, state, and local resources to prevent and interdict child exploitation. Since 2006, the number of cases and defendants prosecuted by United States Attorney's Offices has increased by 40%, with 2,315 indictments against 2,427 defendants filed in Fiscal Year 2009.

CEOS, situated within the Department's Criminal Division, consists of approximately twenty attorneys and a six-person High Technology Investigative Unit ("HTIU"). CEOS leads the Criminal Division's campaign against the sexual exploitation of children by investigating and prosecuting the most challenging child sexual exploitation cases, and then by drawing from those experiences to shape domestic and international policy, launch nationwide investigations against the worst offenders, and provide guidance and training to other prosecutors and agents, both within and outside the federal government. CEOS is able to leverage a small amount of resources into extraordinary results. For example, in the last three years CEOS has spearheaded 18 national operations that have resulted in the investigation of over 2,000 individuals. Since 2001, the number of cases and investigations handled by CEOS Trial Attorneys has increased by 1,100%.

The OJP oversees the disbursement of millions of dollars in grants to federal, state, and local agencies to aid in the fight against child exploitation. OJP's efforts help provide communication and coordination to dozens of groups, including the Internet Crimes Against Children (ICAC) Task Force Program which is a fundamental component to our Nation's fight against child exploitation. Since 1998, the Department, through the Office of Justice Programs, has funded the ICACs which are a collection of 61 separate tasks forces throughout the country, with at least one in each state, that work to coordinate federal, state, local and tribal investigative and prosecution agencies to coordinate efforts to interdict child exploitation. Since 1998, ICAC task forces have arrested nearly 17,000 offenders.

Moreover, there are numerous other Federal agencies that are partners in the fight against child exploitation. This includes the United States Postal Inspection Service, the Department of Homeland Security through Immigration and Customs Enforcement and the United States Secret Service, the Department of Health and Human Services, the Department of Defense, the Department of State, the Department of Labor, and the Department of Commerce. Non-governmental organizations work alongside federal, state, local, and tribal partners to combat child exploitation as well. These include the National Center for Missing & Exploited Children, Child Help, Darkness to Light, Girls Educational and Mentoring Services, Inc., Enough is Enough, i-Safe, Kristi House, Inc., Nevada Child Seekers, Paul and Lisa Program, Inc., Web Wise Kids, San Diego Police Foundation, Self-Reliance Foundation, Washtenaw Area Council for Children, INOBTR, TechMissionYouth Program, PROTECT, ECPAT-USA, and many others.

One of the chief mandates of the Act was that the Department expand its efforts to coordinate and cooperate with federal, state, local and international organizations and agencies to combat this scourge. While the Department has long coordinated with all levels of government within the United States and with law enforcement internationally to fight child exploitation, additional high-level working meetings have begun between the Department and other federal government agencies, as well as state, local, and international partners. The Department already belongs to several inter-agency working groups related to child exploitation, like the Federal Inter-Agency Task Force on Missing and Exploited Children. Additionally, the Department provides funding for the Amber Alert program, many child advocacy centers, and many state and local agencies through grants and funding administered by the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Assistance, the National Institute of Justice, the Office for Victims of Crime, and others.

The Continuing Fight Against Child Exploitation

As outlined in this Report, the Department is diligently working to combat child exploitation. For example, the Department has increased the number of agents and prosecutors dedicated to child exploitation cases. The FBI has increased the digital forensic capacity at Regional Computer Forensics Labs, which will lead to more expeditious reviews of the critical evidence in these cases. The Department has funded, and will continue to fund, the ICAC Task Force Program. CEOS advises and provides training to the nation's prosecutors, and also conducts high-tech and complex investigations. The U.S. Marshals pursue and have successfully captured thousands of individuals who abscond from their responsibility to register as sex offenders and those who offend and become fugitives. However, as the Threat Assessment evidences, more work must be done to combat the expanding number of predators and, more importantly, to prevent them from harming a child in the first instance.

At its core, the goal of this National Strategy is to reduce the incidence of the sexual exploitation of children. This goal is the guiding principle for all the Department's current and future efforts.

The Department's approach for achieving this goal is multifaceted and includes: (1) an overarching statement of broad goals that will be used to direct the National Strategy; (2) more specific goals to address the dangers identified by the Threat Assessment; (3) programmatic

goals that can provide some measurable information and results to help guide the Strategy going forward; and (4) individualized goals by relevant Department components that are designed to support both the broad goals of the Strategy and the programmatic goals of the Department.

The following broad goals will direct the effort of the National Strategy going forward.

1. *The Department will continue to partner closely with state, local, tribal, and non-governmental entities, as well as other federal agencies and the private sector to implement the National Strategy in a coordinated fashion.*

2. *The Department will increase its commitment to a leadership role in finding a global solution to the transnational problem of the sexual exploitation of children.*

3. *The Department will continue to partner with Industry to develop objectives to reduce the exchange of child pornography.*

4. *The Department will explore opportunities to increase the education and awareness of federal, state, local and tribal judges of the difficult issues involved in child sexual exploitation.*

5. *The Department will work toward improving the quality, effectiveness, and timeliness of computer forensic investigations and analysis.*

6. *The Department will increase its commitment to effective and sophisticated training for prosecutors and investigators.*

7. *The Department will build on the success of the Project Safe Childhood initiative.*

Beyond these broad goals, this National Strategy seeks to best marshal all of the Department's resources in a more coordinated, integrated, and strategic way.

As outlined in this Report, the Department, in partnership and cooperation with other federal, state, local, tribal, and international partners is aggressively pursuing those who would steal the innocence from the soul of our children. Thousands of federal, state, and local investigators and prosecutors, without fanfare or even adequate public recognition of the difficulty of their work, fight this battle fiercely every day. Dedicated professionals in non-governmental organizations, child protective services, and child advocacy centers devote massive time and energy to protecting children, again largely without society fully recognizing the importance of their work. This National Strategy outlines how we will, and must, act together as a nation to protect our children and provides a unique opportunity for us to act together as a nation to protect, as Nelson Mandela said, our society's soul by vigorously pursuing those who violate our children.

Mr. SCOTT. So, again, I want to thank each and every one of our witnesses. This has been a very powerful hearing. The Members gave excellent testimony, and the suggestions you have made I think suggest that we can do a lot more if we kind of focus our minds to it, and it is within the order of magnitude of something—in terms of resources needed, something in the order of magnitude we ought to be able to respond to.

I want to thank each and every one of you. So, without objection, the Subcommittee stands adjourned.

[Whereupon, at 5:05 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Statement of the Honorable John Conyers, Jr. for the Hearing on Domestic Minor Sex Trafficking Before the Subcommittee on Crime, Terrorism, and Homeland Security

Wednesday, September 15, 2010, at 1:00p.m.
2141 Rayburn House Office Building

Today's hearing considers the problem of domestic minor sex trafficking. But what does the term "domestic minor sex trafficking" actually mean?

In the past, the Judiciary Committee has largely focused on the trafficking of persons from abroad into the United States.

Based on the efforts of the Committee and others, significant progress has been made in responding to this problem, including the passage of the Trafficking Victims Protection Act, which provides protections for foreign victims of labor or sex trafficking.

But today's hearing focuses on a particular type of trafficking that takes place right here in the United States: the sex trafficking of children.

The trafficking of American children is an unquestionable travesty of justice that has finally begun to garner a great deal of attention, thanks to the hard work of some of my colleagues and advocates, many of whom will testify at the hearing today.

Nevertheless, significant work remains to be done to combat this problem, and to meet the needs of the victims of domestic sex trafficking.

That is why we are holding this hearing today: to shed light on a tragic problem that is plaguing the United States, and develop meaningful ways to address it.

To begin our conversation today, I want to make three points about how we can approach the problem of domestic minor sex trafficking.

Those working to stop human trafficking have long used the three "Ps" to frame their discussions: Prevention, Prosecution, and Protection.

First, although there will be a great deal of discussion today about prosecution and protection, we must not forget the critical role prevention plays. As a community, we need to find ways to prevent children from falling prey to traffickers and others who seek to sexually exploit them.

Preventing this crime involves the entire community – parents, teachers, social workers, health care workers, police officers and many others – virtually anyone who comes in contact with

children.

We must all keep our eyes open, and learn to identify the risk factors for this heinous crime.

One way is for us to be mindful of when a child is not receiving the kind of love and attention at home that may make them vulnerable to a predator's false promises of love and safety.

When a child runs away with a pimp or a trafficker, we as a community have already failed that child, well before they are victimized.

Another example of prevention involves coming to grips with the perverted demand for sex with children. When children are sexualized, and when there are thousands of people seeking to have sex with children, it is reflective of a terrible societal ill.

We must take a hard look at what has gone wrong, and commit all our best efforts – law enforcement, psychiatric treatment, and public awareness campaigns – to fix whatever is feeding this perverted demand.

Second, we must give law enforcement the tools it needs to prosecute those who are trafficking our children.

This does not simply mean more cases and stiffer penalties. This means providing specialized training for law enforcement officers to help them identify and support the victims.

This training will not only help officers more effectively assist victims. It will also make it more likely that victims will cooperate in the prosecution

of their predators.

Supporting the victims means not treating them as criminals. We must not lose sight of the fact that these children are victims – and they are *survivors*. They need our help and support, right from the start.

Police and prosecutors should prioritize child trafficking cases, and dedicate the staff needed to properly investigate them. This includes partnering with treatment and social service agencies, for a holistic approach to prosecution, and to ensure that victims receive the services they need.

Third, protecting the victims is another key part of any strategy to combat trafficking.

In domestic minor sex trafficking cases, the importance of protection cannot be overstated. We cannot forget that we are talking about children,

children who we failed, and for whom we must now step up to care for and protect.

Victims need specialized services – such as counseling and mental health services, to help them cope with the trauma they have endured, and extended residential services, so that they have a safe place to live after they are removed from the grips of the trafficker.

Some may need health education, while others may have specialized educational needs, particularly if they were taken out of school or prevented from going to school.

Fortunately, there are many wonderful organizations that are helping victims and have been doing so for years, toiling oftentimes in anonymity.

Some of these angels are here with us today: Fair Fund, the Rebecca Project, and the Polaris Project.

There are others, more than we could accommodate at the hearing, so we will hear from only a few today. But this does not diminish the important work that this community of organizations does each day.

I would like to thank all of the people here today, particularly the panelists, many who have traveled long distances to participate in this very important conversation.

I look forward to this discussion and to working together to combat the trafficking of our children for sex.

LUNGREN OPENING STATEMENT
Crime Subcommittee Hearing on Domestic Trafficking of Minors

I would like to thank the Chairman for holding this hearing on the scourge of human sex trafficking of minors in the U.S. As the witnesses will testify, this is a problem that plagues virtually every community in America. It is a problem that knows no jurisdictional boundaries, as traffickers and pimps seem to cross national and international borders with impunity. It is a problem that exploits the young and vulnerable and robs them of their innocence. And it is a problem we can do something about.

When I served as the Attorney General of California, we passed Megan's Law to help protect children from predators. A key factor contributing to the success of that legislation was raising public awareness. People didn't know how prevalent sexual predators were until we started talking about the need for the law.

It is the same with the trafficking of minors. People generally don't have a sense of just how widespread the exploitation of children is until we talk about it.

I recently held several anti-trafficking forums in my congressional district and heard from a woman whose teenage daughter was abducted from a strip mall and trafficked from Sacramento to San Francisco.

Even though Sacramento has one of the highest incidences of child sex trafficking in the nation, this mom never imagined her daughter would be targeted by traffickers – it was not something anyone talked about in her neighborhood.

It is my hope that, at the very minimum, this hearing will help to raise awareness as to the scope of sex trafficking of minors. But, we can do more.

During our trafficking forums, I also heard from agencies, NGOs, prosecutors and law enforcement officials asking that Congress take notice – and then take action – to help curb the trafficking of children in our cities and our nation.

To this end, I am pleased to be a cosponsor of the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 (H.R. 5575).

I

111TH CONGRESS
2D SESSION

H. R. 5575

To establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. COHEN, Mr. POE of Texas, Ms. RICHARDSON, and Mr. WU) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a "pimp") to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found

that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental

1 health counseling that addresses post-traumatic
2 stress, depression, and sexual exploitation.
3 (9) The average age of first exploitation
4 through prostitution is 13. Seventy-five percent of
5 minors exploited through prostitution have a pimp.
6 A pimp can earn $200,000 per year prostituting 1
7 sex trafficking victim.
8 (10) Sex trafficking of minors is a complex and
9 varied criminal problem that requires a multi-dis-
10 ciplinary, cooperative solution. Reducing trafficking
11 will require the Government to address victims,
12 pimps, and johns, and to provide training specific to
13 sex trafficking for law enforcement officers and
14 prosecutors, and child welfare, public health, and
15 other social service providers.
16 (11) Human trafficking is a criminal enterprise
17 that imposes significant costs on the economy of the
18 United States. Government and non-profit resources
19 used to address trafficking include those of law en-
20 forcement, the judicial and penal systems, and social
21 service providers. Without a range of appropriate
22 treatments to help trafficking victims overcome the
23 trauma they have experienced, victims will continue
24 to be exploited by criminals and unable to support
25 themselves, and will continue to require Government

resources, rather than being productive contributors to the legitimate economy.

(12) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(13) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(14) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also

exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-

monly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex traf-

ficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) DEFINITIONS.—In this section—

1 (1) the term "Assistant Attorney General"
2 means the Assistant Attorney General for the Office
3 of Justice Programs of the Department of Justice;
4 (2) the term "eligible entity" means a State or
5 unit of local government that—
6 (A) has significant criminal activity involv-
7 ing sex trafficking of minors;
8 (B) has demonstrated cooperation between
9 State and local law enforcement agencies, pros-
10 ecutors, and social service providers in address-
11 ing sex trafficking of minors;
12 (C) has developed a workable, multi-dis-
13 ciplinary plan to combat sex trafficking of mi-
14 nors, including—
15 (i) the establishment of a shelter for
16 minor victims of sex trafficking, through
17 existing or new facilities;
18 (ii) the provision of rehabilitative care
19 to minor victims of sex trafficking;
20 (iii) the provision of specialized train-
21 ing for law enforcement officers and social
22 service providers for all forms of sex traf-
23 ficking, with a focus on sex trafficking of
24 minors;

1 (iv) prevention, deterrence, and pros-
2 ecution of offenses involving sex trafficking
3 of minors;
4 (v) cooperation or referral agreements
5 with organizations providing outreach or
6 other related services to runaway and
7 homeless youth; and
8 (vi) law enforcement protocols or pro-
9 cedures to screen all individuals arrested
10 for prostitution, whether adult or minor,
11 for victimization by sex trafficking and by
12 other crimes, such as sexual assault and
13 domestic violence;
14 (D) has a victim certification process for
15 eligibility and access to State-administered
16 medical care to ensure that minor victims of sex
17 trafficking who are not eligible for interim as-
18 sistance under section 107(b)(F) of the Traf-
19 ficking Victims Protection Act (22 U.S.C.
20 7105(b)(F)) are granted eligibility for, and
21 have access to, State-administered medical care
22 immediately upon certification as such a victim,
23 or as soon as practicable thereafter but not
24 later than the period determined by the Assist-
25 ant Attorney General in consultation with the

1 Assistant Secretary for Children and Families
2 of the Department of Health and Human Serv-
3 ices; and
4 (E) provides an assurance that, under the
5 plan under subparagraph (C), a minor victim of
6 sex trafficking shall not be required to collabo-
7 rate with law enforcement to have access to any
8 shelter or services provided with a grant under
9 this section;
10 (3) the term "minor victim of sex trafficking"
11 means an individual who is—
12 (A) under the age of 18 years old, and is
13 a victim of an offense described in section
14 1591(a) of title 18, United States Code, or a
15 comparable State law; or
16 (B) at least 18 years old but not more
17 than 20 years old, and who, on the day before
18 the individual attained 18 years of age, was de-
19 scribed in subparagraph (A) and was receiving
20 shelter or services as a minor victim of sex traf-
21 ficking;
22 (4) the term "qualified non-governmental orga-
23 nization" means an organization that—

(A) is not a State or unit of local government, or an agency of a State or unit of local government;

(B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

(C) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

(5) the term "sex trafficking of a minor" means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to not more than 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000.

1 (2) GRANT AMOUNT.—Subject to the avail-
2 ability of appropriations under subsection (f)(1) to
3 carry out this subsection, each grant awarded under
4 this subsection shall be for an amount not less than
5 $2,000,000 and not greater than $2,500,000.
6 (3) DURATION.—
7 (A) IN GENERAL.—A grant awarded under
8 this section shall be for a period of 1 year.
9 (B) RENEWAL.—
10 (i) IN GENERAL.—The Assistant At-
11 torney General may renew a grant under
12 this section for two 1-year periods.
13 (ii) PRIORITY.—In awarding grants in
14 any fiscal year after the first fiscal year in
15 which grants are awarded under this sec-
16 tion, the Assistant Attorney General shall
17 give priority to applicants that received a
18 grant in the preceding fiscal year and are
19 eligible for renewal under this subpara-
20 graph, taking into account any evaluation
21 of such applicant conducted pursuant to
22 subsection (e), if available.
23 (4) CONSULTATION.—In carrying out this sub-
24 section, consultation by the Assistant Attorney Gen-
25 eral with the Assistant Secretary for Children and

1 Families of the Department of Health and Human
2 Services shall include consultation with respect to
3 grantee evaluations, the avoidance of unintentional
4 duplication of grants, and any other areas of shared
5 concern.
6 (c) USE OF FUNDS.—
7 (1) ALLOCATION.—For each grant awarded
8 under subsection (b)—
9 (A) not less than 50 percent of the funds
10 shall be used by the eligible entity to provide
11 shelter and services (as described in subpara-
12 graphs (A) through (D) of paragraph (2)) to
13 minor victims of sex trafficking through quali-
14 fied nongovernmental organizations; and
15 (B) not less than 10 percent of the funds
16 shall be awarded by the eligible entity to one or
17 more qualified nongovernmental organizations
18 with annual revenues of less than $750,000, to
19 provide services to minor victims of sex traf-
20 ficking or training for service providers related
21 to sex trafficking of minors.
22 (2) AUTHORIZED ACTIVITIES.—Grants awarded
23 pursuant to subsection (b) may be used for—

1 (A) providing shelter to minor victims of
2 trafficking, including temporary or long-term
3 placement as appropriate;
4 (B) providing 24-hour emergency social
5 services response for minor victims of sex traf-
6 ficking;
7 (C) providing minor victims of sex traf-
8 ficking with clothing and other daily necessities
9 needed to keep such victims from returning to
10 living on the street;
11 (D) case management services for minor
12 victims of sex trafficking;
13 (E) mental health counseling for minor vic-
14 tims of sex trafficking, including specialized
15 counseling and substance abuse treatment;
16 (F) legal services for minor victims of sex
17 trafficking;
18 (G) specialized training for law enforce-
19 ment personnel and social service providers,
20 specific to issues related to sex trafficking, in-
21 cluding sex trafficking of minors;
22 (H) funding salaries, in whole or in part,
23 for law enforcement officers, including patrol
24 officers, detectives, and investigators, except
25 that the percentage of the salary of the law en-

1 forcement officer paid for by funds from a
2 grant awarded under subsection (b) shall not be
3 more than the percentage of the officer's time
4 on duty that is dedicated to working on cases
5 involving sex trafficking of minors;
6 (I) funding salaries for State and local
7 prosecutors, including assisting in paying trial
8 expenses for prosecution of sex trafficking of-
9 fenders;
10 (J) investigation expenses for cases involv-
11 ing sex trafficking of minors, including—
12 (i) wire taps;
13 (ii) consultants with expertise specific
14 to cases involving sex trafficking of minors;
15 (iii) travel; and
16 (iv) any other technical assistance ex-
17 penditures;
18 (K) outreach and education programs to
19 provide information about deterrence and pre-
20 vention of sex trafficking of minors; and
21 (L) programs to provide treatment to indi-
22 viduals charged or cited with purchasing or at-
23 tempting to purchase sex acts in cases where—
24 (i) a treatment program can be man-
25 dated as a condition of a sentence, fine,

suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

(ii) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

(3) PROHIBITED ACTIVITIES.—Grants awarded pursuant to subsection (b) shall not be used for medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91)), except that grants may be used for mental health counseling as authorized under paragraph (2)(E).

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this Act shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Assistant Attorney General determines to

be essential to ensure compliance with the requirements of this Act.

(e) EVALUATION.—The Assistant Attorney General shall, in consultation with the Comptroller General of the United States, enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—For fiscal years 2011 through 2014, there are authorized to be appropriated, to carry out the provisions of this section, the following sums:

(1) $45,000,000 to fund grants awarded under subsection (b).

(2) $1,500,000 to conduct the evaluation under subsection (e).

(3) $3,500,000 to the Attorney General, to design and implement improvements to the National Crime Information Center database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking "and" after the semicolon;

(B) in paragraph (33), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (33) the following:

"(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.".

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal

1 funds from any State that fails to substantially com-
2 ply with the requirement imposed under the amend-
3 ments made by paragraph (1).
4 (3) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall take effect on the date that
6 is 6 months after the date of the enactment of this
7 Act, without regard to whether final regulations re-
8 quired under paragraph (2) have been promulgated.
9 (b) ANNUAL STATISTICAL SUMMARY.—Section
10 3701(c) of the Crime Control Act of 1990 (42 U.S.C.
11 5779(c)) is amended by inserting ", which shall include
12 the total number of reports received and the total number
13 of entries made to the National Crime Information Center
14 (NCIC) database of the Federal Bureau of Investigation,
15 established pursuant to section 534 of title 28, United
16 States Code." after "this title".
17 (c) STATE REPORTING.—Section 3702 of the Crime
18 Control Act of 1990 (42 U.S.C. 5780) is amended in para-
19 graph (4)—
20 (1) by striking "(2)" and inserting "(3)";
21 (2) in subparagraph (A), by inserting ", and a
22 photograph taken within the previous 180 days"
23 after "dental records";
24 (3) in subparagraph (B), by striking "and"
25 after the semicolon;

1 (4) by redesignating subparagraph (C) as sub-
2 paragraph (D); and
3 (5) by inserting after subparagraph (B) the fol-
4 lowing:
5 "(C) notify the National Center for Miss-
6 ing and Exploited Children of each report re-
7 ceived relating to a child reported missing from
8 a foster care family home or childcare institu-
9 tion; and".

○

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KAY BUCK
EXECUTIVE DIRECTOR

September 14, 2010

The Honorable John Conyers, Jr.
U.S. House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Conyers:

Please accept this letter for the record in connection with the upcoming hearing on H.R. 5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010, before the U.S. House Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security.

Established in 1998, the Coalition to Abolish Slavery & Trafficking (CAST) is one of the first organizations in the United States dedicated exclusively to assisting persons trafficked for the purpose of forced labor and slavery-like practices. CAST's program areas include intensive case management and counseling to victims of trafficking; human rights advocacy and policy reform; research and training; public education and community organizing. In connection with the hundreds of cases of trafficking and slavery with which CAST has been involved, either as a direct-service provider or consultant, CAST works extensively with law enforcement agencies at the federal, state and local levels – including the Department of Justice, Department of Homeland Security, Federal Bureau of Investigation, and Department of Labor – to assist trafficked persons when cooperating with the investigation and/or prosecution of their traffickers.

First and foremost, CAST extends its immense thanks to you, Mr. Scott, Mr. Gohmert and the Committee for being such leaders in providing assistance to child survivors of human trafficking through a careful crafting of the language in H.R. 5575. We especially are pleased about key provisions in the bill that: (1) recognize the need for larger pools of targeted money to assist the population of trafficking survivors; (2) provide funding streams for support services to both U.S. citizen and foreign national victims of human trafficking; (3) ensure that children not

5042 WILSHIRE BLVD., #586 LOS ANGELES, CALIFORNIA 90036 213-365-1906 FAX: 213-365-5257

be forced to participate with law enforcement actions when such cooperation could cause psychological harm; and (4) enable children who receive services before age 18 to remain in the program until age 20, since in CAST's experience it can be difficult to identify appropriate placement options for victims within this age group.

Despite these many beneficial provisions, however, *CAST has identified a troubling unintended consequence of the bill in its current form.* As presently drafted, H.R. 5575 funds programs that serve only child victims of *sex* trafficking, which therefore would exclude the eligibility to fund services and law enforcement training for child victims of *labor* trafficking. Based on our extensive experience as a provider of support services to victims of *all* forms of human trafficking – comprising both sex and labor, as defined by federal law – CAST is deeply concerned that: (1) service providers would be forced to turn away child labor trafficking victims in need of critical support; and (2) law enforcement training/outreach efforts that focus *only* on child sex trafficking will perpetuate a tragic misunderstanding about the federal legal definition of human trafficking, which commonly is misunderstood to comprise *only* sex trafficking. Law enforcement must be educated and vigilant with the skills to identify all forms of human trafficking, or else the vulnerable population of child labor trafficking victims will continue to remain captive and unserved.

CAST's experience has highlighted the need to create additional funding sources that protect and identify child victims of labor trafficking, as well as child victims of sex trafficking. Indeed, often times children exploited for labor are held in their situation for extremely lengthy periods of time, *precisely because they have not been identified as victims of trafficking at all.* Notably, even the bill itself recognizes the severity of the problem with respect to both forms of trafficking, stating under the section on congressional findings that human trafficking "victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, *who are coerced into forced labor or commercial sexual exploitation.*" [H.R. 5575, Section 2(2), emphasis added]. Accordingly, CAST urges the Committee to report an amended bill that includes all forms of human trafficking within its provisions for expanded law enforcement training and provider services, so that all child victims of this

5042 WILSHIRE BLVD., #586 LOS ANGELES, CALIFORNIA 90036 213-365-1906 FAX: 213-365-5257

September 14, 2010
Sent via facsimile

Jim Buckmaster, CEO
Craig Newmark, Founder
Craigslist, Inc.
1381 9th Avenue
San Francisco, CA 94122

Dear Craig Newmark & Jim Buckmaster,

The experts in the anti-trafficking field who have signed this letter stand together asking you to shut down all the Adult and Erotic Services sections of your website around the world.

We all know that plenty of activity has preceded this letter. There have been meetings, news articles, research studies, protests, letters from survivors, blogs, boycotts, earnings estimates, lawsuits, subpoenas, and plenty of other actions. The voices of survivors, advocates, service providers, local law enforcement, members of Congress, and State Attorneys General have all implored you to do more to fight the sex trafficking of women and girls that occurs on your site.

We thank you for voluntarily closing the Adult Services section of Craigslist in the United States. While this is a positive step, Craigslist is a global company, and it has a global responsibility. More than 250 Craigslist sites exist around the world that still feature "Erotic" sections where trafficked children and women are being sold for sex through your website.

Of particular concern is your repeated statement that anti-trafficking "experts" are supportive of your approach. For example, in one of Jim Buckmaster's online responses on the Huffington Post, he states, "To the contrary, we are convinced Craigslist is a vital part of the solution to this age-old scourge. We've been told as much by experts on the front lines of this fight…"[1]

There are some who may want you to keep the Erotic Services sections going outside the United States for various reasons. Sex traffickers surely want you to keep the sections going because it helps them make high profits by advertising women and children to large audiences of paying customers. "Johns" who pay for commercial sex want you to keep the section because your site makes it easy and less risky for them to buy women and girls simply by surfing the Internet and perusing the photos on various ads. There may even be some law enforcement officials who see some value in placing decoy ads on your site, or using Craigslist ads as evidence in an investigation. However, we highly doubt that on balance, law enforcement would condone a venue that is a platform for the sex trafficking of women and children. The recent letter signed by 17 State Attorneys General strongly suggests that many law enforcement officials believe the best solution is to close the section, as you have done in the United States.

The signers of this letter are the experts on the issue of human trafficking. Many of us work on the front lines, directly with victims on a daily basis. Some of us are survivors of human trafficking.

[1] Buckmaster, Jim. "An Open Invitation to Rachel Lloyd." *Craigslist Blog*. 11 May 2010. Available at http://blog.craigslist.org/2010/05/ (visited September 13, 2010).

With this letter, we are telling you that on the whole, Craigslist's Adult and Erotic Services sections continue to be more part of the problem than part of the solution.

On the day that Craigslist shut down its Adult Services section in the United States, were the pimps and johns who depend on the site to advance the sex trade happy or upset? The answer to this question should help guide your path forward as you address the remaining "Erotic" sections around the world.

We acknowledge that there are *some* things that Craigslist has done that are part of the solution. Offering to meet with law enforcement and non-profits is a good thing. The decision to start screening the Adults Services ads was a step forward. Eliminating the blatant nudity that persisted in past years in the United States' Erotic section was also a step forward. Posting national hotlines, and cooperating with law enforcement when cases are found is useful and laudable. As stated above, voluntarily shutting down the Adult Services section in the United States is also a step in the right direction. Despite such steps forward, these efforts are not enough.

We are deeply concerned that you have not yet taken down the Erotic Services sections across the globe. We are also concerned that it seems that you are not applying the screening techniques that were used in the United States to all the other Erotic Services sections worldwide. In changing the name of the Adult Services section from "Erotic" to "Adult" in the United States, why did you not implement this change globally across your entire site? Furthermore, for the "Adult Services" pages in the United States, there was a "Warning & Disclaimer" page that discusses human trafficking and sexual exploitation. This disclaimer page is also present for the "Erotic" sections in Canada. Yet, as of the date of this letter, there is no "Warning & Disclaimer" page for the other international "Erotic" pages. Nudity is also still present in the photos associated with some "Erotic" ads in the international pages. The reality that you have not made the same improvements globally across your site reveals a disingenuous and inconsistent response on your part. Moreover, the few helpful actions you have taken do not measure up to the amount of daily harm being facilitated by Craigslist through the thousands of Erotic Services ads around the world each day.

In a recent letter, Jim Buckmaster stated that human trafficking ads are "quite rare" on Craigslist.[2] Based on our experience and collective knowledge, we know that the presence of human traffickers on your site is more frequent than you realize. Traffickers have figured out ways to post pictures of clothed women and children that can get past your screeners. The anti-trafficking field has yet to be presented with a meaningful solution of how you intend to guarantee that no children are being sexually exploited on your site. As a result, we ask that you take down the Adult or Erotic sections, wherever they appear on Craigslist.

Another important reality for you to realize is that law enforcement does not currently have the resources to review and conduct an investigation of every single Adult or Erotic Services ad on your site. The sheer volume of ads outpaces law enforcement's ability to respond to each one. Consequently, maintaining the Erotic Services sections in other countries enables the majority of Erotic ads to thrive without a law enforcement deterrent. Cooperating with law enforcement when a rare case is brought is a short-term solution, not reflective of an overall systemic analysis of the crime problem that you are enabling.

---

[2] Ibid.

You have asserted that removing the Adult or Erotic Services sections will not entirely eliminate the presence of sex ads on your site. This may be true, but eliminating the centralized thoroughfares of each designated "Erotic Services" section seriously disrupts pimps and johns who buy and sell women and children on Craigslist. Closing this section of Craigslist across the globe will send a clear signal to sexual predators that you will not stand for them using the site to sexually exploit children and women.

You argue that there are other online sites that advertise sex ads. Yes, the signers of this letter are aware of other sites with adult ads, and we are working to address those sites as well. But frankly, the user volume and name recognition of those sites pales in comparison to yours. They are not a household name like Craigslist.

We collectively feel that if you are seriously committed to ending the site's use as a platform for sex trafficking of women and children, you will apply the same approach you recently took in the United States and immediately close the remaining Erotic sections around the world.

If you continue to keep the Erotic sections outside of the United States, we ask that you at least be honest and more specific about the reasons why you are keeping them. After receiving this letter, please do not claim that it is because anti-trafficking "experts" agree with you and wholly support your approach.

In closing, we note that in one of Jim Buckmaster's recent letters, he asked the question: "Would it not be a step backward to confine adult ads to venues that don't cooperate with law enforcement, that don't care what advocacy groups and nonprofits have to say?"[3]

This statement seems to indicate that Craigslist does care what advocacy groups and nonprofits have to say, more than other venues. If this is true, then you must care about this letter. Please hear what we have to say, read the signers of this letter, and recognize that the anti-trafficking field is standing with solidarity and unity, and collectively asking you to take down all the Adult and Erotic sections worldwide, completely and permanently.

[3] Ibid.

SIGNED:

Bradley Myles
Executive Director & CEO
Polaris Project

Carol Smolenski
Executive Director & Co-Founder
ECPAT-USA

Kaffie McCullough
Campaign Director
A Future. Not A Past.

Lee Rope-Batker
President & Chief Executive Officer
Women's Foundation of Minnesota

Vednita Carter
Executive Director & Founder
Breaking Free

Andrea Powell
Executive Director & Co-Founder
FAIR Fund

Norma Ramos, Esq.
Executive Director
Coalition Against Trafficking in Women (CATW)

Laura J. Lederer
President
Global Centurion

Kevin Bales
President & Co-founder
Free the Slaves

Rachel Lloyd
Founder & Executive Director
Girls Educational & Mentoring Services (GEMS)

Maria A. Trujillo
Executive Director
Houston Rescue & Restore Coalition

Malika Saada Saar
Executive Director & Founder
The Rebecca Project for Human Rights

Eliza Reock
Executive Director
Harold & Kayrita Anderson Family Foundation

Linda Smith (U.S. Congress 1994-98)
Founder & President
Shared Hope International

Jennifer & Peter Buffett
Co-Chairs
NoVo Foundation

Lisa L. Thompson
Liaison for the Abolition of Sexual Trafficking
The Salvation Army – National Headquarters, USA

Suzanne Koepplinger
Executive Director
Minnesota Indian Women's Resource Center (MIWRC)

Sonia Ossorio
Executive Director
National Organization for Women, New York City Chapter (NOW-NYC)

Amb. Mark P. Lagon
International Relations Chair
Georgetown University MSFS Program

Tina Frundt
Executive Director & Founder
Courtney's House

Michele Garnett McKenzie
Director of Advocacy
The Advocates for Human Rights

Rachel Durchslag
Executive Director
Chicago Alliance Against Sexual Exploitation (CAASE)

Marisa Ugarte
Executive Director
Bilateral Safety Corridor Coalition (BSCC)

William Livermore
Executive Director
Somaly Mam Foundation

Lisa Goldblatt Grace
Program Director
My Life, My Choice

Frank Massolini
Director
PROMISE Program
The Salvation Army

Laura Penny
Executive Director
Women's Foundation of Southern Arizona

Frank N. Barnaba
Founder & President
The Barnaba Institute

Debi M. Harris
Chief Executive Officer
Women's Fund of Miami-Dade

Carol B. Penick
Executive Director
Women's Fund of Mississippi

Dorchen A. Leidholdt
Director, Center for Battered Women's Legal Services
Sanctuary for Families

Elaine Maly
Executive Director
Women's Fund of Greater Milwaukee

Central Ohio Rescue & Restore Coalition

Cassondra Johnson Blackbird
Executive Director
Sexual Assault Program of Beltrami, Cass & Hubbard Counties

Chris Newlin
Executive Director
National Children's Advocacy Center

Heather Arnet
Chief Executive Officer
Women & Girls Foundation of Southwest Pennsylvania

Donna M. Hughes
Professor & Carlson Endowed Chair
Women's Studies Program
University of Rhode Island

Sharon Simpson-Joseph
Executive Director
Juvenile Justice Fund

Marissa Castellanos
Human Trafficking Project Manager
Catholic Charities of Louisville

Michelle Miller
Executive Director
Resist Exploitation, Embrace Dignity (REED)

Ronna L. Bright
Project Coordinator
Central Valley Against Human Trafficking & Central Valley Freedom Coalition

Tania DoCarmo
Director & Vice President
Chab Dai USA

Helen Sworn
Director & Founder
Chab Dai Coalition

Kristy Childs
Executive Director & Founder
Veronica's Voice

Mark & Keisha Hoerner
Ethical Living, Inc.

Sara K. Gould
President & CEO
Ms. Foundation for Women

Diana Mao
President
NOMI Network

Melanie Shapiro
Co-Founder
Citizens Against Trafficking

Mary Frances Bowley
President
Wellspring Living, Inc.

Jennifer Mitchell
Assistant Director
PROMISE Program
The Salvation Army

Anne Lee
President & CEO
Darkness to Light

Daria Mueller
Policy Specialist
Prostitution Alternatives Round Table (PART) of the Chicago Coalition for the Homeless

Glenda L. McClendon
Office Manager
PACE Center for Girls, Inc.

Barbara Mosacchio
Chief Executive Officer
Atlanta Women's Foundation

Gordon Heller
Chair, Steering Committee
Dayton Southeast Weed & Seed Project

Dr. Daniel Bercu
President
Doctors at War on Trafficking in Persons

Colette Bercu
Director
Free for Life International

Carol Arthur
Executive Director
Domestic Abuse Project

Marcia Coné
Executive Director
Women's Fund of Rhode Island

Kara Fagan
Director
The Women's Fund of Great Chattanooga

Nicola Goren
President
Washington Area Women's Foundation

Charlotte Boatwright
President
Chattanooga Domestic Violence Coalition

Emily Fitchpatrick
Founder & President
On Eagles Wings Ministries & The Hope House

Pam Strickland
Founder
Eastern North Carolina Stop Human Trafficking Now

Victor Vieth
Director
National Child Protection Training Center (NCPTC)

Madeliene H. Dobbins
Director & Chief Administrative Officer
Delta Research & Educational Foundation

Deborah Sigmund
Founder & Director
Innocents at Risk

Benjamin Nolot
Founder
Exodus Cry

Sidney Ford
Director & Founder
You Are Never Alone (YANA)

Jeff Bauer
Director Public Policy & Civic Engagement
The Family Partnership

Anna Rodriguez
Executive Director & Founder
Florida Coalition Against Human Trafficking

Melissa Gifford
Executive Director & DVTF Team Coordinator
Four Points, Inc.

Kathryn Xian
Non-Executive Director & Founder
Girl Fest Hawaii

Stephanie Davis
Executive Director
Georgia Women for Change, Inc.

Stacia Freeman
Executive Director
The Home Foundation

Erik Voss
Executive Director
The International Center of Atlanta

Sandra J. Robinson
Program Coordinator
Western Kentucky Refugee Mutual Assistance
The International Center of Bowling & Owensboro

Danelle Ragoonanan-Storph
Director
Project Rescue & Assist New Americans
International Institute of Connecticut, Inc.

Kathy Maskell
US Prevention Advisor
Love146

End Internet Trafficking Coalition

Marie Morin
Eastern Regional Director
Long Island Task Force
Love146

The Lucas County Human Trafficking Coalition

Donna Dunn
Executive Director
Minnesota Coalition Against Sexual Assault (MNCASA)

Cyndi Cook
Executive Director
Minnesota Coalition for Battered Women

Claudia Barlow
Chair of the Board
Miramed

Jeannette Pai-Espinosa
President
The National Crittenton Foundation

Veronica Lamb
Outreach Director
Pacific Alliance to Stop Slavery

Sandra L. Hollett
Chief Executive Officer
Partnership for Families, Children & Adults

Dianne Post
Attorney
Phoenix Women Take Back the Night

Kristyn Komarnicki
Editor
PRISM Magazine
Evangelicals for Social Action

Candice Harshner
Executive Director
Program for Aid to Victims of Sexual Assault (PAVSA)

Donna Sabella
Director
Project Phoenix

Trisha Smouse
Anti-Human Trafficking Program Manager
The Salvation Army of Central Ohio

Amy L. Hartman
Diaconal Minister & National Director
Cherish Our Children

Kathie Logan
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Gregory Marx
Director
In My Backyard Foundation

Adeyemi Oshodi
Director of Anti-Trafficking Programs
World Hope International (WHI)

Ann Buwulda
President
Jubilee Campaign USA

Serena Connelly
Co-Founder
Human Rights Initiative of North Texas

Holy Union Sisters

Central Dallas Ministries

July 16, 2010

The Honorable John Conyers, Chairman
2426 Rayburn House Office Building
Washington, DC 20515

The Honorable Lamar Smith, Ranking Member
2409 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 5575 -- "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010"

Dear Chairman Conyers and Ranking Member Smith:

On behalf of the undersigned organizations and the hundreds of thousands of children at-risk for commercial sexual exploitation each year, we strongly urge you to pass out of committee H.R.5575 "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010." We applaud the bill's sponsors, Congresswoman Maloney and Congressman Smith, for introducing this bill. For many years, they have shown incredible leadership in and commitment to the fight against human trafficking.

This bipartisan legislation provides crucial funding to develop and enhance comprehensive, collaborative efforts to combat the sex trafficking of children in the U.S. Child victims are severely overlooked in most state approaches to fight human trafficking. Each year, at least 100,000 children are victimized through prostitution within the U.S. The Innocence Lost Initiative, created through a partnership of the Department of Justice Child Exploitation and Obscenity Section (CEOS), the FBI, and the National Center for Missing and Exploited Children, has rescued over 1,000 trafficked and sexually exploited children to date. Unfortunately, there are less than 80 beds nationwide in shelters prepared to provide the specialized care they need.

H.R.5575 aims to address these issues by focusing on child victims of sex trafficking by:

- Requiring grantees to have a viable, multidisciplinary plan to include services and shelter for child victims, special training for law enforcement and service providers, and a plan for deterring and prosecuting sex trafficking offenses. This comprehensive approach is crucial to fully addressing child sex trafficking.

- Providing up to 6 block grants of $2 million to $2.5 million each, spread out regionally so that every part of the U.S. can develop an appropriate safe place for victims to recover, rebuild their lives, and stay free from exploitation. Due to the severe trauma and manipulation they endure, sexually exploited children require services responsive to their needs.

- Requiring states to promptly report information on missing or abducted children to law enforcement for entry into the existing National Crime Information Center (NCIC) database. This improved reporting can make the difference for a runaway child who is at immediate risk for recruitment into the commercial sex industry.

- Stating the sense of Congress that children who have been reported missing three or more times in a year be designated as an "endangered juvenile" in the NCIC database. This approach is already used successfully by the Dallas Police Department Child Exploitation Unit.

A successful anti-trafficking effort requires solid collaboration between law enforcement, services providers, and local and state agencies. H.R.5575 requires grantees have a collaboration structure in place. It also encourages communication with runaway and homeless youth providers as runaway youth are at high risk for exploitation. It requires grantees to work with state welfare agencies to improve a victim's access to the State-administered medical care. At the bipartisan Congressional Human Trafficking Caucus briefing on Child Sex Trafficking in America barriers to access to medical assistance by child victims of sex trafficking was cited by experts as a serious issue facing service providers.

While 50% of funding must be used for services and shelter, the remaining 50% can be used to bolster law enforcement and prosecutorial efforts, such as wiretapping; specialized training for law enforcement to increase identification and assistance of victims; trial expenses for the prosecution of sex trafficking offenders; and law enforcement salaries commensurate with the time spent on cases of sex trafficking of minors. This support is crucial if we are to enforce existing federal and state laws and punish offenders.

In the last three months alone there have been all too frequent news reports of sex trafficking cases involving minors, including:

1. **March 24, TX**: B.L. Davis guilty of sex trafficking a 16 year old girl. He also forced her to have his name tattooed on her body.
2. **April 14, FL**: M.A Laguna-Guerrero arrested for sex trafficking of a 16 year old.
3. **April 18, CA**: M.C. Epps pleaded guilty to sex trafficking a 16 year old who met him on MySpace.
4. **April 21, NY**: Gambino crime family members indicted on charged including sex trafficking of minors as young as 15. Advertised on Craig's List. Recruited girls 15 to 19 into prostitution.
5. **April 21, GA**: C.M. Robinson arraigned for sex trafficking a 16 year old girl at truck stops, hotels and via the internet.
6. **April 24, MA**: D. Tavares sentenced to 25 years for sex trafficking of minors. One victim testified he tried to kill her by putting a plastic bag over her head and taping it around her neck.
7. **May 6, MO**: Woman sentenced to 15 years for sex trafficking of her 12 year old daughter.
8. **May 12, WA**: Man sentenced to 13 years for sex trafficking of girls on the streets and Craig's List.
9. **May 21, WI**: A. Booker and H. Arnold picked up a 14 year old girl from the street and prostituted her at a hotel near the airport.
10. **May 26, IL**: Teen brothers in arrested for sex trafficking two teen girls using internet ads.
11. **June 2, FL**: Two men sentenced for sex trafficking two girls and prostituting them on the internet.
12. **June 2, NY**: Eight charged in sex trafficking ring. Girls as young as 15 were recruited from schools.
13. **June 10, MD**: Federal charge filed against D. Smith man for the sex trafficking of a 12 year old girl.
14. **June 22, OR**: D. Johnson sentenced to almost 16 years for prostituting a 15 year old girl.
15. **July 1, WI**: T. Carter sentenced to 25 for sex trafficking children. He admitted prostituting at least six girls. He and his 20 year old son recruited them in Wisconsin, Iowa, Illinois and Minnesota.

This list reports 15 cases of sex trafficking involving at least 22 minors, two as young as 12. In just one 2009 Innocence Lost sweep, the FBI recovered 52 prostituted children while conducting Operation Cross Country IV.

The State Department released the 10th annual Trafficking in Persons Report which included the recommendation for the U.S. to increase "efforts to identify and assist U.S. citizen victims" and "increase funding for victims services." In July 2009, the U.S. Attorney General reported to Congress on U.S. government efforts to combat trafficking. The report recommended increasing "services to assist and restore children who have been exploited in the commercial sex industry." Countless state level reports have also identified this lack of services as a serious obstacle to helping child victims of sex trafficking. H.R.5575 is critical to providing this much needed support.

As a signatory to the UN Committee on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the U.S. has committed to protecting and assisting children who have been commercially sexually exploited. Through the Trafficking Victims Protection Act, now a decade old, we renewed the promise of the 13th Amendment to the Constitution and became a world leader in the fight against human trafficking and slavery. We urge you to pass H.R.5575 out of committee so that we may live up to our ideals to protect the most vulnerable among us. Failing our children and allowing them to suffer without assistance is not an option.

Sincerely,

National Organizations:

ECPAT-USA, Inc.
Feminist Majority Foundation
Love146
National District Attorneys Association
Polaris Project
Shared Hope International
VineyardUSA

State Organizations:

Arizona Foundation for Women, AZ

Rock Point Church, AZ

Alameda County District Attorney's Office Human Exploitation & Trafficking (H.E.A.T.) Unit, and H.E.A.T. Watch Program, CA

WestCoast Children's Clinic, CA

Women's Funding Network, CA

Center for Youth Leadership, CT

Connecticut Sexual Assault Crisis Services, CT

The Barnaba Institute, CT

Tina Frundt, Founder, Courtney's House, D.C.

Mark P. Lagon, Former U.S. Ambassador-at-Large to Combat Trafficking in Persons

Global Centurion, D.C.

Broward Human Trafficking Coalition, FL

His House Children's Home, FL

Kristi House, FL

Northeast Florida Human Trafficking Task Force, FL

SENetwork of Youth and Family Services, FL

A Future. Not a Past./Juvenile Justice Fund, GA

Pacific Alliance to Stop Slavery, HI

Veronica's Voice, KS

Maryland Human Trafficking Task Force, MD

Bois Forte Victim Services, MN

Breaking Free, MN

Civil Society, MN

Minnesota Indian Women's Resource Center, MN

Sensibilities Prevention Services, MN

The Advocates for Human Rights, MN

On Eagles Wings Ministries & The Hope House Project, NC

Covenant House, NY

Franciscan Sisters of Peace, NY

GEMS, NY

Ursuline Sisters, NY

Western District of NY Human Trafficking Task Force and Alliance, NY

Gracehaven, OH

Lucas County Human Trafficking Coalition, OH

National Crittenton Foundation, OR

Philadelphia Covenant House, PA

Project Phoenix, PA

Project to End Human Trafficking, PA

Wisconsin Coalition Against Sexual Assault, WI

1634 I Street, NW
Suite 1100
Washington, DC 20006

P +1-202-637-9800
F +1-202-637-0968
E info@cdt.org

Written Submission of the Center for Democracy & Technology before the House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security

Hearing on Domestic Minor Sex Trafficking

September 15, 2010

Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee:

The Center for Democracy & Technology (CDT)[1] appreciates the opportunity to submit written comments in conjunction with today's hearing. Child sex trafficking is a horrific crime and we welcome the Subcommittee's focused attention to the issue.

We understand that the Subcommittee is particularly concerned about the fact that advertisements for prostitution and child sex trafficking have appeared online on sites such as Craigslist. Some state Attorneys General have called on Craigslist to remove its "adult services" category, and that site has recently taken the category off of its U.S.-based pages.

The focus of our comments today is to provide a context for the Subcommittee's consideration of the issue of online hosting of illegal third party content. We first describe how speech is hosted online, and then explain the longstanding statutory protections from liability afforded to online "intermediaries" such as Craigslist for content posted by others and the importance of those legal protections to innovation and freedom of speech.

The term "online intermediary" encompasses conduits (such as ISPs) and platforms (such as social networks and video sharing sites) that allow users to post and access online content and communicate with one another. In 1996, Congress enacted broad and strong protection for intermediaries from efforts to impose liability on them for content posted by others, or to otherwise force them to screen or police the content their users posted online. This intermediary liability protection has been extraordinarily successful and is directly responsible for the explosive and innovative growth of online services that the United States has experienced over the past few decades. By protecting online providers from intermediary liability, Congress enabled a huge range of innovative new websites to offer social networking, video sharing, and other "Web 2.0" services that have transformed how we do business and socialize online.

A decision by Congress to step back from such protections and to impose legal obligations on service providers to police online content – even in the effort to fight child sex trafficking – would have serious and harmful implications both for free speech online and for innovation and competition in online services. We urge this Subcommittee to

[1] The Center for Democracy & Technology is a non-profit public interest organization dedicated to keeping the Internet open, innovative and free. CDT has offices in Washington, D.C., and San Francisco.

exercise great caution as it considers how best to respond to the crimes of prostitution and child sex trafficking.

Protection for Online Intermediaries

The Subcommittee may hear recommendations from witnesses and state officials that contemplate assigning legal liability to online service providers to control child sex trafficking content. When assessing these recommendations, it is critical that the Subcommittee understand the broader context of the strong intermediary liability protection that has marked the United States' approach to online content since the early days of the commercial Internet. This protection has played an essential part in supporting the innovation and growth that we have experienced in online services. The fight against child sex trafficking, targeting both the online and offline components of the crime, is unquestionably important. We urge the Subcommittee to carefully consider the significant societal benefits that online intermediary liability protections have made possible, as well as the important role the Internet can play as a tool for law enforcement to pursue these cases, and not to go down the path of seeking to impose liability or responsibility for content on intermediaries.

The Need for Strong Protections for Intermediaries

The global Internet has become a vibrant and essential platform for economic activity, human development, and civic engagement. Every day, millions of journalists, educators, students, business people, politicians, and ordinary citizens go online to speak, access information, and participate in nearly all aspects of public and private life.

Internet service providers (ISPs), websites, online services, and a range of other technology companies act as conduits and platforms for speech. These "intermediaries" play critical roles in getting information and ideas from one corner of the online world to another, and they provide valuable forums for speech, from the political to the mundane – forums that are open, up-to-the-minute, and often free of charge.

The openness of these forums means, of course, that some users will post content or engage in activity that is offensive or even unlawful. In addition to cases where users post content that advertises illegal activity, as is alleged to occur on Craigslist, liability for online content could arise in instances of defamation, obscenity, invasion of privacy, or intellectual property infringement, among other things. This reality raises important policy questions that have an impact on the growth of the online environment: Specifically, should technological intermediaries such as ISPs and online services be held liable for or be responsible to police content posted by their users and other third parties? Or should that liability rest solely with the creator and poster of the content?

The answer in the United States has been to protect intermediaries from responsibility to police content posted by users.[2] While users themselves should undoubtedly remain responsible for their unlawful online activities, policies protecting intermediaries from liability for content posted by third parties expand the space for expression and

[2] In appropriate cases and pursuant to lawful process, intermediaries do continue to be required to respond to law enforcement subpoenas concerning online speakers who post illegal content.

innovation and promote the Internet as a platform for a wide range of beneficial activities. The history of the Internet to date shows that providing broad protections for intermediaries against liability is vital to the continued robust development of the Internet.

The Internet developed and flourished because of an early U.S. policy framework based on competition, openness, innovation, and trust. This framework places power in the hands not of centralized gatekeepers, but rather of the users and innovators at the edges of the network. Importantly, this approach provides broad protections from liability for ISPs, web hosts, and other technological intermediaries for unlawful content transmitted over or uploaded to their services by third parties (such as users).

It is vital to understand the reasons why intermediary liability protection is so important for free speech on the Internet. When intermediaries are liable or responsible for the content created by others, they will strive to reduce their liability risk. In doing so, they are likely to overcompensate, blocking even lawful content. In this way, imposing liability on online intermediaries chills expression online and transforms technological intermediaries into content gatekeepers.

Indeed, holding intermediaries broadly liable for user content greatly chills their willingness or ability to host *any* content created by others. Liability creates strong incentives to screen user content before it is posted online, creating an indirect prior restraint on speech and inevitably leading to less user-generated content overall. In some instances, entire platforms for expression simply could not exist because the sheer volume of content uploaded to their services would make it impossible or economically unviable for the company to screen all user-generated content. As one example, users post over twenty-fours hours of video to YouTube every minute.[3] If liability concerns or an obligation to keep certain videos off of the service compelled YouTube to examine each video before allowing it to be posted online, YouTube could not continue to operate as an open forum for user expression. The same is true of Craigslist, where "users self-publish more than 30 million new classified ads each month,"[4] Facebook, where users share 30 *billion* pieces of content every month,[5] and countless other forums and blogs across the Web where users post their own content and hundreds or thousands of comments every hour.

Intermediary liability also creates another problematic incentive: Intermediaries will tend to over-block content and self-censor, especially where the legality of particular content is unclear or difficult to determine. In the face of threatened liability or policing responsibility, intermediaries will err on the side of caution in deciding what may be

[3] Ryan Junee, "Zoinks! 20 Hours of Video Uploaded Every Minute!", Broadcasting Ourselves ;), May 20, 2009, http://youtube-global.blogspot.com/2009/05/zoinks-20-hours-of-video-uploaded-every_20.html. Representatives of Google have recently stated that the current figure is 24 hours of video posted every minute.

[4] Craigslist Factsheet, http://www.craigslist.org/about/pr/factsheet (last accessed September 13, 2010).

[5] Facebook + Media, http://www.facebook.com/media (last accessed September 14, 2010).

allowed. This incentive is especially strong (and can cause particular damage) when intermediaries are not able to easily determine if the content is unlawful on its face.[6]

In 1996, to address these concerns, Congress took strong action to insulate online intermediaries from liability. As part of the Telecommunications Act of 1996, Congress enacted Section 230 of the Communications Act.[7] Now known simply as "Section 230," the statute advances three policy goals: 1) to promote the continued rapid and innovative development of the Internet and other interactive media; 2) to remove disincentives to voluntary self-screening of content by service providers; and 3) to promote the development of tools (like filters) that maximize user control over what information the user receives online.

To advance its first goal, Section 230 gives intermediaries[8] strong protection against liability for content created by third-party users.[9] Section 230 has been used by interactive online services as a shield against a variety of claims, including negligence, fraud, defamation, violations of federal civil rights laws, and violations of state criminal laws.[10]

It is precisely these protections that led to the dramatic growth of social networking and other interactive, user-generated content sites that have become vibrant platforms for expression in the U.S. and all over the world. It is no surprise that almost all "Web 2.0" innovation online has taken place in the U.S., which has the strongest protections for intermediaries. Without Section 230, entry barriers for new Internet services and applications that allow user-generated content would be much higher, dampening the innovation we have seen in interactive media. The threat of liability would also tend to close the market to start-ups, which are often unable to afford expensive compliance staffs (thereby entrenching existing market players).

Importantly, in pursuit of Section 230's second goal, the statute enables intermediaries, if they choose, to voluntarily remove content posted on their sites that is unlawful or otherwise offensive, without fear of liability. Under § 230(c)(2)(a), intermediaries can block or take down content they believe is inappropriate, without fear of liability to the poster of the content.

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[6] For example, while a private party may allege that certain content is defamatory or infringes copyright, such determinations are usually made by judges and can involve factual inquiry and careful balancing of competing interests and factors. ISPs and online service providers are not well positioned to make these types of determinations.

[7] 47 U.S.C. § 230. In addition to Section 230, Congress has also protected intermediaries through Section 512 of the Digital Millennium Copyright Act, 17 U.S.C. § 512, which protects intermediaries from liability so long as they afford copyright holders a means to have copyright violations taken down. Beyond the statutory bases for liability protection, there are strong arguments that the First Amendment would require such protection in at least some contexts.

[8] Section 230 calls these intermediaries "interactive computer services." 47 U.S.C. § 230(c)(1).

[9] The statute provides: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230(c)(1).

[10] *See, e.g.*, Center for Democracy & Technology, "CDT Joins Briefs Urging Courts to Properly Apply § 230 of the CDA," Policy Post 14.4, March 31, 2008, http://www.cdt.org/policy/cdt-joins-briefs-urging-courts-properly-apply-section-230-cda. *See also* Electronic Frontier Foundation, "Section 230 Protections," Bloggers' Legal Guide, http://www.eff.org/issues/bloggers/legal/liability/230.

Among Web 2.0 sites and services, the primary means these sites have to respond to inappropriate content is a button or content flagging system that allows users to report abusive, illegal, and offensive content. The major user-generated content sites, including YouTube, Facebook, and Craigslist, provide robust terms of service that specify the types of content not permitted on their sites – which include child sex trafficking activity – and give users the ability to report content that violates the site's terms.

Thus, for example, most leading social networks and video sharing sites have rules against sexually explicit material, and they routinely remove even legal content if it violates their terms of service. These self-regulatory efforts illustrate how a policy of protecting intermediaries from liability is compatible with – and can even help serve – other societal interests. Although relying on voluntary enforcement of terms of service will not lead to the complete removal of child sex trafficking content from the Internet, it will make such content less available, and will do so in a manner that is consistent with both the First Amendment and the statutory regime of intermediary protection.

Protection for intermediaries has been a key foundation for the success of the Internet. A decision to undermine that foundation, and to seek to impose responsibility on online intermediaries for user-generated content would threaten the continued growth and innovation that has been the hallmark of the Internet.

Conclusion

CDT would like to thank the Subcommittee for holding this important hearing to discuss the problem of child sex trafficking and for considering the online aspects of this terrible crime in the context of the legal and policy framework that supports intermediary liability protections in the United States. We appreciate the opportunity to submit our comments today and we look forward to working with the Subcommittee on these issues.

For more information, contact Leslie Harris, lharris@cdt.org, or John Morris, jmorris@cdt.org, or at (202) 637-9800.

THE URBAN INSTITUTE 2100 M STREET, N.W. / WASHINGTON D.C. 20037

Colleen E. Owens
Research Associate

phone: 202-261-5539
fax: 202-296-2252
e-mail: cowens@urban.org

To: Liliana Coronado
From: Colleen Owens, William Adams
Date: December 21, 2010
Re: Feedback on *Men Who Buy Sex with Adolescent Girls: A Scientific Research Study*

This memorandum documents the Urban Institute's preliminary feedback on findings from the study, *Men Who Buy Sex with Adolescent Girls: A Scientific Research Study* produced by the Schapiro Group.

Overall, we recommend that the authors of this study submit detailed methodology used to derive formulas and calculate all estimates presented in the study (all mathematical calculations must be provided in full in order to properly interpret validity and rigor of findings). The absence of such detailed methodology renders the findings of the study suspect and our interpretation of the findings can only be based on the limited information presented.

A primary question underlying the interpretation of the findings is: How did the sample of 218 completed interviews in Metropolitan Atlanta contribute to estimates of 12,400 men each month in Georgia who pay for sex with a young female, and the 7,200 of whom end up exploiting an adolescent? It appears that the 218 completed interviews did not contribute to the derivation of these estimates[1] since it is not footnoted on pages 8 or 9. Rather, it appears that the 218 completed interviews were only used to report overall characteristics of the callers (pp.10-12). Even if the 218 surveys were used as a multipliers (which is not listed as such), the reports that are footnoted as contributing to the estimates of the total number of men who have sex with young females (see bulleted list of probabilistic information on p. 8 and 9) are suspect without more detailed information about how these reports were used. The Georgia Governor's Office report could not be found, however the Chicago study was found and it appears (based on the limited information presented) to be used incorrectly in numerous ways. We assume a variety of possible scenarios with how the study was used and point out flaws with each, listed below.

- If percentages from the Chicago study were used as multipliers across the total male population of Georgia (see footnote 12) this would introduce several important issues. First each study has varying methodology. The Chicago study recruited men who self-reported that they had paid for *commercial sex*. It appears these percentages were then used to derive estimates of the *total male population in Georgia* who paid for sex with *young females*.[2] The percentages used from the Chicago study did not distinguish between men who paid for commercial sex with adults versus men who paid for commercial sex with young females (under 18). Therefore these percentages can

[1] Although the lead-in paragraph to this 'estimates' section on page 7 of the report presents an analogy (about estimating the population of a neighborhood by examining a photo of people in a neighborhood park on a sunny day) that seems to suggest that the survey data (N=218) will be used to somehow "arrive at a series of reliable calculations about the full population of men who purchase sex with females across Georgia" (p.8), the authors fail to describe to the reader exactly how (if at all) the sample of 218 informs the estimates presented in the bullet points on pages 8-9.
[2] See p. 9 of *Deconstructing Demand for Prostitution: Preliminary Insights from Interviews with Men Who Purchase Sex* can be found here: http://www.chicagohomeless.org/files/images/Deconstructing_the_Demand_For_Prostitution.pdf

not reliably be used without including another scientifically rigorous multiplier to account for the difference (it does not appear this was done).

- Even if a multiplier to account for this difference was used, other issues remain. Extrapolating a percentage based on a non-random sample of men in the *city of Chicago* to the total male population in the *state of Georgia* is a mathematical leap that is less than reliable (again, in the absence of more detail about how these calculations were made and whether or controls were used to account for differences in population characteristics).

- Even if such controls were used, the sample is so small that it would be difficult to apply the percentages derived from a small, non-random sample of men in Chicago to the entire male population of Georgia (in both urban and rural areas alike).

- It is reported that 7,200 of men in Georgia will buy sex with an adolescent female in Georgia in a given month. These 7,200 men account for 8,700 paid sex acts with adolescent females each month (which means that an adolescent female is exploited an average of 3 times per day). The 3 times per day calculation appears to have been made by taking 8,700 paid sex acts (no information provided about how this is derived) and dividing this by the 100 adolescent females that are commercially sexually exploited on a typical night in Georgia (according to the GA Governor's Office study – unavailable for review) and dividing this number by the average number of days in a month (30) = 2.9. This calculation is unreliable for a variety of reasons – how were the 100 adolescent females identified? Despite this, *100 identified* adolescent females may not equate with the true number of adolescent females that are commercially sexually exploited each night due to problems inherent in the identification of this crime. Additionally, were the 100 identified adolescent females exploited through Craigslist or through other venues (such as truck stops, massage parlors, strip clubs, street-based prostitution/trafficking, hand delivery services, late night call lines, brothels, cantinas, or private residences, to name a few of the venues were commercial sexual exploitation is known to occur). If they were exploited through other venues, this number should not be included in the calculation of men who exploit females through Craigslist.

- Also unclear is where the numbers of 700,000 men in Georgia have bought sex with females, including young and not young females. Over what time period is this reported? What data is this based on (arrest information, extrapolation from other studies, extrapolation from the 218 completed surveys used in this study?) Further, the 400,000 men who have bought sex with young females statistic is also unjustified (again, over what time period is this based -- is this based on arrest information, extrapolation from other studies, extrapolation from the 218 completed surveys used in this study?)

Additional issues with the study overall include:

- A 2-month time period is too short to derive yearly, monthly, and to-date estimates.

- The survey was only administered in the city of Atlanta and findings seem to be used to make assumptions about all men in the state of Georgia which cannot be done without significant controls (and even then it would be less than specific).

- It is not mentioned whether unique callers were tracked/identified. How did the researchers know that each completed interview represented one unique person?

- Even if the researchers were certain that each caller represented one unique person, how did they know whether the caller was legitimate? (For example, in our work with police and human trafficking task forces, we know that law enforcement regularly uses Craigslist and other websites to conduct investigations and stings and that they particularly target adds that include key words of potential trafficking, such as "young, fresh," etc. It is possible that they may have been speaking with law enforcement posing as a potential customer and that these potential customers would have been the most persistent during the 3-step warning process. No information is listed that addresses this possibility.)

- The sample is not a random sample (which is acknowledged by the authors), however, the shortcomings inherent in using such a study to generalize to the entire population in Georgia seem to have been ignored.

- No information is provided about how the sampling error of .05 (cited in footnote 6) is used.

- No interview protocols are included (besides the 3-step warning questions). As a result, one cannot determine what types of questions the interviewer asked and whether these questions were asked the same way and with the same frequency for each caller.

- What is the total number of non-complete interviews for both Craigslist and Backpage? The only numbers listed are for completed interviews.

- At multiple points throughout, the study claims that it addresses the "demand for CSEC in Georgia," however, it only includes demand for men who pay for sex with young girls through an online venue. It does not include demand for sex with young boys (also a CSEC population), nor does it address demand for commercial sexual exploitation that is not Internet-based (such as truck stops, massage parlors, strip clubs, street-based prostitution/trafficking, hand delivery services, late night call lines, brothels, cantinas, or private residences, to name a few of the venues where commercial sexual exploitation is known to occur). It also does not address potential demand by women for CSEC. It would have been helpful if the authors included a definition for the commercial sexual exploitation of children so that what is and is not considered to be CSEC is more transparent.

Urban Institute
Justice Policy Center

Human Trafficking Research Summary

Background

The Urban Institute's Justice Policy Center conducts nonpartisan research and evaluation designed to improve justice and public safety policies and practices at the national, state, and local level. Human trafficking is one of the Justice Policy Center's research areas. Below is a short description of several of the current research projects in this area.

Domestic Projects

Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases

- A study of challenges in the investigation and prosecution of state and local human trafficking cases.
- In collaboration with Northeastern University, the study will include a multi-method approach involving interviews with prosecutors, judges, local law enforcement, and victim service providers as well as case record reviews of closed cases of human trafficking and other related crimes in a sample of jurisdictions across the United States.
- Funded by the National Institute of Justice.

Human Trafficking Reporting System

- Researchers at the Urban Institute in collaboration with Northeastern University were awarded a grant by the Department of Justice, Bureau of Justice Statistics (BJS) to design and implement a national Human Trafficking Reporting System (HTRS).
- This system will provide a secure and sustainable mechanism for collecting federal, state and local data regarding victims and offenders involved in human trafficking. The data are intended both to help meet statistical reporting requirements specified by Congress and to provide task forces with a standardized data management system, which is critical in assessing the success of human trafficking prevention and intervention strategies. To develop the most successful data collection system possible, Urban worked closely with the 42 Bureau of Justice Assistance-funded human trafficking task forces to develop a standardized reporting mechanism that captures information on human trafficking cases that have arisen through the task force agencies.
- Through this process the reporting system was designed, piloted and rolled out to all human trafficking task forces throughout the United States in January 2008.
- At the conclusion of the project, the Urban Institute will provide BJS with a final report on all data collected throughout the grant period as well as the lessons learned through the reporting project and recommendations for potential expansion of the program beyond task force agencies.

Measuring Human Trafficking Victimization

- This project, in partnership with Northeastern University and Abt Associates, is to conduct a systematic review of existing estimates of victims of severe forms of human trafficking in the United States and to suggest improved estimates of the prevalence of human trafficking to the existing and arguably incomplete research.

- The Urban Institute is collecting and cataloguing all information about victims of severe forms of human trafficking in the U.S. from primary sources of data about human trafficking victims in the U.S., as well as available estimates of the prevalence of human trafficking victimization.
- The assessment of that information will identify the gaps and limitations of existing data sets. The research team will use this information to develop recommendations for how these data sets could be improved to provide more accurate and reliable estimates of human trafficking in the United States.
- The second major task is to produce improved estimates of the total number of victims of severe forms of human trafficking in the U.S. in order to enhance the development of criminal justice policies and practices, which to date have been guided by incomplete data.
- Funded by Humanity United.

A Report on Federally Prosecuted CSEC Cases Since the Passage of the TVPA

- The Urban Institute and the Polaris Project, with funding from the Office of Juvenile Justice and Delinquency Prevention, are conducting a twelve-month study on the commercial sexual exploitation of children and youth (CSEC).
- The research will take the form of a national longitudinal analysis of federal prosecutions since the passage of the Trafficking Victims Protection Act (TVPA) in 2000. The research team will also examine the influence of these prosecutions on CSEC service providers.
- This review and assessment is needed to provide (1) the field with a thorough description of CSEC cases contributing to the knowledge that we have about such cases; (2) law enforcement agencies with information that may be helpful during CSEC investigations and prosecutions; and (3) policy makers with a means of assessing the effects of legislation aimed at combating CESC.
- Final Report: **http://www.urban.org/publications/411813.html**

International Projects

Evaluability Assessments of International Anti-Trafficking Programs

- The Urban Institute was awarded a cooperative agreement from the U.S. State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) to conduct evaluability assessments of four internationally funded anti-trafficking in persons programs. Evaluability assessments examine the degree to which programs have the necessary data, client volume, and program documentation necessary to support rigorous evaluation.
- Assessments are being conducted of two programs in Africa and two programs in Asia-Pacific. The purpose of the assessments is both to determine if each of the four programs can be evaluated and to develop technical assistance to each site to become evaluable.

Researchers

Bill Adams
BAdams@urban.org

Meredith Dank
MDank@urban.org

Colleen Owens
COwens@urban.org

September 22, 2010

The Honorable John Conyers, Jr.
U.S. House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Conyers:

Please accept this letter for the record in connection with the recent hearing on H.R. 5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010, before the U.S. House Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security.

Safe Horizon is the nation's leading victim assistance organization and serves over 250,000 people each year who have been affected by violence, including human trafficking. Safe Horizon has extensive experience assisting survivors of human trafficking through our Anti-Trafficking Program (ATP) serving hundreds of foreign-born victims of modern day slavery, and our Streetwork Program helping 1,700 homeless and at-risk youth access shelter, services, medical care and housing each year.

Safe Horizon is grateful to the members of Congress, specifically the members of this panel, for recognizing the urgent need to prioritize services for youth trafficked into commercial sex. We support several key provisions in H.R. 5575 including a) establishing a grant program that will increase funds for direct-services support for minor victims of sex trafficking; b) increasing funds for law enforcement training to identify and assist minor victims of sex trafficking; c) establishing new funding streams for victims of sex trafficking for both US citizens and foreign national minors

While we welcome these provisions, please note that the present draft of H.R. 5575 will likely have serious unintended consequences for populations who are not specifically highlighted as beneficiaries for new funding streams, specifically youth victims of labor trafficking. In the current draft of H.R. 5575, only service providers working with youth trafficked into commercial sex are eligible for new funding. This will result in service providers having to turn away youth who experience other forms of trafficking. In our experience, the vast majority of our homeless youth clients have been involved in illegal and compromising labor situations in order to obtain basic necessities like shelter, food, or clothing. Youth trafficked for labor are also likely to experience horrific physical, psychological and sexual abuse, including rape and forced abortions while in their trafficking situation. For these reasons, H.R. 5575 should provide funding to help all youth recover from their trafficked situations.

At present, H.R. 5575 also limits law enforcement training/outreach efforts to youth trafficked into commercial sex. The consequences of such limited efforts will likely result in law enforcement failing to identify labor trafficked youth. The Bureau of Justice Statistics reports that 83% of all reported incidents of human trafficking by law enforcement involved allegations of sex trafficking. From our own organizational experience, more than 60% of our human trafficking survivors are actually involved with labor trafficking, indicating that law enforcement is under-identifying labor trafficking cases[1]. We fear that limiting training to identifying and assisting youth trafficked into commercial sex will further divert law enforcement efforts to identify and assist other trafficked youth. In order to better serve all trafficked youth, H.R. 5575 should ensure that law enforcement receive adequate funding and training to identify and assist youth victimized by all forms of human trafficking.

In much the same way that youth trafficked for labor are under-identified, boys and LGBT youth are under-identified victims of sex trafficking. For 26 years, Safe Horizon has worked with youth affected by the commercial sex trade, regardless of gender identity or sexual orientation. The result of this work indicates that the trafficking of boys and transgender youth for commercial sex is a serious problem. According to a 2008 study for John Jay University and the Center for Court Innovation, the majority of commercially sexually exploited youth in New York City are boys (54% of the commercially sexually exploited children (CSEC) population). In our own programmatic experience, 55% of clients engaged in commercial sex are male, while 45% are female. In order to better serve all youth involved in commercial sex, it is imperative that organizations that work with boys, LGBT youth, in addition to girls all have equal access to new funding streams. Additionally, training for law enforcement should also consider the specific needs of all youth trafficked into commercial sex regardless of their gender identities or sexual orientation.

Finally, while we welcome the additional funding benefitting youth trafficked into commercial sex, this is a population already highlighted to receive services and funding under the Trafficking Victims Protection Act (TVPA). Given the fact that law enforcement already gives most of their attention to youth trafficked into commercial sex, our fear is that this bill will further divert attention away from other trafficked populations. Ideally, we would prefer to see the release of appropriated funds for this population under the TVPRA 2008. However, if this bill does move forward, we strongly urge that it does so by focusing on all trafficked youth.

Once again, please accept our gratitude for your attention to the issue of human trafficking, specifically trafficked minors. We are all here because we are committed to protecting vulnerable youth and ensuring that young people are provided access to critical services that protect their safety and dignity and empower them to live their lives free

[1] Tracy Kyckelhahn, Allen J. Beck, Ph.D. and Thomas H. Cohen, Ph.D. "Characteristics of Suspected Human Trafficking Incidents 2007-2008". http://files.meetup.com/1160329/Post_on_Site.pdf

safehorizon

moving victims of violence from crisis to confidence

from violence and exploitation. As the Committee moves ahead in an effort to assist trafficked youth, we hope that you will reach out to us should you want to learn more about our experiences and expertise in this field. Safe Horizon would be more than happy to contribute expert testimony, background information or assist you in your efforts to identify other key experts in this field. Thank you again for your commitment to this issue, and we look forward to working with you in the future.

Sincerely,

David Nish
Vice President – Youth Programs

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

September 15, 2010

The Honorable Robert C. Scott, Chair
House Judiciary Committee's Subcommittee on
Crime, Terrorism, and Homeland Security
1201 Longworth House Office Building
Washington, D.C. 20515

The Honorable Louie Gohmert, Ranking Member
House Judiciary Committee's Subcommittee on
Crime, Terrorism, and Homeland Security
511 Cannon House Office Building
Washington, D.C. 20515

Re: Hearing on Domestic Minor Sex Trafficking; Testimony of Massachusetts Attorney General Martha Coakley

Dear Chairman Scott and Ranking Member Gohmert:

Thank you for holding a hearing to address one of the more complex and pressing public safety issues facing our society today. I write this letter to express my concerns about the exploitation of children in the sex trafficking trade, and to highlight what I have learned as a career prosecutor—currently as Massachusetts' chief law enforcement officer—that may assist you as you consider whether and how Congress should take action to combat this growing criminal activity.

Preventing the commercial sexual exploitation of children will be accomplished only by targeting several angles. First, we should address the demand that has been created in this multi-billion dollar national industry, both by holding accountable those who "purchase" our children, and by remaining vigilant in pursuing those who place our children up for sale. But we also need to create opportunities, resources, and solutions for the victims of these heinous crimes by offering safety and assistance that victims can appreciate are better solutions than "the life" offered by a pimp. Finally, we should examine a means to hold responsible online store fronts—the medium so often used to traffic.

When I became the chief prosecutor of child abuse cases in the Middlesex District Attorney's Office over 20 years ago, the Internet was a little known technology that most of us in law enforcement did not anticipate would become a hub for the facilitation of crime for years to come. By the time I was elected District Attorney in 1998, Congress had implemented measures to protect the public from some of the negative aspects of the Internet through the Communications Decency Act of 1996 ("CDA"). Indeed, the CDA was the first comprehensive way in which Congress sought to regulate pornographic material on the Internet.

Through the years, those of us in law enforcement have seen a marked increase in the sexual exploitation of children through use of the Internet. There is no doubt that social networking and other websites such as craigslist, while providing many useful functions, are breeding grounds for criminal activity involving the sex trafficking of minors, largely because such sites provide increased access to illicit services such as prostitution. People enjoy complete anonymity when they go online. By the mere click of a mouse, anyone, buyer, seller, or agent can enter into a world of exploitation and the sale of human beings.

I have dedicated much of my career to protecting children, both on the streets and online. My office's work prosecuting child pornography cases is one way we have tried to combat the problem and raise awareness about the prevalence of child exploitation on the internet. Such targeted investigations and prosecutions can help debunk the public misperception that possession of child pornography is a victimless crime. To the contrary, by going after those who possess child pornography, we are able to target the "demand," and thereby reduce the need for the "supply."

In addition to prosecuting child pornography cases, I have also addressed human trafficking from a policy perspective. Massachusetts is fortunate to have a nationally recognized program that assists victims of domestic minor sex trafficking. The My Life, My Choice Project (the "Project") assists these very youth who have been victimized. They intervene with children and offer advocacy and mentoring services to create opportunities and solutions to these victims of exploitation. In addition, they have created a curriculum directed towards the most at risk populations of girls in efforts to prevent future exploitation. Finally, they educate service providers on the specific needs of this population of victims and best practices in engaging them.

My office was proud to partner with this training program in 2008. Specifically, my Victim Services Division, in partnership with the Project, sponsored two statewide trainings which addressed the commercial sexual exploitation of children. Multidisciplinary teams were trained to investigate these cases and respond to the needs of the victims. I am also working on our state's need for a human trafficking law. The increased ability of those who engage in sex trafficking of minors to further their enterprise through the use of the Internet has led me to believe that a human trafficking law at the state level is a necessary public safety tool.

It is because of my commitment to preventing sex trafficking of minors that last month I called upon craigslist to take down the adult services section of their website. Through this section, craigslist continued to facilitate every day prostitution and even human trafficking of children. Craigslist made a significant profit from these postings and for a long time refused to

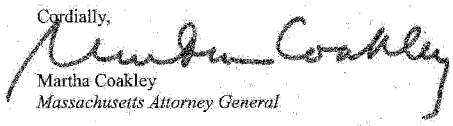
monitor the advertisements posted in this section. I am pleased that craigslist has decided to take down this section of its site for now, but we will continue to monitor the activity.

Even though craigslist chose to voluntarily take down the adult services section of its site, we cannot ignore the fact that other websites exist and will take its place in this illegal marketplace. While the CDA goes a long way toward protecting people—including children—from sexual exploitation, Section 230 of the law provides certain protections for interactive computer service providers that may no longer be warranted. This immunity provision was added to the CDA in order to encourage the continued development of the Internet, and to foster the free marketplace so that Americans could take full advantage of all the Internet has to offer, including cultural, educational and economic benefits.

Now that 15 years has passed since this immunity provision was made law, it is time to re-examine this provision for interactive computer service providers. We have enough experience to review the consequences – intended and unintended – of distinguishing interactive computer service providers from other publishers.

Thank you for attention to this critical matter. I look forward to the testimony presented at this hearing, so that we all can continue to be educated on the best way to address this public safety issue.

Cordially,



Martha Coakley
Massachusetts Attorney General

WOMEN'S
FUNDING
NETWORK
Combating Trafficking
of Girls in the U.S.
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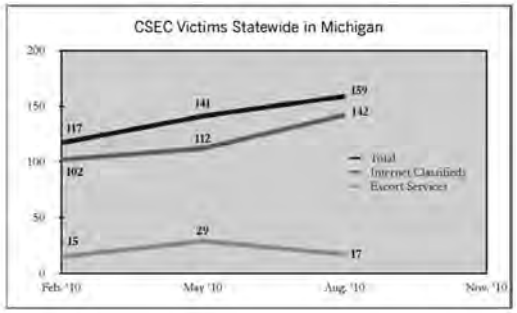
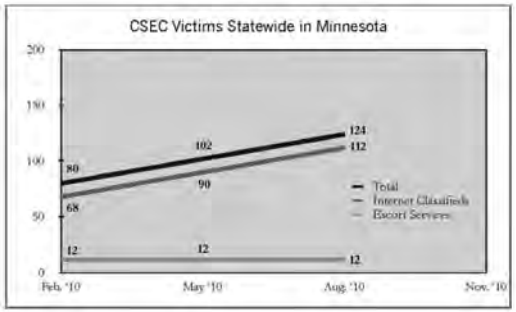
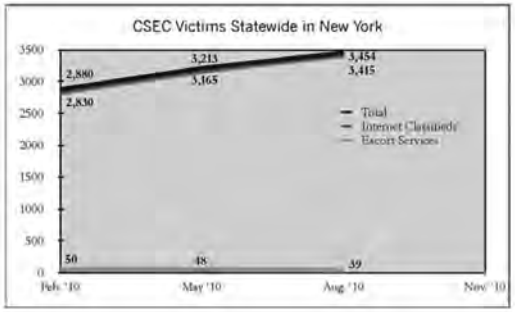
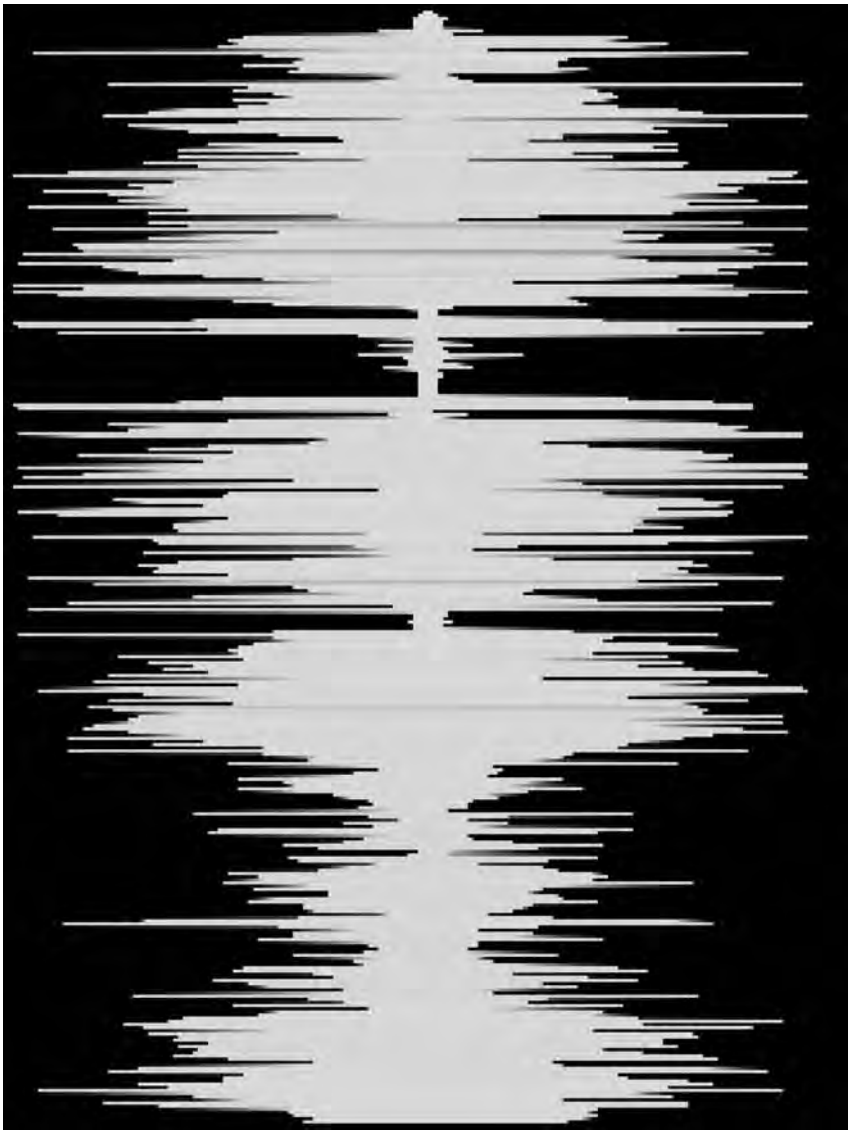
Adolescent Girls in the United States Sex Trade Tracking Study Results for August, 2010





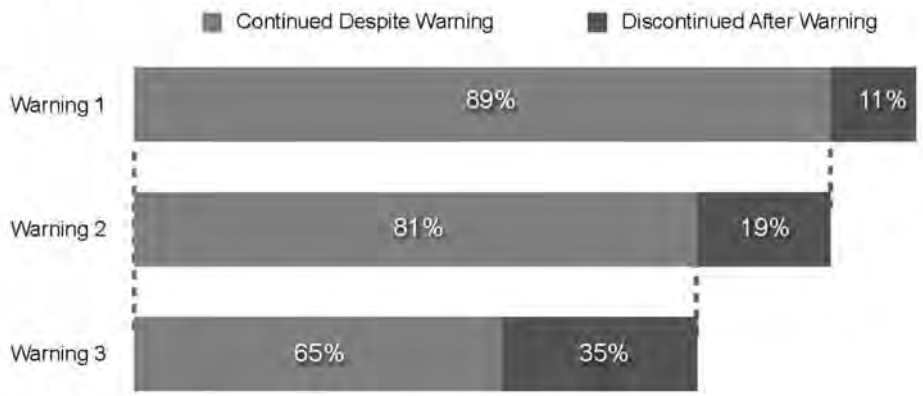


WOMEN'S FUNDING NETWORK



Men Who Buy Sex with Adolescent Girls A Scientific Research Study

Figure 6. Results of the "Escalated Warning" Mini-Experiment



WOMEN'S FUNDING NETWORK

Mobilizing Our Network to End Sex Trafficking of Girls in the U.S.

Women's Funding Network and participating members will invest ***$3 million*** to prevent and address domestic minor sex trafficking in ***10 states*** across the U.S.

Strategies:

1. Replicate Successful Models
2. Fund Research
3. Curb Demand
4. Support Cross-Sector Collaboration

WOMEN'S FUNDING NETWORK

The Path Toward Ending Domestic Minor Sex Trafficking

1. ***Policy Change:*** Pass H.R. 5575, "The Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010"
2. ***Decriminalize Exploited Girls:*** Provide them with care and protection as victims, provide services for their rescue and restoration
3. ***Legislative Response:*** Address immunity claims by websites
4. ***Federal Oversight:*** Provide role for oversight of federal branches responding to the issue
5. ***Increase Funding:*** Provide sufficient resources for survivors and law enforcement to increase training, arrests, and prosecutions
6. ***Raise Public Awareness:*** Create zero tolerance for the buying and selling of young girls for sex

WOMEN'S FUNDING NETWORK

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Media Contact:
Chris Giallanza
404-266-2600
cgiallanza@duffey.com

WOMEN'S FUNDING NETWORK CALLS ON CONGRESS TO JOIN THE FIGHT AGAINST DOMESTIC MINOR SEX TRAFFICKING

Deborah Richardson, WFN chief program officer, recaps efforts and offers effective solutions to House Judiciary Subcommittee on Crime, Terrorism and Homeland Security

WASHINGTON, D.C. (Sept. 15, 2010) – Today, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security hears testimony from Deborah Richardson, chief program officer for Women's Funding Network (WFN), on the issue of "Domestic Minor Sex Trafficking."

Richardson works to protect adolescent girls from the horrors of domestic sex trafficking and has done so for more than a decade.

"I have seen girls as young as 10 handcuffed and hauled off to juvenile detention, while the predators who paid for sex with these young girls went free," says Richardson.

A recent study commissioned by WFN measured the August 2010 supply of adolescent girls being trafficked for sex in Michigan, Minnesota and New York. These numbers, compared to those from February 2010, show an exponential increase in victims trafficked on Internet classifieds in all three states.

- Michigan: 39.2% increase;
- New York: 20.7% increase; and
- Minnesota: 64.7% increase.

A second study commissioned by WFN in partnership with Georgia-based *"A Future. Not A Past."* measured the scope of demand for domestically trafficked adolescent girls in Georgia. According to the study, more than half of the men responding to ads featuring young girls wanted to continue with the transaction despite multiple warnings that the girl they were about to buy was underage. Also of note, ads on craigslist received 3 times as many responses compared to ads placed on Backpage, craigslist's closest competitor.

"The anonymous veil of the Internet makes this crime practically risk free for traffickers and the men who buy sex with innocent girls, says Richardson. "Laws protecting young girls have not kept up with technology."

--MORE--

Congress is key in addressing this issue. WFN and its 165 member groups across 42 states are calling on Congress to help:

– Decriminalize girls who are trafficked, instead provide them with care and protection as victims and services for their rescue and restoration.

--Allocate resources to law enforcement to increase arrests, prosecuting both the traffickers and the predators that put our girls at risk.

-- Pass H.R. 5575, the "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010" that creates critical funding.

– And most importantly, hold websites accountable so they are not immune from local and state law enforcement action for crimes that are intertwined with their online platforms.

In addition to research and expert testimony, Richardson cited numbers from a recent AIM Group study showing projected revenues for dominant Internet classifieds – made in part through domestic minor sex trafficking. According to the study, craigslist's projected 'Adult Services' revenues were $44 million dollars across all of its U.S. markets, prior to removing the section, while Backpage generates approximately $17.5 million dollars annually.

"Together as a nation, that holds the highest value on human rights, we must come together and create no tolerance for buying and selling our children for sex," says Richardson.

About Women's Funding Network

As a global network and a movement for social justice, Women's Funding Network (WFN) accelerates women's leadership and invests in solving critical social problems -- from poverty to global security -- by bringing together the financial power, influence and voices of more than 160 women's funds.

WFN has made a three-year commitment to fund groundbreaking state-by-state research which will be used to identify solutions and turn the spotlight on businesses and criminals fueling demand.

Additionally, WFN has committed $1 million to replicate Georgia's successful *"A Future. Not A Past.,"* model into four other states – Michigan Women's Foundation, Women's Foundation of Minnesota, New York Women's Foundation and Dallas Women's Foundation. Another $2 million will be leveraged to continue this replication in partnership with member groups in six additional states.

Learn more at www.womensfundingnetwork.org.

###

WOMEN'S FUNDING NETWORK

Addressing Sex Trafficking of Underage Girls in the United States: Putting our Collective Investment, Influence and Impact to Work to Protect Girls

Overview

In keeping with the unique values that unite Women's Funding Network members across the globe like funding programs that serve women and girls living at the margins and programs that have been largely ignored by the mainstream philanthropic community, member funds throughout the Network were among the first investors in programs seeking to combat sex trafficking in their communities. As the growing tragedy of girls being trafficked for sex in the U.S. starts to gain broader attention, member funds in the U.S. who have been taking notice and funding related solutions for years, have an opportunity to increase their investment, influence and impact and build on their local leadership in the movement to protect girls from sex trafficking. Women's Funding Network, in partnership with participating U.S.-based members, has made addressing and preventing the sex trafficking of girls in America on of our top domestic priorities. This national initiative is aimed at protecting the human rights of young girls in the U.S. and will not interfere with the fundamental rights of adult women to engage in voluntary sex work with other consenting adults.

Strategies for Action

Over the next three years, Women's Funding Network, with participating U.S.-based member funds, will address and prevent domestic sex trafficking of minors by:

- **Focusing on Girls** –The majority of the 300,000 minors at risk for being sex trafficked in the United States each year are young girls and sex trafficking victims, on average, are first exploited by their trafficker at the age of 13. Women's Funding Network's efforts to combat sex trafficking will strategically promote programs and policies related to this target population..
- **Investing in Research** – Effective problem solving begins with quantifying the scope of an issue in order to develop appropriate and viable solutions. Women's Funding Network is uniquely investing in research to inform public policy and raise public awareness about the societal conditions that feed and enable the supply and demand sides of the issue.
- **Addressing Demand** – Women's Funding Network is committed to curbing demand by turning the spotlight on the criminals and businesses that profit from sex trafficking and understanding how best to address the sex offenders that feed demand for young girls. Research shows that an ad on the Internet referring to 'young girls' or shows the face of a young teen receives a **65%** higher response rate.
- **Raising Public Awareness** – Domestic sex trafficking of minors has been largely invisible and ignored by the funding community, policy makers and the public at large. Through an aggressive public awareness campaign, we will work toward creating zero-tolerance across the country for the sex trafficking of underage girls and increasing public demand for greater support systems for survivors and greater penalties and arrests for the criminals that buy and sell girls for sex
- **Building a United Movement** – Knowing that we all have a role to play in preventing sex trafficking of minors, Women's Funding Network is partnering with member funds across the country to build local and national cross-sector alliances to protect teen girls from traffickers.
- **Driving Public Policy** – Women's Funding Network is becoming a leading national advocate for combating domestic sex trafficking of minors and increasingly looked to as a resource for sparking comprehensive local and national policy change.

Social Change Outcomes

We will work to create the following social change shifts regionally and across the United States:

Shifts in Policy – Increased funding for services to survivors; survivors will not be treated as criminals, but offered services and opportunities for a healthier, safer and more secure future; increased penalties and arrests for those targeting underage girls such as sex offenders and traffickers; enhanced law enforcement training and practices and incentives for businesses to better protect teen girls from being trafficked.

Shifts in Definitions – Young girls who have been sex trafficked are seen as survivors requiring our support and not criminals; the term "child prostitute" is no longer used; and so-called "johns" are viewed as sex offenders.

Shifts in Behavior – Businesses that currently feed demand for commercial sexual services will do more to self-police and protect teen girls being trafficked and there will be zero-tolerance across the United States for buying and selling sex from underage girls.

Shifts in Engagement – Concerned members of the public and participating member funds and their constituents take action on this issue by contributing financially and participating in direct advocacy activities.

WOMEN'S
FUNDING
NETWORK

Deborah J. Richardson

Deborah Richardson has a 30 year track record in advocacy, program development, administration, and fundraising in the non-profit sector. She is currently the Chief Program Officer for the Women's Funding Network. In this role, she is responsible for the implementation of its 10 year strategic plan which includes programming, research, evaluation, communications and project initiatives of this global network of 165 women's funds on 6 continents. Prior to her appointment as Chief Program Officer, Deborah was the CEO of The Atlanta Women's Foundation (AWF). Her previous positions include: Vice President of Programs and Strategic Initiatives of AWF; Director of Program Development for Fulton County Juvenile Court; founding Executive Director of the Juvenile Justice Fund, Managing Director of the National Black Arts Festival and Director of the Phyllis Wheatley YWCA.

Deborah is the recipient of many awards and recognitions. Among them: Liberty Bell Award by the Atlanta Bar Association, Woman of Excellence by Atlanta Business Magazine, Legacy Award by Juvenile Justice Fund and Grassroots Justice Award by the Georgia Justice Center.

Deborah's work and volunteerism are centered on advancing the lives of women and girls through advancing economic self-sufficiency, assuring educational attainment and eliminating gender based violence. As a nationally recognized advocate on ending child sexual exploitation, Deborah has designed model programs such as CEASE (Center to End Adolescence Sexual Exploitation), Angela's House, the only safe house in the Southeast for sexually exploited girls as well as created multi-disciplinary systems of care. She co-authored *Ending Sex Trafficking of Children in Atlanta,* Affilia: Journal of Women and Social Work, spring 2007 (with Dr. Nancy A. Boxill) and contributed to *"A Future. Not A Past." toolkit to end the prostitution of America's children.* She is currently coordinating the Women's Funding Network's replication of *"A Future. Not A Past."* using the WFN's influence, impact and investment of women's funds to end the sexual exploitation of girls.

Declaration Pursuant to 28 U.S.C. §1746

1. I participated in a project to collect information and analyze the use of on-line classified advertisements by men to identify adolescent girls that would participate in commercial sex.

2. In my role I am familiar with the three different phone calls of which certain portions of have been copied (the "audio recording") for use as part of testimony before the United States House of Representatives Judiciary Committee, Subcommittee on Crime, Terrorism and Homeland Security on September 15, 2010.

3. Based on my familiarity with the audio recording, I state the following:

a. I am familiar with the identity of one of the two participants ("female") on each of the calls and I know that the female that was recorded on the audio recording consented to the recording of each call; and

b. I am familiar with the locations from which the male callers made the calls and state that the calls were made from Georgia and Missouri to the state of Georgia. None of the recorded calls were made from or to a state that requires both parties' consent to a recording of the call and understand that federal law (18 U.S.C. §2510 et seq.) only requires one party to consent; and

c. I know that the location of the male caller on the recorded calls and each of them was calling from a state which only requires one of the two participants on the call to consent to its calls.

4. In my role I know the purpose of the audio recording was to collect information for use in public hearings as well as for research purposes including but not limited to an analysis of men seeking to engage in commercial sex with adolescent girls.

I Declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct..

Executed on this 15th day of September, 2010.

Signature of Declarant

KCP-4055072-1

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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, August 2, 2010

Department of Justice Releases First National Strategy for Child Exploitation Prevention and Interdiction

U.S. Marshals Service to Launch Nationwide Operation Targeting Top 500 Most Dangerous, Non-compliant Sex Offenders

WASHINGTON – Attorney General Eric Holder today announced that the Department of Justice released its first-ever National Strategy for Child Exploitation Prevention and Interdiction. The strategy also provides the first-ever comprehensive threat assessment of the dangers facing children from child pornography, online enticement, child sex tourism, commercial sexual exploitation and sexual exploitation in Indian Country, and outlines a blueprint to strengthen the fight against these crimes. The strategy builds upon the department's accomplishments in combating child exploitation by establishing specific, aggressive goals and priorities and increasing cooperation and collaboration at all levels of government and the private sector.

As part of the overall strategy, the U.S. Marshals Service is launching a nationwide operation targeting the top 500 most dangerous, non-compliant sex offenders in the nation. Additionally, the department will create a national database to allow federal, state, tribal, local and international law enforcement partners to deconflict their cases with each other, engage in undercover operations from a portal facilitated or hosted by the database, share information and intelligence and conduct analysis on dangerous offenders and future threats and trends. The department also created 38 additional Assistant U.S. Attorney positions to devote to child exploitation cases, and over the coming months will work to fill the vacancies and train the new assistants in this specialized area.

"Although we've made meaningful progress in protecting children across the country, and although we've brought a record number of offenders to justice in recent years, it is time to renew our commitment to this work. It is time to intensify our efforts," said Attorney General Holder. "This new strategy provides the roadmap necessary to do just that – to streamline our education, prevention and prosecution activities; to improve information sharing and collaboration; and to make the most effective use of limited resources. Together, we are sending an important message – that the U.S. government, and our nation's Department of Justice, has never been more committed to protecting our children and to bringing offenders to justice."

"Thanks to law enforcement operations like Operation Nest Egg and Operation Achilles, the department and our law enforcement partners have brought thousands of offenders to justice in the last year. But this progress is only a start," said Acting Deputy Attorney General Gary G. Grindler. "Tangible steps outlined in the National Strategy will bring our fight to the next level."

The strategy first analyzed the threat to our nation's children and described the current efforts at all levels of the government against this threat. Since FY 2006, the Department of Justice has filed 8,464 Project Safe Childhood (PSC) cases against 8,637 defendants. These cases include prosecutions of online enticement of children to engage in sexual activity, interstate transportation of children to engage in sexual activity, production, distribution and possession of child pornography and other offenses.

Despite vigorously fighting all aspects of child exploitation, the department recognized that more work remains to be done. To that end, the department's strategy lays out goals to increase coordination among the nation's investigators, better train investigators and prosecutors, advance law enforcement's technological capabilities and enhance research to inform decisions on deterrence, incarceration and monitoring. The strategy also includes a renewed commitment to public awareness and community

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DEPARTMENT of JUSTICE
ACTION CENTER

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Apply for a Grant

Submit a Complaint

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Find Sales of Seized Property

Find Help and Information for Crime Victims

Register, Apply for Permits, or Request Records

Identify Our Most Wanted Fugitives

Find a Form

Report and Identify Missing Persons

Contact Us

outreach.

As part of its public outreach efforts, the department is re-launching ProjectSafeChildhood.gov, PSC's public website. PSC is a department initiative launched in 2006 that aims to combat the proliferation of technology-facilitated sexual exploitation crimes against children. Led by U.S. Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section, PSC marshals federal, state, tribal and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims.

For more information regarding the National Strategy to Combat Child Exploitation, Prevention and Interdiction, please visit: www.projectsafechildhood.gov/docs/natstrategyreport.pdf

10-887 Office of Public Affairs

U.S. DEPARTMENT of JUSTICE 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

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Child Sex Trafficking—After the Conviction, What about the Victim?

By Mai Fernandez

Monday, August 16th, 2010 8:53 pm

I recently heard a hopeful story about a distressing subject—child sex trafficking. A teenage girl, a recent immigrant, had suddenly disappeared from the community center she used to visit, and a social worker set out to find out what had happened to her. The social worker found out the girl had been kidnapped and forced into sex trafficking, and was being raped as many as 25 times a day. The community center worked with the U.S. Department of Justice and the U.S. Immigration Customs Enforcement (ICE) to have the traffickers (who included the girl's mother) arrested and prosecuted and the girl placed in foster care.

In this case, law enforcement achieved its goals, and the victim was given a safe place to live and a chance to recover from her ordeal. As a foster care recipient under the jurisdiction of the court, she received a Special Immigrant Juvenile Status (SIJS) visa, which made her a legal resident of this country. She is also receiving the medical and psychological help she needs to survive.

Yet most victims in her situation would not have fared as well. Most foster care programs do not take teenagers or immigrants, especially without legal status, even though entry into foster care may qualify them for SIJS visas. Few victims are rescued through the swift collaboration of a local service provider and several federal law enforcement agencies. And few child sex trafficking victims ever get the help they need to recover from these crimes.

We can take pride in our nation's powerful response to trafficking. The Trafficking Victims Prevention Act of 2000, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and Representative Chris Smith's and Carolyn Maloney's recently introduced bill, Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 (which provides $45 million to rescue and care for minor victims, prosecute perpetrators, and promote educational prevention programs; it would also and require timely and accurate reporting of missing children) show how seriously our legislators take this crime.

But to help victims, we need to do so much more. We need regular, robust collaboration among the U.S. Department of Justice, Homeland Security/ICE, and the U.S. Department of Health and Human Services (HHS), which provides direction to local foster care agencies. We need federal law enforcement to work with local agencies who know the victims and their communities, and we need HHS to take the lead in encouraging foster care agencies to accept more immigrant children and older teens. In short, we need a comprehensive, compassionate response to victims of child sex trafficking—justice requires no less.

Mai Fernandez is the Executive Director of the National Center for Victims of Crime.

Governor's Office for
Children and Families

Fact Sheet

Georgia's Sex Trade Problem

Recently, the FBI named Atlanta as one of the 14 cities in the nation with the highest incidence of children used in prostitution. Each month, more than 400 girls are commercially sexually exploited in Georgia – girls who are 12 and 14 years old on average. A target for exploitation, one out of every three teens will be lured into sexual exploitation within 48 hours of leaving home.

Adolescent Girls in Georgia's Sex Trade

RESEARCH

- 90% of exploited children are under the control of a pimp
- Often, the trafficker or pimp will break the girl's will in order to prepare her for prostitution and separation from her previous life which is accomplished through the use of several methods including physical and sexual violence; manipulation, isolation and coercion and threats, economic dependence, substance use and emotional abuse.
- Children who have been sexually abused are 28 times more likely to be arrested for prostitution at some point in their lives. It has also been found that the majority of girls and adult women who engage in prostitution have a history of sexual abuse in their childhood.
- Studies have found that there is a correlation between sexual and physical violence and negative health behaviors such as substance abuse, risky sexual practices, depression and suicide attempts.

A Statewide System to Protect Georgia's Children

Recognizing this as a serious problem in Georgia, the Governor's Office for Children and Families (GOCF) created *the nation's first statewide response* to help identify a greater number of child sex trafficking victims and address their needs.

Who is a child sex trafficking victim?

A child who has received food, drugs, money or shelter in exchange for sex

January 2010

Governor's Office for
Children and Families

55 Park Place NE
Suite 410
Atlanta, GA 30303
Phone: (404) 656-5600
www.children.ga.gov

Georgia Care Connection Office

The Georgia Care Connection Office (GCCO) takes a child-centered approach and connects teens to essential, long-term services. The office serves an essential role as it offers a single point of contact for anyone who seeks help for a sex-trafficked child. GCCO also provides information and technical assistance in its efforts to support victims, family members, community members, law enforcement, medical personnel, and service providers. For assistance, call 404-602-0068.

Working in partnership with state and national organizations, GCCO proactively tracks both actual and potential sexually exploited children and helps "connects the dots" of the child's actions to identify opportunities for intervention.

Local Community Support

Roughly half of the girls identified as victims of commercial sexual exploitation are not committed to the Department of Juvenile Justice or in DFCS custody; thus do not have a stable funding source to cover the cost of a safe, restorative setting where they can recover from their ordeal. Blended funding is available to help pay for needed therapies, but children in parental custody lack a stable funding source for residential care (room/board and watchful oversight) which is calculated at $5,600 a month per child.

In order to cover the cost of a safe, structured setting, a scholarship fund has been established with Community Foundation for Northeast Georgia to cover the gap for rescued girls who need residential care in a licensed safe house but have no other source of funding. Donations from community partners to this scholarship fund, in addition to funding GOCF has already budgeted, will address the funding gap and allow for all needs of commercially sexually exploited children to be met.

To make a donation, call 770-813-3380 or give online at www.cfneg.org

Collaborative Efforts are Working

As the facilitator of the statewide response, GOCF is excited about the initial results of this initiative; since the inception of the program in July 2009 through December 31, 2009, more than 50 girls and their families statewide have received comprehensive services. Response efforts will continue and Georgia will lead the way in identifying and supporting child sex trafficking victims.

To seek help for a child that may be a victim of commercial sexual exploitation, call: 404-602-0068

GOCF received Temporary Assistance for Needy Families (TANF) funding pursuant to HB 900 and American Recovery and Reinvestment Act (ARRA) funding through Georgia Criminal Justice Coordinating Council (CJCC) to support a statewide response.

ECPAT-USA, Inc.

End Child Prostitution
Child Pornography
and Trafficking of Children
for Sexual Purposes

ECPAT-USA comment on the 2010 U.S. State Department Trafficking in Persons

The 2010 version of the *U.S. State Department Trafficking in Person's* (TIP) report was published last week. This is the annual review by the U.S. government of every country's effort to combat human trafficking, which it has issued since the federal Trafficking Victims Protection Act (TVPA) was made law in 2000. This year, for the first time, the U.S. government includes an assessment of its own efforts, as a response to the frequent criticism it has faced for not evaluating itself by the same standards it uses to measure other countries. In its latest review, the U.S. places itself in Tier 1. Countries ranked in Tier 1 are defined as those whose governments "fully comply with the TVPA's minimum standards for the elimination of trafficking."

In some ways, this is a fair assessment, but for one huge exception: the government's dismal efforts to identify and protect sexually exploited children. Children who are used in the sex industry suffer horrific physical and mental cruelty. Their bodies are bought and sold as if they are nothing more than commodities. Pimps, traffickers, and sex exploiters rule their young worlds. During the period of life when they are developing physically, spiritually and emotionally, at time when they should be offered the opportunity to dream, to learn and to shape their own world, they are instead abandoned to an industry that uses them as nothing more than meat to feed the demand for sex services.

To the extent that a society can measure its level of civility by its willingness and ability to protect children from some of the worst possible abuse, the TIP report offers one opportunity to do so. Yet, this year, when the U.S. government reports on its own efforts, it dispassionately informs us that in 2009 it rescued 306 children from prostitution and offered 50 "letters of eligibility" to international child trafficking victims. (A "letter of eligibility" is the means by which a child trafficked to the U.S. is officially defined as a victim of sex trafficking.) Meanwhile, in 2008, the latest year for which numbers are available, the U.S. reports that 849 children were *arrested* for prostitution and commercialized vice. In effect, the U.S. says that *almost three times as many children were arrested and processed through the criminal justice system, as were offered protection and assistance.* This is probably an undercount since it is likely that many children originally arrested for prostitution were ultimately charged with a lesser offense. And yet, the U.S. government places itself in the top tier of countries in combating human trafficking.

On the plus side, the U.S. government report states that it "funded three demonstration projects to provide comprehensive services to U.S. citizen child victims of labor or sex trafficking, two projects for case management assistance to children found in prostitution, and one training and technical assistance project…." It mentions that all 50 states have laws that make it a crime to sexually exploit children, so law enforcement officials could arrest pimps and

157 Montague Street, Brooklyn, NY 11201 TEL 718-935-9192 FAX 718-935-9173 ecpat@ecpatusa.org www.ecpatusa.org

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traffickers instead of the sexually exploited children, *if they chose to do so*. It convicted 151 traffickers under its federal Innocence Lost Initiative, "a collaboration of federal and state law enforcement authorities and victim assistance providers focused on combating the prostitution of children." This is all good news.

The U.S. government admits that, though there are runaway and homeless youth programs and programs for at-risk youth, "it is not clear to what extent these programs identify and assist child trafficking victims among the children they serve." It is gratifying that the report gives the NGO point of view, despite how mildly it states it, that "these programs and agencies require training to better identify and work with trafficking victims."

Prevention is one of the areas where the U.S. government applauds its own work, although most of the prevention work focuses on labor trafficking. As for reducing the demand for sexual exploitation, there is apparently not much to report. Though the report says, "[s]tate and local jurisdictions engaged in a number of efforts to reduce demand for commercial sex," in fact very little has been done. There are no data and no meaningful attempt to address why certain children are more vulnerable, why there is such significant demand for sexually exploited children or what programs are needed to stop such abuses of children before they occur.

The U.S. government report is critical of other countries' inability to combat child sex tourism, using it throughout the report as one of the benchmarks for assessing countries' tier ranking. As for its own success, the U.S. "made 11 criminal arrests, brought five indictments, and obtained 10 convictions in child sex tourism cases in FY 2009." There is a discernible commitment by the U.S. government to investigate most American child sex tourism cases that come to its attention. But there is virtually no effort by the U.S. government to raise awareness and educate its own population about laws against child sex tourism. There are no public awareness campaigns, and only one large company in the U.S., Carlson Companies, has signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. So when the U.S. government report says that Belize or Barbados, for example, has an emerging child sex tourism problem, it is just as much a problem that can be counted against U.S. efforts as it is against the governments of the destination countries. .

In the whole human trafficking field, reliable statistics are very difficult to come by. But every expert accepts that there are at the very least 100,000 sexually exploited children in the U.S. (and probably many, many more than that) and that Americans represent large percentages of the sex tourists traveling abroad to sexually exploit other country's children. Yet last year we arrested many more children than we helped in the U.S. and we convicted ten sex tourists.

The U.S. has set itself up as a world leader in the fight against human trafficking. To be a true leader it has to act forcefully and methodically to clean up its own house. This is an urgent fight for the lives of children. ECPAT-USA would be so proud if the U.S. government truly picked up the torch of leadership for the protection of every child's right to grow up free from sexual exploitation. While we see some efforts, and some limited successes, the children deserve much, much more.

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Reprinted from The Lancet, V359(9315), Brian M. Willis & Barry S. Levy, "Child prostitution: global health burden, research needs, and interventions": 1417-1422.
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Child prostitution: global health burden, research needs, and interventions

Brian M Willis, Barry S Levy

Child prostitution is a significant global problem that has yet to receive appropriate medical and public health attention. Worldwide, an estimated 1 million children are forced into prostitution every year and the total number of prostituted children could be as high as 10 million. Inadequate data exist on the health problems faced by prostituted children, who are at high risk of infectious disease, pregnancy, mental illness, substance abuse, and violence. Child prostitution, like other forms of child sexual abuse, is not only a cause of death and high morbidity in millions of children, but also a gross violation of their rights and dignity. In this article we estimate morbidity and mortality among prostituted children, and propose research strategies and interventions to mitigate such health consequences. Our estimates underscore the need for health professionals to collaborate with individuals and organisations that provide direct services to prostituted children. Health professionals can help efforts to prevent child prostitution through identifying contributing factors, recording the magnitude and health effects of the problem, and assisting children who have escaped prostitution. They can also help governments, UN agencies, and non-governmental organisations (NGOs) to implement policies, laws, and programmes to prevent child prostitution and mitigate its effects on children's health.

Child prostitution involves offering the sexual services of a child or inducing a child to perform sexual acts for any form of compensation, financial or otherwise. For the purposes of this article, a child is anyone younger than 18 years, as defined by the UN Convention on the Rights of the Child. Child prostitution differs from child sexual abuse, such as incest or molestation, because it involves commercial exploitation. However, it is similar to child sexual abuse in that children cannot consent to being prostituted because, in addition to child prostitution being illegal and a violation of human rights conventions, children do not have the requisite capacity to make such decisions.

Both girls and boys,[1] some as young as 10 years, are prostituted.[2] Most of these children are exploited by local men, although some are also prostituted by paedophiles and foreign tourists. Some of these children may have five to ten clients per day. The number of prostituted children (table 1) is thought to be increasing[3] and could be as high as 10 million.[1] Although these children are found in many settings, including on the street or in brothels, hotels, and bars, locating them can be difficult because they are often hidden and frequently moved.[5] Involvement of organised crime creates additional barriers to locating prostituted children.[5]

Contributing factors

Social, cultural, and economic factors contribute to child prostitution through gender bias, discrimination, poor education, and poverty.[5] For example, in some communities, prostitution is widely accepted, laws against child prostitution are not enforced, or both. In other communities, male clients believe that children are less likely to pass on HIV infection and sexually transmitted diseases (STDs).[5] Children of sex workers are at risk of being prostituted.[6] Homeless, runaway, or abandoned children are frequently pushed into prostitution and actively recruited by pimps and traffickers. Sometimes girls are enticed or kidnapped and then forced into prostitution. In some areas of developing countries, international sex tourism (travel solely for the purpose of having sex) is a significant cause of child prostitution. Finally, in rare cases, families give their children to religious or tribal elders as atonement for adult wrongdoings.[7]

Specific causes of child prostitution might differ between countries and communities. For example, in parts of Nigeria, children fleeing abuse at home are pushed into prostitution,[8] whereas child prostitution in Nepal is attributed to poverty.[9] In the USA, child prostitution is linked with childhood sexual abuse.[10] In some countries, such as Thailand, specific factors contributing to child prostitution differ between regions and often depend on ethnic origin such as being from Bangkok or northern tribal communities.[2]

Country (city)	Estimated numbers of children exploited through prostitution
Bangladesh (Dacca)	10 000
Brazil	100 000-500 000
Cambodia	5950
China	200 000
Colombia (Bogotá)	5000-7000
Dominican Republic	25 500
India	400 000-575 000
Indonesia	42 000
Nepal	28 000-40 000
Netherlands	1000
Pakistan	20 000-40 000
Paraguay	26 000
Philippines	40 000-100 000
Russia	20 000-30 000
Taiwan	40 000-60 000
Thailand	200 000
USA	300 000
Venezuela	40 000
Vietnam	8000-20 000
Zambia	70 000

Source: ECPAT-USA, 1999.

Table 1: **Number of children exploited through prostitution**

Lancet 2002; 359: 1417-22

Centers for Disease Control and Prevention, Atlanta, GA 97201, USA (B M Willis JD); **and Department of Family Medicine and Community Health, Tufts University School of Medicine, Boston, MA, USA** (B S Levy MD)

Correspondence to: Mr Brian M Willis (e-mail: bwillis40@hotmail.com)

Poverty and the profitability of prostitution are the main factors that sustain this industry. The sex industry worldwide generates an estimated US$20 billion or more yearly,[11] of which $5 billion is attributed to child prostitution.[12] Prostituted children are often responsible for providing financial support (income remittances) to their families. Strategies to remove children from prostitution must address this issue, lest the lost income simply results in other children being pushed into sex work. Finally, there are societal costs of child prostitution, including adverse health effects and restriction of education.

Human rights issues

Child prostitution is a gross violation of children's rights and dignity. UNICEF characterises it as "one of the gravest infringements of rights that children can endure."[13] In Asia, an estimated 1 million children in the sex trade are held in conditions that are indistinguishable from slavery.[14]

Children have a right to be protected from prostitution under the UN Convention on the Rights of the Child. The convention was adopted as an international human rights treaty in 1989, and has been ratified by all countries except the USA and Somalia. Governments are obliged to protect children from prostitution under Article 34 of the convention. Under Article 39, governments must take all appropriate measures to promote the recovery and social reintegration of children who have been exploited. In 2000, the UN adopted an optional protocol to the convention that extends the measures governments must take to protect children from prostitution. Child prostitution has also been described as one of the worst forms of child labour. However, since child prostitution is prohibited under the convention it should not be thought of as a form of labour.

Morbidity and mortality

Research

Although most reports on child prostitution acknowledge that it results in many serious health problems, there are very few reliable morbidity and mortality data. Health data for child prostitution are extremely restricted because some studies are not published; published studies are difficult to access and tend to report qualitative, rather than quantitative, health data; and funding for large quantitative studies is difficult to obtain. Information on prostituted children could be derived from the raw data of many studies in sex workers that include children, but the reports of these studies do not usually stratify data by age.

We used the few specific health data on prostituted children[6] and data from studies in sex workers and adolescents to estimate the global morbidity and mortality associated with child prostitution (table 2). We acknowledge that the morbidity and mortality of prostituted children may differ from that of adult prostitutes due to the legal status of prostitution in some countries and the greater potential negotiating power of adults to persuade men to use condoms. In addition, adult sex workers might have more access to health care than children.

	Estimated yearly occurence
Adverse health effects in prostituted children*	
Infectious disease	
STDs	2 000 000
HIV infection	300 000
HPV infection	4 500 000
HBV infection	500 000
Pregnancy	
Maternal deaths	4752
Spontaneous abortions	900 000
Induced abortions	1224 000
Abortion-related complications	367 200
Abortion-related deaths	710
Mental illness	
PTSD	6 700 000
Attempted suicide	1640 000
Substance abuse	
All substances	9 000 000
Violence	
Physical assault	2 500 000
Rape	2 500 000
Murder	6900
Malnutrition	Unable to estimate
Adverse health effects in infants born to prostituted children;	
Infant deaths	190 080
Complication of STDs	237 000
HIV infection	249480
Deaths from HIV infection	54 886
HBV infection	8316

STD=sexually transmitted disease. HPV=human papillomavirus. HBV=hepatitis B virus. PTSD=post-traumatic stress disorder. *Based on an estimated 9 million girls and 1 million boys prostituted per year. †Based on an estimated 2 376 000 infants born to prostituted children per year.

Table 2: Estimated yearly occurrence of adverse health effects of child prostitution

Infectious disease

Prostituted children are at high risk of many infectious diseases and their sequelae. In many locations, prostituted children are at high risk of infection with HIV. For example, in a study by the Economic and Social Commission for Asia and the Pacific (ESCAP)[15] of 176 prostituted children in six countries, HIV infection rates ranged from 5% in Vietnam to 17% in Thailand. According to another report, 50-90% of children rescued from brothels in parts of southeast Asia are infected with HIV.[16] The risk of HIV infection in prostituted children will depend on several factors, including the local prevalence of HIV infection in sex workers, access to condoms, and attitudes of clients towards their use. In some communities, up to 86% of sex workers are infected with HIV.[17] Adolescent girls have a 1% risk of acquiring HIV infection during one act of unprotected sex with an infected partner.[18] In addition, prostituted children who are infected with an STD that causes genital ulcers, such as syphilis or chancroid, have a four times increased risk of HIV infection.[19] Lack of clinical services for children with STDs increases their risk of acquiring HIV since they will be untreated or will self-medicate.[15] Finally, prostituted children who are infected with HIV have a very high risk of developing active tuberculosis.

Prostituted children are at high risk of acquiring STDs other than HIV, transmitting these diseases to their infants and clients, and developing drug-resistant forms of STDs. In prostituted children in the ESCAP study, STD rates were far higher in Cambodia (36%), China (78%), and Thailand (38%)[15] than the 5% yearly incidence of these diseases in adolescents worldwide.

Rates of STDs in adult sex workers are also high in some countries (table 3). As with HIV infection, prostituted

	Gonorrhoea	Chlamydia infection	Trichomoniasis	Syphilis
Philippines	16%	12%	18%	4%
Cote d'Ivoire	29%	5%	25%	25%
Mali	11%	5%	4%	3%
Senegal	25%	13%	46%	29%

Source: Family Health International. STDs: global burden and challenges for control. Research Triangle Park, USA: Family Health International, 1999.

Table 3: Prevalence of sexually transmitted diseases in adult sex workers

children are at higher risk of STDs than adult sex workers in locations where they have less power to negotiate use of condoms by their clients. Without use of condoms, the risk of transmission of STDs is high; during one act of unprotected sex with an infected partner, an adolescent girl has a 30% risk of acquiring genital herpes simplex virus and a 50% risk of acquiring gonorrhoea.[18] A serious long-term health implication of untreated STDs in prostituted female children is pelvic inflammatory disease, which can result in infertility, ectopic pregnancy, chronic pelvic pain, and an increased risk of hysterectomy.

Prostituted children may receive prophylaxis for STDs or may self-medicate, placing them at risk for developing drug-resistant strains of microbes. For example, in brothel-based sex workers in Indonesia, 89% of *Neisseria gonorrhoeae* infections were resistant to penicillin and 98% to tetracycline.[20]

Caring for prostituted children is necessary not only for their health, but also to reduce transmission of STDs within communities. In Japan, 55% of men with chlamydia urethritis and 65% of men with gonorrhoea presenting at an STD clinic had been infected by sex workers.[21] Likewise, sex workers were identified as a key factor in the huge HIV epidemic in Thailand. In addition, the clients of sex workers further the transmission of infections in communities through infecting their partners.

Infection with the hepatitis B virus (HBV), hepatitis C virus (HCV), or both is a serious health risk for prostituted children. For example, in Brazil, 18 (2·7%) of 645 sex workers were infected with HBV and 12 (2·5%) of 464 were infected with HCV.[22] As with STDs, prostituted children can also infect their clients and third-party contacts with HBV and HCV.

Cervical cancer has been causally linked with infection with human papillomavirus. Women's risk of developing cervical cancer is associated with a high number of sexual partners and young age at first intercourse. Prostituted girls, therefore, have an increased risk of cervical cancer; they also have a high risk of being diagnosed at an advanced stage of disease, for which successful treatment is less likely.

As a result of poor living conditions, prostituted children may be at increased risk of other infectious diseases, such as tuberculosis, hepatitis A, skin infections, and parasitic infestations.

Pregnancy

> "Given the identified risks for child bearing at a young maternal age (ie, poor nutrition, substance abuse, and lack of prenatal care), it is difficult to find a risk group to which these young women do not belong".[6]
>
> From a study in pregnant prostituted adolescents in the USA.

Sexually active adolescents who do not use contraception have a 90% chance of becoming pregnant within 1 year. Since many prostituted girls do not have access to contraceptives, many will become pregnant. These girls are also at high risk of pregnancy-related complications, including death. Although there are no specific data on pregnancy-related morbidity and mortality in prostituted children or adult sex workers, maternal morbidity in girls younger than 18 years is two to five times greater than in women aged 18-25 years, and pregnancy-related deaths resulting from obstructed labour, infections, haemorrhage, abortion, and anaemia, are the leading cause of death for girls aged 15-19 years worldwide.

Many prostituted children who become pregnant seek abortions: in the ESCAP study,[15] of 12 girls who became pregnant in Vietnam, eight had abortions. Between 1·0 and 4·4 million abortions are done on adolescents every year, many of which are unsafe. These abortions place prostituted children at high risk of death and injury. Of an estimated 20 million unsafe abortions done every year, 80 000 result in maternal deaths—nearly 13% of all maternal deaths. In addition, between 10% and 50% of all women who undergo unsafe abortions require medical care for complications.

Mental illness

Child prostitution often results in serious long-term psychological harm, including anxiety, depression, and behavioural disorders. For example, in a study in 12 sex workers in Cambodia, all the women and girls had been victimised and felt helpless, damaged, degraded, betrayed, and shamed. Many of the young women reported depression, hopelessness, inability to sleep, nightmares, poor appetite, and a sense of resignation.[23]

Prostituted children are also at high risk of suicide and post-traumatic stress disorder. In the USA, 25 (41%) of 61 pregnant prostituted adolescents reported that they had seriously considered or attempted suicide within the past year.[6] 67% of 475 sex workers in five countries met the diagnostic criteria for post-traumatic stress disorder.[24] Such mental health problems are serious challenges to effective treatment and reintegration of these children into society.

Substance abuse

Based on rates of substance abuse by sex workers of nearly 100% in some locations,[25] a high percentage of prostituted children probably abuse various substances from tobacco and alcohol to inhalants and opiates, incurring health risks such as overdose; permanent kidney, liver, and brain damage; infection with HIV, HBV, HCV, and other bloodborne infections; and cancer.

Violence

Prostituted children are at risk of injuries, including rape, as a result of violence from pimps, clients, police, and intimate partners. Girls who are forced into prostitution may be physically and emotionally abused into submission. Other girls are beaten to induce miscarriages. Results from a study of 475 prostitutes in five countries underscore their risk of violence-related injuries. 73% of participants reported being physically assaulted while working as a sex worker, and 62% reported having been raped since entering prostitution.[24] Children can be killed by such violence. In the USA, 27 sex workers, of whom at least two were children, have been murdered since 1997.[26] In a study based in London, UK, two of 320 sex workers had been murdered, a death rate six times the expected rate for women of similar age who are not sex workers.[27]

Malnutrition

Although malnutrition has been reported in prostituted children, especially those living on the street, no specific data on malnutrition in sex workers were available for estimating its effect. However, considering the poor living conditions of many of these children, they are probably at risk of malnutrition and related disorders.

Health of infants born to prostituted children

Almost no data exist on the health of infants born to prostituted children or adult sex workers. Only one report, from the USA, provides mortality data for infants born to prostituted girls. Four (8%) of 55 infants born during the study died, and 38 (67%) were referred to child protection agencies.[6] The situation is unlikely to be better in other

countries. Interviews by one of the authors (BMW) with adult sex workers and prostituted children in Pakistan and Rwanda revealed that few mothers received prenatal care or had their infants immunised against common infectious diseases. Infants born to prostituted girls are at risk of HIV, HBV, and HCV infections. An estimated 600 000 children worldwide are infected with HIV every year, most through transmission from their mothers. Interventions can reduce the risk of mother-to-child HIV transmission, but there is no prenatal intervention to reduce HCV transmission through the same mechanism. In addition, fetuses or infants may be harmed if the mother is infected with an STD. For example, congenital syphilis is a primary cause of neonatal death and morbidity in some countries.

Needs assessment and research

Comprehensive quantitative studies on child prostitution are urgently needed at community, national, and global levels to assess the magnitude of child prostitution, identify the conditions under which children are forced into prostitution, identify the health problems of these children, and determine the long-term health needs of children who are no longer prostituted. Data from these studies could be used to develop interventions to prevent child prostitution; mitigate the health problems of prostituted children; and develop effective approaches to remove children from prostitution, assist them in their recovery, and reintegrate them into society. Research could also assist in identification and quantification of the health risks incurred by children who are trafficked for prostitution. Finally, we need to understand how to prevent exploitation of children by clients and why some clients target children, despite existing laws.

Since health problems of prostituted children vary within and between countries, community-based needs assessments and research must be the foundation for identification of causes, health problems, and interventions to prevent and mitigate child prostitution. Local issues that should be assessed include the causes of child prostitution; substance abuse; availability and use of condoms and contraceptives; access to pregnancy-related, STD, and other health services; nutrition; violence-related injuries; rape; and mental health. The prevalence of other health problems in the community, such as tuberculosis and malaria, can help determine which screening tests and other health services are provided. A manual to assess these problems is being developed by one of the authors (BMW). Data from community-based studies across a country can be aggregated at a national level. These data can be used to monitor the number of prostituted children, develop national policies and programmes to prevent child prostitution, and permit government agencies and NGOs to monitor the effectiveness of these policies and programmes.

Since data from community and national studies may not be available for some time, global studies of child prostitution are needed as soon as possible to estimate the worldwide number of prostituted children and develop better estimates of morbidity and mortality. Research in prostituted children must follow ethical procedures. In some studies in sex workers, children were included without clarification of whether the study procedure differed for child and adult participants. Researchers must be aware that children are protected from prostitution under the UN convention. Institutional review boards must ensure that all research that includes prostituted children protects them from research risks. If children are included in studies of sex workers, they may require more protection from research risks than other groups of children. In specific studies of prostituted children, researchers should also provide information to the children on health and social services available to them in the community.

Interventions

Preventing child prostitution

Although many individuals and organisations are working to prevent child prostitution, additional interventions are needed to address the health consequences at community, national, and international levels. Many interventions are aimed at addressing the demand for prostituted children, such as the criminalisation of sex tourism. Although many countries have laws to prosecute people who travel overseas for sex with minors, these laws are seldom enforced. More research-based interventions are needed to address the individual, familial, social, and cultural factors that push children into prostitution.

At the community level, health professionals should collaborate with other local individuals and organisations to study the factors that lead to child prostitution and enable appropriate local interventions to be developed and implemented. At the national level, health professionals should assist government agencies and NGOs that advocate for strong policies to prevent child prostitution and for funding for research and services. At the international level, health professionals and organisations should develop and support policies that encourage governments to intensify their efforts to prevent child prostitution. These policies, such as making international loans or foreign aid contingent on progress toward eliminating child prostitution, should be done without creating economic conditions that harm prostituted or other children. As at the national level, health professionals must also be strong advocates for funding for research and services. Projects to prevent child prostitution should be assessed and successful ones should receive better publicity. For example, in 1992, a national campaign to prevent child prostitution was developed in Thailand. The primary strategies of the campaign included providing 9 years of basic education, vocational training as an alternative to school, recreational and social services for children, awareness-raising activities to change attitudes about child prostitution, and a surveillance system to prevent children from being coerced into prostitution. In Thailand it is accepted that the longer a child is in school, the lower his or her risk of entering the sex market. This campaign was successful in helping children stay in school or complete vocational training. Prevention strategies must also include greater efforts to understand why some adults sexually exploit children and identify effective psychological treatment for these individuals.

Mitigating adverse health effects of prostituted children

Health services for child prostitutes have been proposed in the plan of action from the First World Congress on Commercial Sexual Exploitation of Children,[28] and in the model nation plan by End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes (ECPAT).[29] Moreover, under the recently passed optional protocol on child prostitution of the UN Convention on the Rights of the Child, signatory nations are obliged to take measures to assist prostituted children, "including their full social reintegration and their full physical and psychological recovery".[30] One of the few concrete efforts to assist health professionals to provide services to prostituted children is the ESCAP *Course on Psychosocial and Medical Services for Sexually Abused and Sexually Exploited Children and Youth*. Such a course should be developed for every country, on the basis of national

The "PREVENT" strategy to mitigate the health risks of child prostitution

A model strategy that health professionals can implement at the community level:

Psychological counselling: for mental illness, emotional harm, and substance abuse.

Reproductive health services: for information on and access to condoms and contraceptives, for prenatal care, and for access to safe abortions.

Education: on strategies to avoid abuse and violence, on how to prevent intimate partner violence, on how to get clients to use condoms, and on social and vocational programmes to assist prostituted children to move to safer environments.

Vaccinations: hepatitis B immunisation for prostituted children, and routine childhood immunisations for infants born to prostituted children.

Early detection: pap smears for cervical cancer, and screening for HIV, other sexually transmitted diseases, tuberculosis, malaria, and other locally endemic diseases.

Nutrition: to prevent and treat nutritional disorders and promote good nutrition.

Treatment: early and comprehensive treatment of infectious and other diseases in prostituted children, and preventive health services for infants born to prostituted children.

morbidity and mortality data, and national or regional training courses should be available to health professionals. In addition, the courses should teach health professionals how to assess the health of prostituted children in their communities. Until all children can be protected from prostitution, diagnostic, therapeutic, and preventive health services must be available to them. These services should be based on a community assessment of the health problems of prostituted children, and health-care workers must be trained to provide appropriate services to these children (panel).

Rescuing and reintegrating prostituted children

Local, national, and international strategies should be developed and implemented to rescue prostituted children. Once these children have been rescued, they need sustainable medical and psychological support and opportunities for schooling or vocational training. Programmes to rescue children and provide them with sustainable services should be assessed and details of successful programmes should be shared. For example, in Cambodia, 232 children were rescued during police raids of 40 brothels. Most children returned to their villages, but 30 participated in a 1-year programme that provided housing, literacy training, vocational skills, and psychosocial therapy.

A call to action

Children have the right to be protected from prostitution and, if they have been prostituted, to receive necessary health services. These rights will never be fully realised until there is the political will to enforce laws and fund services. Health professionals have critical roles in developing this political will.

A coordinated international campaign is needed to prevent child prostitution, provide services to children who are prostituted until they can be removed from prostitution, and implement effective recovery and reintegration programmes. We propose that health professionals collaborate with NGOs, governments, and UN agencies to establish an International Campaign to Prevent Child Prostitution, akin to the successful International Campaign to Ban Landmines. For this campaign to be successful, it will require global coordination, implementation at national, regional, and community levels, and the leadership of many health professionals. The prostitution of children and the related health consequences have been accepted for too long. The time has come to make them unacceptable.

Contributors

B Willis conceived the article, reviewed literature, wrote the article, and led the article's development. B Levy guided content, reviewed literature, and edited the article.

Conflict of interest statement

None declared.

Acknowledgments

We thank Alan R Hinman for his assistance in the development of this paper. This article was coauthored by B Willis in his private capacity. No official support or endorsement by CDC is intended or should be inferred.

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Congress of the United States
Washington, DC 20515

May 28, 2010

The Honorable John Conyers
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Lamar Smith
Committee on the Judiciary
2142 Rayburn House Office Building
Washington, DC 20515

The Honorable Bobby Scott
Subcommittee on Crime, Terrorism and
Homeland Security
B-370 Rayburn House Office Building
Washington, DC 20515

The Honorable Louie Gohmert
Subcommittee on Crime, Terrorism and
Homeland Security
B-351 Rayburn House Office Building
Washington, DC 20515

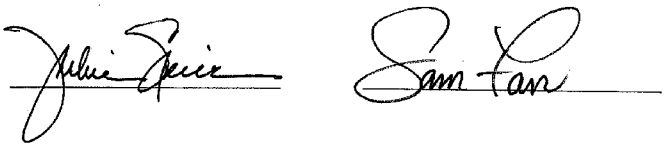
Dear Chairman Conyers, Ranking Member Smith, Chairman Scott, and Ranking Member Gohmert:

We, the undersigned, urge the House Judiciary Committee to hold a hearing and investigation into how websites, such as Craigslist, are being used to facilitate sex trafficking. Human trafficking has become our modern-day slavery and is considered the third-largest and fastest growing criminal industry in the world. We are deeply concerned with this epidemic and the attached ad featured in the May 19th San Francisco Chronicle has reinforced our determination to help the young, innocent victims of these crimes.

National experts estimate that at least 100,000 children are trafficked each year in the United States and the average age of victims is just 12-14 years old. Evidence shows that the Internet has become the tool of choice for these predators. On the 'adult services' website of Craigslist, one must pay only $10 to post a sexually explicit ad that is immediately available to thousands. A recent study revealed that the Internet is now responsible for more than 75 percent of adolescent prostitution. Even more disturbing, a recent pilot study by the Schapiro Group revealed that nearly 50 percent of ad respondents wanted to follow through with the transaction, even after being warned about the girl's age three or more times.

We believe that this issue deserves immediate action, and urge you to hold a hearing as soon as possible that would examine how pervasive this problem is and the steps we can take to reduce or eliminate human trafficking and improve the lives of these innocent victims.

Sincerely,



CA 49

PA-16

Marion Berry

Lois Capps

Barbara Lee

List of Members

Jackie Speier

Sam Farr

Sheila Jackson Lee

Darrell Issa

Joseph Pitts

Jerold Nadler

Marion Berry

Jan Schakowsky

Maxine Waters

Lois Capps

Barbara Lee

Steve Cohen

Dear Craig,

Although we have not met, we are certain you would not want what happened to us or to thousands of girls like us to ever happen again.

Craig, I am AK. In 2009, I met a man twice my age who pretended to be my boyfriend, and my life as an average girl — looking forward to college, doing my chores, and hanging out with my friends — ended. This "boyfriend" soon revealed he was a pimp. He put my picture on Craigslist, and I was sold for sex by the hour at truck stops and cheap motels, 10 hours with 10 different men every night. This became my life.

Men answered the Craigslist advertisements and paid to rape me. The $30,000 he pocketed each month was facilitated by Craigslist 300 times. I personally know over 20 girls who were trafficked through Craigslist. Like me, they were taken from city to city, each time sold on a different Craigslist site — Philadelphia, Dallas, Milwaukee, Washington D.C. My phone would ring, and soon men would line up in the parking lot. One Craigslist caller viciously brutalized me, threatening to dump my body in a river. Miraculously, I survived.

Craig, I am MC. I was first forced into prostitution when I was 11 years old by a 28 year-old man. I am not an exception. The man who trafficked me sold many girls my age, his house was called "Daddy Day Care." All day, me and other girls sat with our laptops, posting pictures and answering ads on Craigslist, he made $1,500 a night selling my body, dragging me to Los Angeles, Houston, Little Rock — and one trip to Las Vegas in the trunk of a car.

I am 17 now, and my childhood memories aren't of my family, going to middle school, or dancing at the prom. They are making my own arrangements on Craigslist to be sold for sex, and answering as many ads as possible for fear of beatings and ice water baths.

Craig, we write this letter so you will know from our personal experiences how Craigslist makes horrific acts like this so easy to carry out, and the men who carry out, and men who arrange them very rich.

Craig, we know you oppose trafficking and exploitation. But right now, Craigslist is the choice of traffickers because it's so well known and there are rarely consequences to using it for these illegal acts. We've heard that the Adult Services section of Craigslist brings in $36 million a year by charging for these ads. These profits are made at the expense of girls like us, who are lured, kidnapped, and forced to feed the increasing demand for child rape. New traffickers are putting up ads every day, because they know it's less risky and more profitable to sell girls on Craigslist than to deal drugs.

Please, Craig, close down the Adult Services section. Saving even one child is worth it. It could have been us.

Sincerely,

AK & MC

Survivors of Craigslist Sex Trafficking

Want to Take Action — Visit www.rebeccaproject.org/site Want to Help Girls — Visit Fairfund.org, or thenationalcrittentonfoundation.org

THE REBECCA PROJECT FOR HUMAN RIGHTS

Health Safety and Dignity for Vulnerable Families

Response to Craigslist Defenses on Sex Trafficking of Children on Craigslist's Adult Services

Issues Presented for Review

Craigslist argues that the company has "defined 'best practices' for the advertising industry."[1]

Noting that "only craigslist, out of countless venues, takes ANY of the following measures, let alone ALL of them:

1. Educating and Encouraging Users to Report Trafficking/Exploitation
2. Prominently Featuring a Directory of Trafficking/Exploitation Resources
3. Providing Specialized Anti-Trafficking Tools for Law Enforcement
4. Providing Support for Law Enforcement Anti-Crime Sweeps and Stings
5. Actively Participating in NCMEC's Cybertipline Program
6. Meeting Regularly with Experts at Nonprofits and in Law Enforcement
7. Manually Reviewing Every Adult Service Ad Submitted
8. Requiring Phone Verification for Every Adult Service Ad
9. Implementing the PICS Content Labeling System"[2]

Argument

The following discussion will show that craigslist has not sufficiently addressed the serious nature and the scale to which domestic sex trafficking of children occurs on their website.

I. CRAIGSLIST MUST STRENGTHEN THE REPORTING FUNCTION IN ORDER TO CREATE AN EFFECTIVE RESPONSE TOWARDS TRAFFICKING/EXPLOITATION

Craigslist claims that the website educates and encourages users to report trafficking/exploitation.[3] However, a review of the ads placed on the adult services section clearly demonstrates that there is

[1] Jim Buckmaster Open Response Letter at http://www.huffingtonpost.com/jim-buckmaster/an-open-invitation-to-rac_b_572084.html
[2] *Id.*

no feature allowing users to report a specific ad of suspected trafficking. Craigslist must implement more comprehensive reporting functions in order to truly combat human trafficking/exploitation of children.

Websites such as Facebook and eBay® include links every website page allowing users to report abuse. On Facebook "you can anonymously report offensive profile pictures and content by clicking on the 'Report/Block this person' link located at the bottom left of the profile page."[4] Users are then asked to "specify the offensive content," and each reported incident is submitted to Facebook, investigated and appropriate action is taken, including permanently banning users found to be in serious violation of Facebook policy.[5] Online marketplace eBay ® also manages violations with a similar reporting feature. The eBay® security features identify three ways in which users can report a listing: from the listing itself, using report item form, and from related policy page.[6] Yet, the eBay® Rules & Policy section indicates that "the easiest way to make a report is directly from the listing" then goes on to detail a step-by-step procedure by which violative items may be reported:

> To report a policy violation from a listing:
>
> 1. Go to the listing for the item you want to report.
> 2. Click the Report item link on the right side of the page under the Other item info section.
> 3. From the drop-down menus, choose the reason for your report.
> 4. Make sure the listing is really violating an eBay policy by reviewing the relevant help page. You can review the page by clicking the link that appears on the report form.
> 5. Click Continue.
> 6. On the next page, fill in any additional information requested and click Send.[7]

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[3] *Id.*
[4] http://www.facebook.com/help/?safety#!/help/?safety=general
[5] http://www.facebook.com/help/?safety#!/help/?safety=general
[6] http://pages.ebay.com/help/policies/questions/how-report-violation.html
[7] http://pages.ebay.com/help/policies/questions/how-report-violation.html

Both Facebook and eBay® utilize similar reporting procedures in order to insure compliance with terms of use. Having the "report item" feature on every Facebook page or under each eBay® item being sold facilitates reporting of improper use and demonstrates a commitment to online safety. Meanwhile, the reporting feature on craigslist can only be found on the homepage of the adult services section where warning & disclaimers are listed. Craigslist requests that users "agree to report suspected exploitation of minors and/or human trafficking to the appropriate authorities," and hyperlinks users to a help page on the exploitation of minors.[8] This help page merely lists national and international organizations working against commercial sexual exploitation of children and local and regional telephone numbers for law enforcement in specific cities and states.[9] Craigslist places the onus on the user to identify and report trafficking to the authorities and claims to have defined "best practices" for their industry. This cannot be the case when so many examples of effective reporting standards exist and are not being utilized by craigslist. Craigslist must strengthen the reporting of suspected trafficking by adding a "report item" button to each and every advertisement and implement a review procedure that screens reported violation in a timely manner so as to report violations to law enforcement officials.

II. CRAIGSLIST MUST INCLUDE A MORE COMPREHENSIVE DIRECTORY OF TRAFFICKING/EXPLOITATION RESOURCES ON THE HOMEPAGE OF THE ADULT SERVICES SECTION

Craigslist claims to prominently feature a directory of trafficking/exploitation resources, however not only is the directory insufficient but it is not prominently featured on the adult services

[8] *See eg* http://washingtondc.craigslist.org/cgi-bin/services.cgi?category=ads; http://www.craigslist.org/about/help/exploitation_of_minors

[9] http://www.craigslist.org/about/help/exploitation_of_minors (listing contact information or websites for Austin, Boston, Chicago, Florida, Los Angeles, Michigan, New York, Portland, San Francisco, Seattle and Southern California – Tijuana, Mexico).

homepage. The homepage for adult services lists five "points" which request users to verify as being true before proceeding onto the listed ads.[10] The directory of trafficking/exploitation is not a prominent feature on the homepage. In fact, in order to find the directory a user must click on the hyperlink to "report suspected exploitation of minors and/or human trafficking" which leads the user away from the adult services page to the craiglist help page on exploitation of minors.[11] Once on this page, the user is presented with two charts, one listing four national and international resources and one listing local and regional resources for ten states.[12] The directory of resources does not include local and regional service providers who are integral in helping victims escape from their traffickers. Moreover, the directory merely lists resources for ten states, whereas craigslist adult services can be found in all 50 states and the older erotic services section is still a prominent feature in the United States territories of Puerto Rico and Guam.[13] Craigslist operates nationally, and as such has a responsibility to combat trafficking nationally as well. Craigslist must include resources for each state on the homepage of the adult services website in order to provide a comprehensive directory of trafficking/exploitation resources.

III. CRAIGSLIST MUST CONTINUE SUPPORTING ANTI-CRIME SWEEPS AND STINGS

[10] http://washingtondc.craigslist.org/cgi-bin/services.cgi?category=ads ("1. I am at least 18 years old. 2. I understand "adult services" may include adult content. 3. I understand that my use of craigslist is governed by the Terms of Use. 4. I agree to report suspected exploitation of minors and/or human trafficking 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.")

[11] http://www.craigslist.org/about/help/exploitation_of_minors (The directory of resources is linked to the pathway of about craigslist → help → exploitation of minors.)

[12] http://www.craigslist.org/about/help/exploitation_of_minors (linking to webpages of National Center for Missing & Exploited Children, Polaris Project's National Human Trafficking Resource Center, Canada's National Child Exploitation Coordination Centre and a Global Hotlines List published by the Department of Justice); Local and Regional Resources, *supra* at note 8.

[13] *See* http://micronesia.craigslist.org/cgi-bin/personals.cgi?category=ers; *see also* http://puertorico.en.craigslist.org/cgi-bin/personals.cgi?category=ers (displaying graphic ads with nudity, blatantly selling sex).

THE REBECCA PROJECT FOR HUMAN RIGHTS

Health Safety and Dignity for Vulnerable Families

Craigslist maintains that they remain supportive of anti-crime sweeps and stings. In light of increased use of the adult services section for commercial sexual exploitation of children, craigslist must not only continue, but also increase support of anti-crime sweeps and stings.

IV. CRAIGSLIST MUST INCREASE PARTICIPATION IN NCMEC CYBERTIPLINE

It is unclear the extent to which craigslist currently participates in the NCEMC Cybertipline. A cursory search on the craigslist website only shows a posting under the help/exploitation of children page featuring a link to NCEMC and posting the national hotline telephone number. The craigslist "cybertipline - report child exploitation" link merely takes the user to NCEMC Cybertipline main page[14] rather than to the actual report form[15] where concerned citizens can report information regarding commercial sexual exploitation of children. This participation in the cybertipline is minimal at best, and must be increased.

V. CRAIGSLIST IS MORE LIKELY TO TAKE LEGAL ACTION AGAINST EXPERTS AND NONPROFITS RATHER THAN MEET REGULARLY FOR DISCUSSION

It must be noted that in the past, craigslist openly communicated with interested stakeholders. In 2008, the directors of craigslist met with several experts, non-profits, NCMEC and 40 Attorney Generals to address the burgeoning sex trafficking issue occurring on the website.[16] The 2008 meeting resulted in what craigslist founder Craig Newmark has described as "close collaboration with law enforcement, to the point where fewer than 1 in 10,000 adult services ads meet criteria for referral to NCMEC." However, two years later, experts have shown that trafficking through

[14] http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=2936
[15] https://secure.missingkids.com/missingkids/servlet/CybertipServlet?LanguageCountry=en_US
[16] http://blog.craigslist.org/2008/11/joint-statement-with-attorneys-general-ncmec/

craigslist is persistent. Yet, the open dialogue between craigslist and non-profits seems to have diminished. On May 11th, CEO Jim Buckmaster dismissed allegations that there was a problem that needed to be addressed in a response to an activist who claimed that craigslist remained a hotbed for trafficking of minors.[17] The directors failed to respond all together to another letter, which was published in the newspaper of the website's hometown, written by two survivors of commercial sexual exploitation who were trafficked on craigslist.[18]

More recently, experts at the Women's Funding Network and AFNAP began to look into the pathways by which adolescents are bought and sold or sex in the United States. What has been titled the Georgia Demand Study alleges that "craigslist overwhelmingly facilitates the encounters" between adolescents and the men who pay to have sex with them.[19] In response to these allegations, craigslist has commenced legal action. It seems that craigslist is not interested in meeting with experts and non-profits but rather shutting down lines of communication and preventing access to valuable information.

VI. CRAIGSLIST MUST ACTIVELY REVIEW EACH ADULT AD FOCUSING ON ADS THAT ARE CONTINUOUSLY REPOSTED

Craigslist founder Craig Newmark has responded to questions regarding the criteria used to determine whether ads are referred to NCMEC or law enforcement by saying "Ads are rejected and reported to NCMEC when our manual reviewers see anything falling within NCMEC Cybertipline

[17] http://blog.craigslist.org/2010/05/an-open-invitation-to-rachel-lloyd/
[18] Craig Please Listen to Us, at http://www.huffingtonpost.com/malika-saada-saar/craig-please-listen-to-us_b_582237.html; *see also* Craigslist ad claims underage sex for sale at http://articles.sfgate.com/2010-05-20/news/20905955_1_craigslist-advanced-interactive-media-group-adult-services
[19] *See* www.afnap.org/research/demand-study/

reporting guidelines." Newmark also notes that while "the number of screeners varies…each and every adult service ad (100%) is manually reviewed for compliance." However, it has been reported that the "Craigslist's manual review of the ads had had a minimal impact."[20] Also, craigslist consistently permits explicit postings with nudity and blatant advertisements for sexual services with girls hiding their faces, a common warning sign of a girl being underage, in the erotic services sections located in the United States territories of Puerto Rico and Guam.[21] Furthermore, survivors of trafficking have clued law enforcement into the process by which pimps force them to be commercially sexually exploited, by "posting-up" to craigslist, which requires the girls to post multiple times a day on the website. Craigslist must review the constant postings to the website and monitor closely when individuals post in high volumes over short periods of time.

VII. CRAIGSLIST SHOULD CLOSELY MONITOR PHONE VERIFICATION AS SEVERAL LISTINGS ARE FOR SINGLE PHONE NUMBERS

Craigslist requires phone verification for every ad placed in the adult services section. However, a closer look at the ads on craigslist reveal that one phone number can be linked to as many as 28 ads

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[20] Brad Stone, *Sex Ads Seen Adding Revenue to Craigslist*, N.Y. Times, April 25, 2010, at http://www.nytimes.com/2010/04/26/technology/26craigslist.html.

[21] http://puertorico.en.craigslist.org/ers/ (displaying nudity on the Jun 13 2010 listing "Papi mi amorr vente que te espero" and displaying blatant advertisement for sexual services with possible underage girl (face hidden) on Jun 14, 2010 listing "LOOKY LOOKY I GOT A COOKIE – AND A NICE RACK:
"Hi im kat. im a 5'7" 36d 26 36- sexy model.
i love my job and love to make people happy. I never say no. and im always raring to go.
i am a high class escort who only provides service to high class men. my rates start at 200.
my photos are absolutely accurate. and i can prove it just ask.
call/ text my new number (text is best)787 235 5980
i am available this evening from 7-230am
i am totally independant
HOTELS ONLY
NO HABLA ESPANOL
ENGLISH ONLY PLEASE
im drippingwithanticipation") (typos in original).

over the course of 8 days.[22] The phone verification system should be used to monitor repeat postings of ads rather than as a passive method by which traffickers can facilitate the commercial sexual exploitation of children.

VIII. PICS IS NOT ENOUGH

Craigslist has implemented the PICS content labeling system to "to assist parents and others who may be interested in content filtering."[23] However, the PICS system was "originally designed to help parents and teachers control what children access on the Internet."[24] The PICS principles include:

> Self-rating: enable content providers to voluntarily label the content they create and distribute.
> Third-party rating: enable multiple, independent labeling services to associate additional labels with content created and distributed by others. Services may devise their own labeling systems, and the same content may receive different labels from different services.
> Ease-of-use: enable parents and teachers to use ratings and labels from a diversity of sources to control the information that children under their supervision receive.[25]

Furthermore PICS hopes to "give users maximum control over the content they receive without requiring new restrictions on content providers."[26] While PICS is a valuable resource to parents and teachers in keeping children safe from sensitive online content, craigslist is once again shifting responsibility to the users of the service. The issue at hand is not filtering sensitive content so as to prevent users from being offended but rather removing the platform by which children are commercially sexually exploited in this country. Claiming that PICS is helping in the fight against domestic sex trafficking of children is invalid. PICS is merely "provides a labeling infrastructure for

[22] Searching listings for telephone number "707_205*9939" which resulted in 28 matches from Jun 8, 2010 to Jun 15, 2010 under listing title "*VISITING* | PRETTY | * | HOT | *& * | TEMPTING | - w4m" and "*SWEET* ____*= | *===*S__T__U__N__N__I__N__G*===* | =*____ *BEAUTY - w4m"

[23] http://newyork.craigslist.org/cgi-bin/services.cgi?category=ads

[24] http://www.w3.org/PICS/

[25] http://www.w3.org/PICS/principles.html

[26] http://www.w3.org/PICS/principles.html

THE REBECCA PROJECT FOR HUMAN RIGHTS

Health Safety and Dignity for Vulnerable Families

the Internet"[27] whereas craigslist has profited from the adult services section, a platform and venture through which children are bought and sold with impunity. Craigslist must take accountability and actively monitor the use of the website to ensure that trafficking does not occur.

[27] http://www.w3.org/PICS/iacwcv2.htm

2029 P Street, NW, Suite 301, Washington, DC 20036 • tel: 202.265.3911 • fax: 202.265.3909 • www.rebeccaproject.org

FROM THE COVER

Lots of ideas to make money for S.F. parks

Rec and Park from page A1

general manager of the Recreation and Park Department. "If a particular concept isn't well received, we can try something else."

Some plans to balance the $117 million annual operating budget have been embraced, such having a park concessionaire pay rent for a bike sharing program, tripling the number of summer camp programs, and selling food and beverages in podcasts in parks and plazas.

Some ideas don't fly

Yet other ideas are being mooted and others appointed on arrival.

Mayor Gavin Newsom has directed park staff to abandon plans to place parking meters in Golden Gate Park, saying they would be aesthetically offensive and would unnecessarily add to the hassle of city living.

Other controversial ideas include setting up an ice-skating rink in historic Civic Center Plaza, charging out-of-towners an entry fee at the Botanical Garden and launching a bazaar-like market selling local products in Justin Herman Plaza. That idea is opposed by owners of neighboring Embarcadero Center, who are concerned about safety, cleanup and competition.

Another idea facing resistance is a proposal to upgrade the snack bar at the Stow Lake boathouse in Golden Gate Park, which could lead to the ouster of the longtime operator whose sale of candied pink popcorn is a San Francisco tradition.

Some neighbors also balked at turning Ferry Park into a theatrical venue, where a production of "Peter Pan" is now running — and paying $135,000 in rent, plus a portion of ticket sales.

U.S. gold medalist speed skater Shani Davis (left) takes a leap as Canadian ski cross racer Ashleigh McIvor watches on the zipline at Justin Herman Plaza, a venture that made $100,000.

Mark Buell, president of the Recreation and Park Commission, said the choice came down to looking for creative ideas to make more money or allowing the park and recreation system to erode.

"You may not notice the changes right away," Buell said. "But change will be subtle day to day and more dramatic year to year."

Park officials say their plan is not just about making money but also about reinvigorating San Francisco's parks and plazas.

The city already has had success with the temporary installation of a zip line in Justin Herman Plaza last month, which brought in $100,000.

Still up in the air is a proposal to charge tourists to more to ride the Coit Tower elevator, which the Board of Supervisors' budget committee will take up today. The charge for residents — $5 for adults — would not change.

> **"They have no idea on the impact this would have on people with limited income."**
>
> *Nancy McNally, opposes plan to charge admission to Botanical Garden*

Cashing in on parking

Ginsburg said the department is still on track to meet next year's revenue targets.

And Newsom said he is confident that sufficient money will be available to avoid planting parking meters in Golden Gate Park.

The Recreation and Park Department, at the urging of the Board of Supervisors during last year's budget battles, has been studying installing 98 pay stations to cover 1,600 spaces from Stanyan Street to Stow Lake on the park's east end, where motorists now park for free.

The estimated cost to install the multispace meters, stripe the spaces and put up signs would cost $1.3 million. Estimated revenue would be $750,000 the first year and $1.8 million annually in subsequent years.

"You'd have to put dozens and dozens of these unsightly pay boxes in the park ... and the idea of families visiting the park and getting tickets in this economic environment is not one I can support," Newsom said. "We can avoid it."

An additional 400 metered spaces have been eyed for Lincoln Park and 760 for the Marina Yacht Harbor. Newsom said he hasn't ruled out the Lincoln Park meters, which would be installed into the Legion of Honor, at an estimated cost of $600,000. They would net about $725,000 a year, park officials say.

Supervisors could resurrect the meter plan during budget deliberations this summer.

New fees considered

Also undecided is the proposal to force people living outside the city to pay an entrance fee when visiting the Botanical Garden, an idea supervisors rejected after strong objection last year, but will consider again today. Opponents decry the notion of charging anyone admission to public parks. They also fear that the fee could be extended to San Francisco residents.

The regular adult admission fee would rise $2, with discounts given to seniors and youth. There would be a $15 admission cap for families. The change would net an estimated $500,000 a year.

"They have no idea on the impact this would have on people with limited income," said Nancy McNally, an opponent of the plan. The Botanical Garden, she said, is a special place and welcome respite from commercialization of the park.

But backers said there is nothing unusual about public botanical gardens charging admission to help defray the costs of providing educational programs and intensive upkeep of the specialized collections of plants.

"The Botanical Garden is not like the rest of the parks. Its purpose is much different, and it costs money to maintain its mission," said Dennis Wentler, a frequent visitor who supports the entrance fee proposal.

E-mail Rachel Gordon at rgordon@sfchronicle.com

PAID ADVERTISEMENT

Dear Craig,

Although we have not met, we are certain you would not want what happened to us or to thousands of girls like us to ever happen again.

Craig, I am AK. In 2009, I met a man twice my age who pretended to be my boyfriend, and my life as an average girl — looking forward to college, doing my chores, and hanging out with my friends — ended. This "boyfriend" soon revealed he was a pimp. He put my picture on Craigslist, and I was sold for sex by the hour at truck stops and cheap motels. 10 hours with 10 different men every night. This became my life.

Men answered the Craigslist advertisements and paid to rape me. The $30,000 he pocketed each month was facilitated by Craigslist 300 times. I personally know over 20 girls who were trafficked through Craigslist. Like me, they were taken from city to city, each time sold on a different Craigslist site — Philadelphia, Dallas, Milwaukee, Washington D.C. My phone would ring, and soon men would line up in the parking lot. One Craigslist caller viciously brutalized me, threatening to dump my body in a river. Miraculously, I survived.

Craig, I am MC. I was first forced into prostitution when I was 11 years old by a 28 year-old man. I am not an exception. The man who trafficked me sold many girls my age, his house was called "Daddy Day Care." All day, me and other girls sat with our laptops, posting pictures and answering ads on Craigslist, he made $1,500 a night selling my body, dragging me to Los Angeles, Houston, Little Rock — and one trip to Las Vegas in the trunk of a car.

I am 17 now, and my childhood memories aren't of my family, going to middle school, or dancing at the prom. They are making my own arrangements on Craigslist to be sold for sex, and answering as many ads as possible for fear of beatings and ice water baths.

Craig, we write this letter so you will know from our personal experiences how Craigslist makes horrific acts like this so easy to carry out, and the men who carry out, and men who arrange them very rich.

Craig, we know you oppose trafficking and exploitation. But right now, Craigslist is the choice of traffickers because it's so well known and there are rarely consequences to using it for these illegal acts. We've heard that the Adult Services section of Craigslist brings in $36 million a year by charging for these ads. These profits are made at the expense of girls like us, who are lured, kidnapped, and forced to feed the increasing demand for child rape. New traffickers are putting up ads every day, because they know it's less risky and more profitable to sell girls on Craigslist than to deal drugs.

Please, Craig, close down the Adult Services section. Saving even one child is worth it. It could have been us.

Sincerely,

AK & MC

Survivors of Craigslist Sex Trafficking

Want to Take Action — Visit www.rebeccaproject.org/site Want to Help Girls — Visit FairfundLorg, or thenationalcrittentonfoundation.org

Paid Advertisement by The Rebecca Project For Human Rights

Men Who Buy Sex with Adolescent Girls: A Scientific Research Study

Executive Summary

- This report details a first-of-its-kind study to quantify, describe, and understand demand for CSEC in Georgia. It paints a clear picture of the adult men who exploit adolescent females by paying for sex with them. The study involved an innovative survey methodology that yielded 218 completed useable surveys over a 2-month period in fall 2009.

- Almost half these men are the age 30-39, with the next largest group being men under age 30. The mean age is 33 and the median 31. The youngest survey participant was 18, and the oldest was 67.

- The data clearly debunk the myth that CSEC is a problem relegated to the urban core. Men who respond to advertisements for sex with young females come from all over metro Atlanta, the geographic market where the advertisements in this study were targeted.

- Not only are 65% of men who buy sex with young females doing so in and around suburban metro Atlanta, but 9% of men who buy sex with young females in metro Atlanta gave their location as near the airport. This finding is consistent with advocates' claims that travel and tourism play a major role in sustaining CSEC.

- The numbers are staggering — 12,400 men each month in Georgia pay for sex with a young female, 7,200 of whom end up exploiting an adolescent female.

- Craigslist is by far the most efficient medium for advertising sex with young females; ads on this site received 3 times as many responses compared to identical ads placed on other sites. (*See Appendix*)

- These men account for 8,700 paid sex acts with adolescent females each month, which means that each adolescent female is exploited an average of 3 times per day.

- Over 700,000 men have bought sex with females in Georgia, including both "young" and "not young" females. With approximately 3 million adult men in Georgia, this study finds that 23% have purchased sex with females, and 20,700 men do so in any given month.

- While many of the men who exploit these children are not seeking adolescent females per se, the study also shows that just under half are willing to pay for sex with a young female even when they know for sure she is an adolescent.

- Local, state, and national lawmakers need to be made aware of the magnitude of the demand for CSEC, as well as the nature of the demand. Advocates need to debunk the myth that CSEC is perpetrated by a small number of "sexual predators."

Table of Contents

Introduction and Methodology 3
- Background
- Study Goals and Methodology

Results 6
- Who Responds to Advertisements for Sex with Young Females?
- How Men Buy Sex with Adolescent Females
- Implications for Demand-Side Interventions

Conclusions and Recommendations 13

Appendix 14

The Schapiro Group, Inc.
127 Peachtree Street, NE – Suite 1540 • Atlanta, GA 30303
404-584-5215 • 404-581-0058 fax

schapirogroup.com

Introduction and Methodology

A movement is afoot in Georgia and across the nation to stop the commercial sexual exploitation of children (CSEC). In recent years this effort has been a data-driven one in Georgia, with advocates developing strategies based on scientific data on the number of adolescent females statewide who are commercially sexually exploited each month.[1] These data — which recently showed that over 400 adolescent girls are prostituted each month in Georgia — are important for tracking CSEC victims trends.

However, the data stop short of describing or otherwise assessing the men who exploit children by paying for sex with adolescent girls. This study, which involved collecting and analyzing scientific data on men who buy sex with adolescent females, fills an important void for advocates who seek to end CSEC.

Background

It is understood by advocates who work to combat CSEC in Georgia that *because* this form of sexual exploitation is commercial, it is sustained through the economic law of supply and demand. We already have scientific data on the adolescent girls who are the "supply" in this criminal marketplace (CSEC victims), but before now were lacking data on the the "demand" side of the equation — the men who buy sex with with adolescent females.

Having data on men who commercially sexually exploit female children is vitally important to stopping CSEC. Economics tells us that the elimination of demand will prevent the production of supply; yet, the elimination of *supply* will do nothing to prevent *demand*. Therefore, in order to stop CSEC in Georgia and elsewhere, advocates need to be able to develop effective demand-side strategies. In order to do this, they need reliable scientific data on the men who comprise the demand side of the economic equation.

In 2008, the Chicago Alliance Against Sexual Exploitation published a first-of-its-kind research study on men who purchase sex.[2] This scientific study involved in-depth interviews with 113 men who purchase sex, and looked at factors that possibly contribute to men deciding to buy sex. While this study is incredibly helpful at beginning to understand why men buy sex — and in fact was vitally important in informing the current study, it falls short of accomplishing CSEC advocates' goals for a couple of key reasons:

1. The men who participated in the study did so knowingly, and therefore would be extremely unlikely to divulge any information about buying sex from children.

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[1] Source: The Georgia Governor's Office for Children and Families

[2] Durchslag, R. & Goswami, S. (2008). *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex.* Chicago Alliance Against Sexual Exploitation.

2. The study looked primarily at psychological and life history determinants of the decision to purchase sex as an adult. While this is valuable to examine, searching for individual "abnormalities" will always lead CSEC advocates astray; CSEC can only exist as a commercial enterprise if it is a *sadly normal* practice in our society. The same can be said of prostitution broadly, and the results of the Chicago study bear this truth out. Men who purchase sex tend to come from normal backgrounds and seem no more likely to suffer from apparent pathologies than the rest of the adult male population. There simply appears to be no magic bullet in determining what individual qualities and experiences lead a man to purchase sex. Prostitution is a societal problem, not an individual problem.

Study Goals and Methodology

With the Chicago demand study in-hand, we set out to conduct a new study of men who buy sex that accomplishes the following objectives:

1. Collects data among men who *are not aware* that they are being researched
2. Collects data from men who are purchasing sex with adolescent females[3]
3. Elucidates how men who are seeking to buy sex end up exploiting adolescent females
4. Assesses strategic approaches to preventing CSEC specifically

We accomplished these objectives through an innovative survey methodology that yielded 218 completed useable surveys over a 2-month period in fall 2009. While most survey methodologies involve the surveyor selecting and contacting prospective interviewees, we felt that any methodology using this basic approach would be flawed because the participant would always know — or at least suspect — he is being surveyed.[4]

Instead, we decided to develop a methodological approach where participants would voluntarily contact us *without suspecting that they are participating in a research study*. To do this, we placed advertisements on Craigslist.com, Backpage.com, and other Internet sites commonly used for advertising paid sex services. Our advertisements mimicked other ads on these sites; the text content crudely described paid sex services with a young female for anyone who called the advertised phone number. In addition, we included a picture of a young female in the advertisement — just as nearly all other internet advertisements do.

Why "young" instead of underage? Any advertisement that explicitly mentions paid sex with an adolescent is removed by these internet sites instantly and/or automatically. Advertisements

[3] While adolescent males are also victims of commercial sexual exploitation, we focused solely on men who buy sex from adolescent females. All indications are that adolescent females are far more likely to be victimized this way than adolescent males.

[4] The major downside to relying on survey participants to contact us instead of the other way around is that we have less control over the representativeness of the resulting sample. While we acknowledge that this methodology is imperfect, it is nevertheless a major step forward in researching a population that defies conventional research methodologies. Furthermore, the characteristics of the resulting sample show good diversity by age, geographic location, experience with purchasing sex, sex purchase preferences, and others.

featuring adolescents are rarely labeled in text as such. Instead, advertisement creators rely on pictures of the females and young text descriptors to convey her approximate age to prospective customers. We used these same techniques in our advertisements, consistent with the age-rating methodology used in the ongoing tracking study to monitor female CSEC victims in Georgia.[5]

At the same time, we had highly-trained professional interviewers answering the multiple phone lines associated with these advertisements, so that when someone responded to the advertisement he would be "interviewed" at that time. These are not traditional, in-depth interviews, however. Instead, we developed a simple set of interview guidelines that allowed us to collect key pieces of data from each participant as he discussed with us what sex services he was looking to purchase. We collected information that was usual and ordinary during the course of a discussion to buy sex; anything else might have tipped off participants. Our interviewer posed as an "operator"; a person who brokers the purchase of multiple females.

This is a common situation for men who buy sex from females pictured on the internet. Very often the phone is answered by an operator who can either connect the customer with the female pictured in the advertisement, or with a variety of other females as well. The job of the operator is to figure out what the customer wants, and which female is available in the area who closely matches his preferences. This is exactly what our operator interviewers did. Except, when it came time to connect the customer with a specific female, our operator informed the customer that "after checking, the female she thought was available for him was not available after all." This allowed us to terminate each interview without further action or consequence to us or the participant.

Each interview was coded for analysis, and no information about the participant's name, phone number, or other personally-identifying information was used in the data analysis. The following section of the report details the information we collected, as well as the implications of this information for strategically addressing the demand side of CSEC.

[5] Source: The Georgia Governor's Office for Children and Families

Results

This section of the report contains the results of the scientific survey of 218 men who buy sex with young females in Georgia.[6] This sample size allows us to look closely at a variety of respondent subgroups, as well as to look for relationships among variables in the study. The large sample size alone is a dramatic improvement over many related research studies.

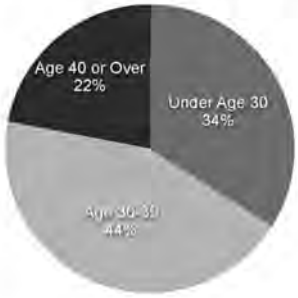
The topics covered during respondent interviews are grouped into the three subsections that follow. The first, "Who Responds to Advertisements for Sex with Young Females?", reports descriptive information about the men who participated in the study, as well as statistical extrapolations for men statewide. The next subsection is "How Men Buy Sex with Adolescent Females," and details *how* and *how many* men purchase sex with females under age 18. The final subsection is "Implications for Demand-Side Interventions," which empirically assesses CSEC prevention strategies.

Who Responds to Advertisements for Sex with Young Females?

An important consideration in evaluating these survey data is the larger population represented by the study sample. The sample is of men who responded to advertisements for *young* females, not females of older adult ages.

Figure 1 shows the age distribution of men who responded to advertisements for sex with young females. Almost half these men are the age 30-39, with the next largest group being men under age 30. The mean age is 33 and the median 31. The youngest survey participant was 18, and the oldest was 67.

Figure 1. Ages of Men Who Respond to Advertisements for Sex with Young Females



Men who respond to advertisements for sex with young females come from all over metro Atlanta, the geographic market where the advertisements were targeted. The data clearly debunk the myth that CSEC is a problem relegated to the urban core. In metro Atlanta, a handy way to denote the area's urban core is *inside the perimeter* (ITP). "The perimeter" refers to I-285, a freeway that encapsulates the metro area's dense urban development, including the City of Atlanta. On the other hand, *outside the perimeter* (OTP) refers to suburban areas in metro Atlanta surrounding the urban core.

[6] Because the sampling procedure used in this study is neither traditional nor purely random in nature, it defies traditional measures of sampling adequacy. For example, since respondents contacted us rather than the other way around, there is no response rate statistic to compute. And, while it is not technically advisable to use a margin of sampling error statistic in describing nonrandom samples, it is not unheard of to do so. Computed for this study, the margin of sampling error is ±5%.

Figure 2. Geographic Locations of Men Who Respond to Advertisements for Sex with Young Females

Figure 3. Incall/Outcall Preferences of Men Who Respond to Advertisements for Sex with Young Females

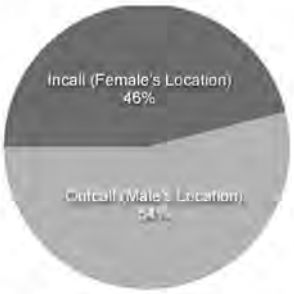


Figure 2 shows that not only are 65% of men who buy sex with young females doing so in and around suburban metro Atlanta, but 9% of men who buy sex with young females in urban Atlanta gave their location as near the airport. This finding is consistent with advocates' claims travel and tourism play an important role in sustaining CSEC[7].

Figure 3 indicates that about half of men who purchase sex with young females prefer "incall" service (at the female's location) over "outcall" (at the purchaser's location), though there are no clear patterns in the data to figure out why men might choose one over the other.

While this descriptive information is helpful in yet again showing that that men who purchase sex come from all parts of the metro area and represent all ages, it does not tell us how many men overall are involved in purchasing sex with females in Georgia. This study does, however, give us one crucial data point for making these calculations reliably; namely, it tells us the average response rate to advertisements for sex with young females in Georgia.

The process of using these survey data to calculate how many men in Georgia purchase sex with females is analogous to calculating how many people live in a neighborhood by looking at a picture of the neighborhood park on a sunny weekend afternoon. We can count how many people are at the park on that day by carefully examining the photo, but this count will fall far short of the total number of people who live in the neighborhood.

[7] There is still much to learn about how this issue affects CSEC rates in Georgia, and this study is not designed to assess the impact of travel in great depth. While this 9% *could* have an impact a minimal impact on our overall calculations presented later in this subsection, we do not have enough information to determine this for sure. For this study, we operate under the assumption that Georgia men are just as likely as men from other state to pay for sex when they travel.

However, if we knew the probability that any one individual in the neighborhood was present at the park on that particular afternoon, the probability that any individual in our picture of the park lives in the neighborhood, and the probability that a person at the park made it into our picture, then we could rather easily and reliably calculate how many people live in the neighborhood. Basically, we need to know — not guess — the odds that we took the picture of someone in the neighborhood.

The same logic holds true in this study. By factoring in the following probabilistic information, we are able to arrive at a series of reliable calculations about the full population of men who purchase sex with females across Georgia:

- The average number of unique advertisements for females posted on Internet sites where we posted our advertisements.[8]
- The average percentage of these advertisements that are for sex with young females.[9]
- The probability that a young female advertised on these different Internet sites is actually under the age of 18.[10]
- The percentage of men who purchase sex overall who do so through advertisements on Internet websites such as Craigslist.[11]
- The frequency with which men who purchase sex engage in this activity. This information is highly valuable, as it represents the chance that any man who purchases sex would end up in our study's sample.[12]
- The odds that a man who purchases sex will respond to an advertisement with a young female over an otherwise identical advertisement that did *not* describe the female as young.[13]
- By combining these data arithmetically, we arrive at the following computations:
- 12,400 men buy sex with **young** females in a given month in Georgia; over 27,000 men buy sex with **young** females in Georgia *multiple times per year.*

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[8] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

[9] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

[10] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

[11] In *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex*, the study found that 34% of men who purchase sex primarily do so through Internet sites such as Craigslist.

[12] In *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex*, the study found that 7% of men who purchase sex do so several times per week, 5% once per week, 21% several times per month, 20% monthly, 5% every couple of years, 27% a couple of times per year, and 12% once or twice in a lifetime.

[13] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

- Over 400,000 men in Georgia today have bought sex with a **young** female. Here it is important to remember that a large percentage of men who purchase sex do so once or twice throughout their entire adulthood. Consistent with this notion, of the men who participated in our study who discussed their history purchasing sex, 60% said it was their first time doing so.

- Over 700,000 men in Georgia today have bought sex with females, including both "young" and "not young" females. With approximately 3 million adult men in Georgia, this study finds that 23% have purchased sex with females,[14] and 20,700 men do so in any given month.

- 7,200 men will buy sex with an **adolescent female** in a given month in Georgia; 35% of men who buy sex overall in a month.

- These 7,200 men will account for 8,700 paid sex acts with **adolescent females** each month in Georgia, with an average of 300 acts per day.

- With trend data clearly establishing an average of 100 **adolescent females** commercially sexually exploited on a typical night in Georgia[15], we now know that each **adolescent female** affected by CSEC is sexually exploited by an adult male 3 times per night, on average.

How Men Buy Sex with Adolescent Females

While it is valuable to know *how many* men are responsible for sustaining CSEC in Georgia, we still need to know more clearly *how* men perpetuate this form of exploitation on such a large scale. For many, CSEC is an unfathomable problem because they cannot see why any adult would choose to pay for sex with a child, let alone 7,200 men each month. We find that the answer to this question is quite simple: most men who commercially sexually exploit adolescent females *either don't know or are willing to ignore the possibility that they are having sex with an adolescent female.*

This is a departure from the "sexual predator" theory of CSEC, which says that the practice is perpetuated by men who seek out sex with children knowingly and willingly. After all, how can an adult male have sex with a female and not know she is an adolescent?

Georgia's CSEC tracking study[16] shows just how easy it is for *men and women alike* to mistake the age of a provocatively-posed female. This study shows that, statistically speaking, adolescent females tend to look 6-8 years older than they actually are when dressed provocatively. Considering these findings, it is easier to see how so many adolescent females can be commercially sexually exploited without raising red flags due to their perceived age.

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[14] This percentage is slightly higher than the most recent national survey asking men to self-report whether or not they have paid for sex with a female. In this 2004 survey, 15% of men overall reported having ever paid for sex with a female. However, the self-reported nature of the survey raises questions about respondents' honesty: In this same survey, only 34% of men reported having ever visited a "sex website." http://abcnews.go.com/Primetime/News/story?id=156921

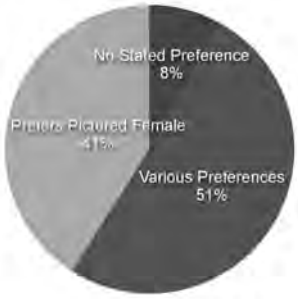
[15] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

[16] Source: The Georgia Governor's Office for Children and Families

If this is true, then we would expect to find in the current study that men who purchase sex with young females would very rarely ask for adolescent females specifically and directly, but would instead put themselves in such a position that they are highly likely to pay for sex with an adolescent female. Under this "willful ignorance" theory of CSEC, men most often are *not* trying to pay for sex with an adolescent female per se, but rather a female of any *real* age whose *perceived* age is in her very early 20s. According to this theory, perceived age is more important than real age; the men only care that the female is "young," and are willfully ignorant of the significant likelihood that a female who looks so young is an adolescent.

The following results help us understand how men come to purchase sex with young females. Figure 4 shows that almost all men who respond to advertisements for sex with young females are willing to discuss at least some form of preference for the type of female with whom he would like to have sex. For slightly less than half of these men, this preference is for the young female pictured in the advertisement.

Figure 4. Preferences of Men Who Respond to Advertisements for Sex with Young Females



One of the most common preferences men cited for the female is her age. Figure 5 shows how the men who participated in the study referenced age in describing their preferred female.

Of these men who responded to advertisements for sex with young females (who represent 67% of all men who purchase sex[17]), over half shared *age* preferences for the female whose sex services he wished to buy. Only 6% of these men shared a preference for a female who was *not young*, though it should be noted that 62% of these men nevertheless stated a strong preference for the young female pictured in the advertisement.

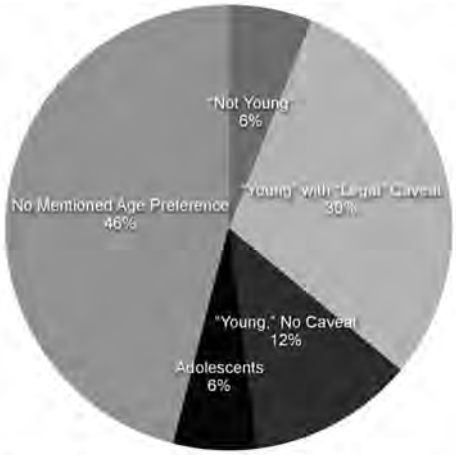
At the other extreme, 6% of these men (3-4% of men who purchase sex overall) stated explicitly and unequivocally that they would prefer an adolescent female. These men embody the "sexual predator" theory of CSEC, and while they total 750 each month using the aforementioned statewide calculations, they are hardly enough men to sustain the commercial sexual exploitation of over 400 adolescent females each month in Georgia.

The remaining 42% of men who responded to advertisements for sex with young females directly shared a preference that the female with whom they have sex be young. This means that 29% of men who purchase sex overall — or 6,000 men per month in Georgia — specifically and directly seek out sex with young females. While a few men voiced the preference as an age range (e.g., "in her early 20s," or "19-ish"), most men simply used the term "young." Very few other terms to describe young females were used; a few participants requested the female be both "young" and "petite," or "dressed like a school girl." By and large, however, men who want to buy sex with young females simply ask for "young" females. Men of all types in this study were equally likely to state a preference for "young" females, suggesting that young age is equally important to men of all ages and backgrounds who purchase sex.

[17] Source: The Georgia Governor's Office for Children and Families CSEC tracking study

Figure 5. How Men Who Respond to Advertisements for Sex with Young Females Refer to Preferred Age

Please remember that the men in this figure — those who responded to advertisements for sex with young females — represent 67% of the larger population of men who pay for sex overall.



Many of the men who asked asked for a "young" female provided some caveat to their preference that the female be "at least 18" or "legal." As one respondent said it, "I mean, I don't want to go to jail or anything." Nevertheless, 12% asked for a "young" female *without* making any request that she be an adult of at least 18. Considering the strong preference for young age that many respondents voiced when buying sex with a female, it is easy to see how so many men can be involved in commercially sexually exploiting adolescent females, even without necessarily seeking it out.

Implications for Demand-Side Interventions

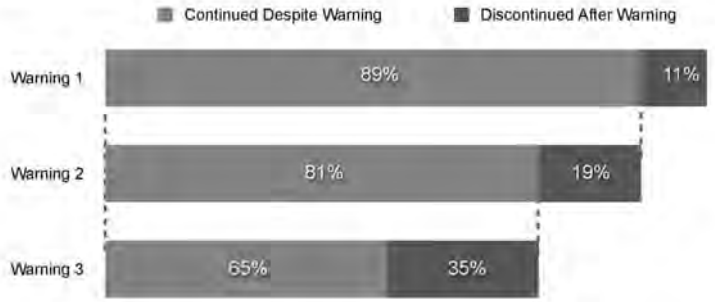
A skeptic might read this far and ask, "Other than the 3-4% of men who purchase sex with females who are looking for adolescents, do any of the men who end up exploiting adolescent females even know this is what they are doing?" We asked ourselves the same question, and devised a mini-experiment to add into the interview that would begin to answer it.

We wanted to know what would happen if we removed the "ignorance" part of the "willful ignorance" theory of CSEC. In other words, if men who want young females *know* that the female is an adolescent, will they still want to pay for sex with her? To test this, we devised a 3-step "escalated warning" procedure that we initiated at the end of the phone call (so that it did not interfere with any other data collected from the participant). The three warnings issued by the operator, in order, are as follows:

1. We're talking about the really young girl, right?
2. She doesn't look like she's 18.
3. I don't believe this girl is actually 18, and I have no reason to believe she is.

Figure 6 shows the results of this "escalated warning" mini-experiment. Overall, 47% of respondents who were subjected to the mini-experiment continued pursuing the sex purchase *despite all 3 warnings*. Only 11% discontinued after the first warning; of those remaining, another 19% discontinued after the second warning; of those who made it past the both of these warnings, only 35% discontinued following the third and final warning.

Figure 6. Results of the "Escalated Warning" Mini-Experiment



This is also the first part of the study where we see different behaviors based on different specific characteristics of the male — the older the male, the more likely he was to heed one of the three warnings. The younger the male, the more likely he was to ignore all three warnings.

The results of this mini-experiment are harrowing. Nearly half of men who respond to advertisements for sex with young females would knowingly purchase sex from an adolescent female, which means 28% of men who purchase sex overall — or 5,800 per month in Georgia — would do so.

To appreciate the full magnitude of risk to adolescent females, however, we must also factor in the 29% of men who purchase sex overall who specifically and directly seek out sex with young females. In our study there is considerable, but not full overlap between these two groups. Taken together, **42% of men who purchase sex either specifically seek out young females, or are willing to ignore all warning signs that the female they are about to have sex with is an adolescent.**

With just over 4 in 10 men who purchase sex statewide at an extremely high risk for commercially sexually exploiting an adolescent, the task of reducing demand for sex with adolescent females is apparently monumental in size.

Conclusions and Recommendations

This first-of-its-kind study to quantify, describe, and understand demand for CSEC in Georgia paints a clear picture of the adult men who exploit adolescent females by paying for sex with them. The numbers are staggering — 12,400 men each month in Georgia pay for sex with a young female, 7,200 of whom end up exploiting an adolescent female. These men account for 8,700 paid sex acts with adolescent females each month, which means that each adolescent female is exploited an average of 3 times per night.

While many of the men who exploit these victims are not seeking adolescent females per se, the study also shows that just under half are willing to pay for sex with a young female even when they know for sure she is an adolescent. These men are not only abundant in quantity, but are present throughout the metro Atlanta area and the rest of the state. They represent all age ranges and are perfectly comfortable asking directly for young females.

Based on these findings, we recommend advocates make the following considerations in devising strategies to reduce or eliminate the demand for CSEC.

- Local, state, and national lawmakers need to be made aware of the magnitude of the demand for CSEC, as well as the nature of the demand. Advocates need to debunk the myth that CSEC is perpetrated only by a small number of "sexual predators."

- Unless there is a way to prevent all men from paying for sex with any female, advocates should pursue strategies that educate and encourage men to *avoid adolescents* when they pay for sex. Only 3-4% of men who pay for sex overall are *looking* for the female to be adolescent; the rest are looking to pay for sex with a young female who *they do not need or necessarily want* to be underage. Many men who pay for sex with young females would prefer to know that she is *not* an adolescent.

- Advocates need to continue to educate the public that men who pay for sex with adolescent girls are everywhere, not just in the city.

- Advocates also need an outreach strategy for addressing the reality that men who travel into Georgia purchase sex with young females during their stay. Further investigation is needed in order to understand how exactly this activity transpires in Georgia and how in can be prevented.

Appendix

This document is to explain how The Schapiro Group's "Georgia Demand Study" research determined the following finding:

> *Craigslist is by far the most efficient medium for advertising sex with young females; ads on this site received 3 times as many responses compared to identical ads placed on other sites.*

The Georgia Demand Study is intended to quantify, describe, and understand demand for the commercial sexual exploitation of children (CSEC) in Georgia. It involved placing ads on Craigslist, Backpage, and other internet websites commonly used by individuals to advertise sexual services. The Schapiro Group's ads, which were placed during an approximately 2-month period during fall, 2009, provided a phone number for interested men and told them to call for "sweet, hot girls," "hot, perky girls," or simply to "call tonight." All ads were similar in nature to ads already placed on Craigslist and other sites.

When individuals—all of whom ended up being men—called these phone numbers, The Schapiro Group's researchers systematically recorded information about the men's preferences for adolescent females, as well as other information.

After the research study was complete, the research team wanted to evaluate how many completed interviews came from advertisements posted on each website. The number of completes per site was determined based on how many calls came into different phone numbers. For example, if there were two operators working on a given night, one operator would be sitting at a station with a phone number associated with a Craigslist ad, and the other operator with a phone number associated with a Backpage ad. Which operator sat at which station, as well as the number of interviews each completed, was recorded on paper logs, and the paper logs were destroyed after the study and reporting were complete.

This analysis was conducted, in large part, because the research team was surprised by how few completed interviews came from websites other than Craigslist. When The Schapiro Group conducted a very brief pilot of the methodology in June in order to inform the study budget, the research team suspected that Backpage ads elicited calls at a higher rate than Craigslist ads. Yet, so few calls came in from sites other than Craigslist that the research team decided to run ads only on Craigslist for the majority of the data collection period.

Calls only came in from two websites—Craigslist and Backpage—even though ads were placed on other free websites as well. At the time of the calculation, the research team estimated the following figures:

Atlanta Craigslist: 145 ads posted; 214 completed interviews (1.5 completes per ad)
Atlanta Backpage: 20 ads posted; 4 completed interviews (0.2 completes per ad)

The reason these figures were *estimates* rather than precise figures was because, at the time, a summary of the exact number of ads posted on each of the sites was not readily available. Later review showed the exact number to be 142 for Craigslist, 19 for Backpage. Therefore, the precise calculations are as follows:

Atlanta Craigslist: 142 ads posted; 214 completed interviews (1.5 completes per ad)
Atlanta Backpage: 19 ads posted; 4 completed interviews (0.2 completes per ad)

The research team decided to stop posting ads on Backpage after these first 19, as the lower-than-expected "completed interview per ad" rate would have significantly increased the project budget. When The Schapiro Group decided to report the results of the ad efficiency calculation to the client, we decided to round up the Backpage ad efficiency percentage to 0.5 completes (also reported as "transaction") per ad in order to account for the possibility that, had we continued posting these ads, they would have performed slightly more efficiently over time. If we were to report the finding without this rounding it would be that Craiglist ads received 1.5 / .2 = 7.5 times as many transactions per ad compared to identical ads placed on other sites.

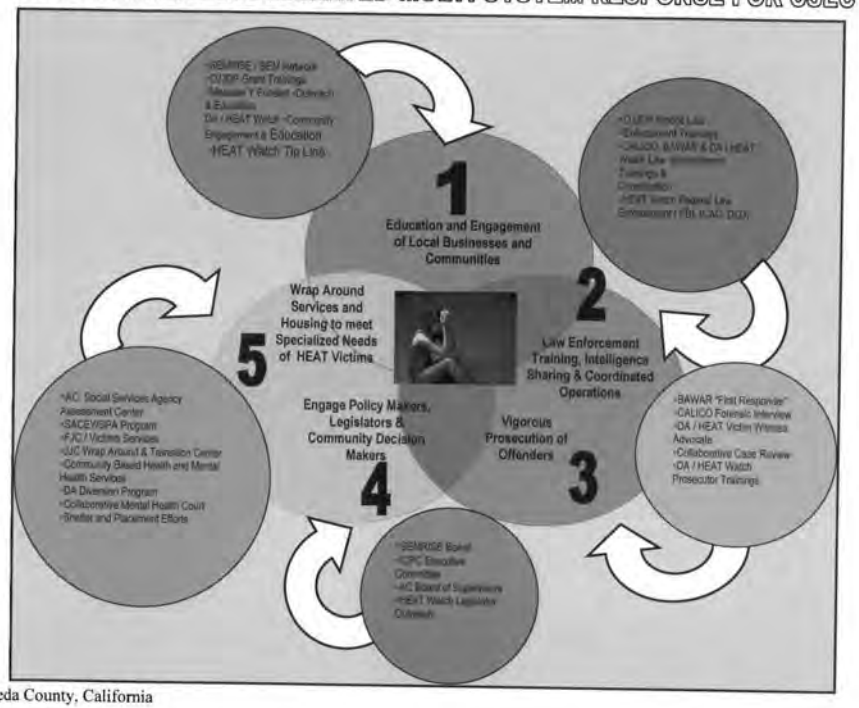
Furthermore, if we take these ad efficiency data to better understand how many men *respond* to ads on Craigslist and Backpage, we arrive at the following calculation:

Atlanta Craigslist:
~200 "W4M Adult Services" ads per day x 1.5 transactions per ad = 300 transactions per day

Atlanta Backpage
~280 "Escort Services" ads per day x 0.2 transactions per ad = 56 transactions per day

Thus, the Georgia Demand Study data show that Craigslist represents 84% of these transactions per day, Backpage 16%, and other websites effectively 0%.

ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE
HUMAN EXPLOITATION AND TRAFFICKING (H.E.A.T.) UNIT
H.E.A.T. WATCH COORDINATED MULTI-SYSTEM RESPONSE FOR CSEC



Alameda County, California
2010

H.E.A.T. WATCH©

Office of the District Attorney, Alameda County

AMERICA'S H.E.A.T. (HUMAN EXPLOITATION AND TRAFFICKING) EPIDEMIC

The sale and purchase of children for sex is the second largest industry in our country and has become a multi-billion dollar industry that is expected to surpass the illicit trade in guns and narcotics within ten years. (June 2004 - U.S. Dept. of State, Ending Modern Day Slavery. U.S. Efforts to Combat Trafficking in Persons) **H.E.A.T. IS BIG BUSINESS.**

Traffickers target children because of their vulnerability and gullibility as well as the market demand for young victims. Viewing child commercial sexual exploitation as prostitution fails to recognize the abusive nature of this epidemic.

Referring to children as commercially sexually exploited youth, versus prostitutes, acknowledges their victimization and shifts responsibility where it rightfully belongs - to the pimps, buyers and facilitators - traffickers who encourage and engage in sex with children. Whether or not force is used, or children realize they are being exploited,

THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IS CHILD ABUSE AND MODERN DAY SLAVERY.

LOOK BENEATH THE SURFACE

- H.E.A.T. victims are both US citizens and foreign nationals
- Many H.E.A.T. victims are children ranging from 11 to 17 years old
- H.E.A.T. victims come from all walks of life - they could be anyone; many are running from dysfunctional or abusive homes or looking for love in all the wrong places; some are kidnapped from intact families.
- Traffickers can be male or female, adults or juveniles
- Traffickers recruit victims by: 1) kidnapping; 2) solicitation by others, including other women or girls, on behalf of pimps; and 3) the "boyfriend" approach of acting interested in a romantic relationship while gradually coercing victims to work
- Though some H.E.A.T. victims may appear to be willing participants, they are in reality manipulated, tricked, coerced, threatened, abused, and/or suffer from trauma bonding with their traffickers
- Traffickers recruit and exploit victims in various settings such as: hotels, motels, bus stops, train/BART stations, schools, city streets, bars, restaurants, social networking websites, chat lines, shopping malls, group homes and massage parlors

DA NANCY O'MALLEY
asks you to **RECOGNIZE**:
"These children are all of our children, and they can be rescued if you

OPEN YOUR EYES
PAY ATTENTION
TAKE ACTION"

TAKE ACTION
GIVE US THE DETAILS AND WE WILL DO THE REST

Call 911 if you observe acts of violence and/or child exploitation occurring.

For non-emergencies, report suspected H.E.A.T. by calling the H.E.A.T. Watch tip line (510) 208-4959 or emailing HEATWatch-DA@acgov.org. Requests for anonymity will be honored.

When calling or emailing your tip, please provide as much detail as possible such as:

- Exact dates, times and locations
- Make, model, color and license plate of any vehicles involved
- Descriptions of people involved, including gender, age, race, height, weight, clothing, scars, tattoos
- Details about actions/activities taking place between traffickers and victims, such as, location and time girls are dropped off and by whom; name and room numbers of motels/hotels being used

Please do not confront or physically encounter any offenders - your personal safety comes first.

FOR MORE INFORMATION ON THE H.E.A.T. UNIT GO TO WWW.ALCODA.ORG

MEMORANDUM April 27, 2010

To: Honorable Carolyn Maloney

From: Alison Siskin, Specialist in Immigration Policy
Adrienne Fernandes, Specialist in Social Policy
Kristin Finklea, Analyst in Domestic Security

Subject: **Sex Trafficking of Minors in the United States**

This memorandum responds to your request for analysis of the U.S. government's response to domestic minor sex trafficking, with a special focus on sex trafficking of U.S. citizen and legal permanent resident (LPR) children. As requested, the memorandum includes an executive summary. For the purposes of this memorandum, domestic minor sex trafficking (DMST) is defined as sex trafficking within the United States involving a commercial sex act in which the person induced to perform such act has not attained 18 years of age. The victim of DMST may be a U.S. citizen, a LPR, or a noncitizen.[1] Although DMST can involve others forms of sexual exploitation such as child pornography, this memorandum focuses on the prostitution of children.

The memorandum begins with a discussion of the incidence of DMST and continues with analysis of the definition of severe forms of trafficking under the Victims of Trafficking and Violence Protection Act of 2000 (TVPA). As discussed below, all child prostitution is considered human trafficking under the TVPA. The memorandum includes an analysis of services for trafficking victims in the United States and law enforcement efforts to combat human trafficking. Recently, Congress has focused on the prostitution of children as a type of sex trafficking.[2] Nonetheless, there are other federal programs that address the problem of child prostitution but are not considered anti-trafficking programs; thus, the memorandum also

[1] LPRs are noncitizens since a noncitizen (alien) is anyone who is not a citizen or national of the United States. Under the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), noncitizens who are in the U.S. permanently (e.g., asylees, refugees, LPRs) are treated the same as U.S. citizens, while nonimmigrants — those in the U.S. temporarily who may need immigration relief (e.g., T visa status) to remain in the United States — are treated differently than U.S. citizens in respect to eligibility for services.

[2] In the 111th Congress, Congress has convened briefings and hearings on the topic, including a December 14, 2009 Senate briefing and panel, "Understanding Domestic Minor Sex Trafficking Issues;" a February 16, 2010, House Human Trafficking Caucus briefing, "Child Sex Trafficking in America;" and a February 24, 2010 hearing, "Child Prostitution and Sex Trafficking," for the Senate Judiciary Committee, Subcommittee on Human Rights and the Law.

discusses these programs. The memorandum concludes with a discussion of some of the issues surrounding the intersection of TVPA and child prostitution.

Throughout this memorandum, due to the language in the TVPA, "noncitizen victims" refer to victims of human trafficking in the United States who are either on temporary visas or are illegally present (i.e., unauthorized aliens).[3] It does not include Legal Permanent Residents (LPRs), i.e., aliens who are in the United States permanently, often referred to as immigrants.[4] References to U.S. citizen victims include LPR victims.

We hope that this memorandum provides useful information and analysis. Given the interest in human trafficking, the Congressional Research Service (CRS) is receiving similar requests for background and analysis on this topic. While the discussion and analysis below are tailored to your specific request, portions of it are taken from and may be used in CRS products available to other Members of Congress.[5]

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[3] For more on aliens (noncitizens) in the United States on temporary visas, see CRS Report RL31381, *U.S. Immigration Policy on Temporary Admissions*, by Chad C. Haddal and Ruth Ellen Wasem.

[4] For more information on legal permanent resident status, see CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions*, by Ruth Ellen Wasem.

[5] See CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Liana Sun Wyler and Alison Siskin.

Summary

The trafficking of individuals within U.S borders is commonly referred to as domestic or "internal" human trafficking. In the United States, human trafficking afflicts both U.S. citizens and noncitizens, and it occurs in every state. Under the umbrella of human trafficking is sex trafficking, and research indicates that most victims of sex trafficking in the United States are women and children, and the victims include U.S. citizens and noncitizens.

Recently, Congress has focused attention on domestic sex trafficking, and in particular, on the prostitution of children. For the purposes of this memorandum, domestic minor sex trafficking (DMST) is sex trafficking within the United States involving a commercial sex act in which the person induced to perform such act has not attained 18 years of age. The exact number of children engaged in DMST is unknown because comprehensive research and scientific data are lacking.

Before 2000, U.S. laws were widely believed to be inadequate to deal with trafficking in women and children or to protect and assist victims. In 2000, Congress passed the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386) which, among other things, authorized U.S. anti-trafficking in persons activities and programs. Since the passage of the TVPA, Congress has continually reevaluated the U.S. government's anti-trafficking efforts, reauthorizing and amending the TVPA in 2003 (P.L. 108-193), in 2006 (P.L. 109-164), and most recently in 2008 (P.L. 110-457).

Notably, the TVPA does not define DMST or human trafficking per se. However, it does define "severe forms of human trafficking" as:

> Sex trafficking in which a commercial sex 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…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.

In the case of minors, there is general agreement among experts that the trafficking term applies whether the child's actions were forced or voluntary. Under the TVPA, the term "commercial sex act" means "any sex act, on account of which anything of value is given to or received by any person." There appears to be a consensus that prostitution by minors fits the definition of "severe forms of human trafficking" as defined under the TVPA.

Under the TVPA, the Departments of Justice (DOJ) and Health and Human Services (HHS) have programs or administer grants to other entities to provide services to trafficking victims. DOJ's Office for Victims of Crime (OVC) awards grants to non-governmental organizations to provide emergency services, including temporary housing, medical care, crisis counseling and legal assistance, to trafficking victims as soon as they have been encountered. HHS's Office of Refugee Resettlement (ORR) provides grants to organizations that render assistance specific to the needs of victims of trafficking, such as temporary housing, independent living skills, cultural orientation, transportation needs, access to appropriate educational programs, and legal assistance and referrals. ORR may also supply trafficking victims with intensive case management and specialized foster care programs for children.

There seems to be disagreement on whether U.S. citizen and noncitizen victims of trafficking are eligible for services through all the grant programs in the TVPA. In the TVPA, as enacted in 2000, certification by HHS appears to be a necessary condition of trafficking victims receiving services from HHS, the Department of Labor (DOL), and the Legal Services Corporation. U.S. citizen and LPR trafficking

victims are not required to be certified by HHS, and indeed would not meet the criteria to be certified since certification mainly is related to foreign nationals who need an immigration status to remain in the United States. Nonetheless, some contend that U.S. citizens are eligible for all the same programs as noncitizens, with one exception: only noncitizen trafficking victims are eligible for refugee-specific programs.

Notably, a June 2009 U.S. governmental report on anti-trafficking activities states, "the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not currently be used to assist U.S. citizen victims." Nonetheless, in FY2009, OVC began funding a grant specifically for DMST victims to, among other things, (1) provide services, including intensive case management and shelter, to victims of sex and labor trafficking who are U.S. citizens or lawful permanent residents (LPRs) under the age of 18; (2) develop, enhance, or expand the community response to domestic minor victims of all forms of human trafficking; and (3) produce a final report about the implementation of the project so that lessons can be disseminated through the OVC to the field of trafficking.

While policy makers and researchers have recently begun viewing commercial child sexual exploitation as a type of human trafficking, the issue of commercial child sexual exploitation is not new. There are other laws and programs outside of the TVPA that attempt to address the issues surrounding the commercial sexual exploitation of children, some of which have been in existence for several decades.

Runaways are particularly vulnerable to commercial child sexual exploitation. In 1974, Congress passed the Runaway Youth Act of 1974 (Title III of P.L. 93-415) to assist runaways outside of the juvenile justice and child welfare systems. The Runaway and Homeless Youth (RHY) program, administered by HHS's Family and Youth Services Bureau, includes three programs to assist runaway and homeless youth. Two of the programs—the Basic Center program (BCP) and Transitional Living program (TLP)—provide shelter, counseling, and related services to youth. While the BCP and TLP generally do not specialize in services for runaway and homeless DMST victims, a small number of BCP and TLP grantees provide services for these victims. The third RHY program, the Street Outreach program, provides street-based outreach and education, including treatment, counseling, provision of information, and referrals for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse and exploitation.

In addition, under the authority of the Missing Children's Assistance Act (P.L. 98-473), as amended, DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers both a toll-free number to report missing and exploited children and a national resource center for missing and exploited children, coordinates public and private missing and exploited children's programs, and provides training and technical assistance to recover missing children and to assist law enforcement entities in combating child exploitation, which includes DMST and other forms of exploitation.

Although there are grant programs to provide assistance to trafficking victims and other programs that may assist some trafficking victims, specialized services and support for victims of DMST are limited. These specialized services include shelters that have security and controlled entry so that pimps/traffickers and others cannot coerce or threaten youth, as well as qualified staff to provide intensive therapy and support to the youth as they transition into new pathways. Throughout the country, organizations specializing in sex trafficking collectively have fewer than 50 beds. Other facilities, such as runaway and homeless youth shelters and child welfare group homes and other foster care settings, may not be able to adequately meet the needs of youth or keep them from pimps/traffickers and other abusers and are not often equipped to provide intensive services for victims or recognize the trauma they have experienced.

In addition, it has been suggested that DMST victims– even though these children are too young to consent to sexual activity with adults – may at times be labeled as child prostitutes or juvenile delinquents and treated as criminals rather than being labeled and treated as victims. These children who are arrested may then be placed in juvenile detention facilities with juveniles who have committed serious crimes instead of in environments where they can receive needed social and protective services. Thus, programs to combat DMST may also include training for law enforcement who encounter victims so that they are labeled and treated as victims rather than criminals, and are able to receive needed social and protective services.

Finally, it is widely agreed upon among experts that any efforts to reduce the prevalence of DMST – as well as other forms of trafficking – must include efforts to reduce not only the supply, but the *demand*. Experts have provided recommendations for demand reduction strategies that involve increasing public awareness and prevention, bolstering investigations and prosecutions of those buying illegal commercial sex ("johns"), enhancing victim services, and enacting legislation to enhance these efforts.

Overview of Domestic Minor Sex Trafficking (DMST)

The number of children engaged in commercial sex acts is unknown because comprehensive research and data are lacking.[6] For example, researchers from Shared Hope International noted in their study of domestic minor sex trafficking (DMST)[7] that the statistics they requested from stakeholders on DMST were not always available, and that where the data were available, they were not disaggregated to identify cases of DMST. In some cases the statistics were reviewed and extrapolated to determine the number of suspected victims.[8]

Listed in the order of frequency with which they have been identified in the scholarly literature, DMST appears to be fueled by:

- the use of prostitution by runaway and thrown-away[9] children to provide for their subsistence needs;
- the presence of pre-existing adult prostitution markets in the communities where large numbers of street youth are concentrated;
- prior history of child sexual abuse and child sexual assault;
- poverty;
- the presence of large numbers of unattached and transient males in communities--including military personnel, truckers, conventioneers, sex tourists, among others;
- for some girls, membership in gangs;
- the promotion of juvenile prostitution by parents, older siblings and boyfriends; and
- the recruitment of children by organized crime units for prostitution.[10]

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[6] U.S. Department of Justice, Child Exploitation and Obscenity Section, *Child Prostitution: Domestic Sex Trafficking of Minors*, http://www.justice.gov/criminal/ceos/prostitution.html. Subject to appropriations, the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164 §201) required the Attorney General to use available data to perform a comprehensive analysis of the incidence of sex trafficking and unlawful commercial sex acts within the United States. This research did not receive appropriations.

[7] Domestic minor sex trafficking includes prostitution, pornography, and stripping.

[8] The researchers noted that 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." Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," Shared Hope International, May 2009, p. v. (Hereafter, Smith, Vardaman and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children.")

[9] A thrown-away child is a child who is asked or told to leave home by a parent or other adult in a household, no adequate alternative care is arranged for the child, and the child is out of the household overnight; or a child who has run away and is prevented from returning home.

[10] Richard J. Estes and Neil Alan Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania, Philadelphia, PA, Sept. 19 2001, p. 1. (Hereafter, Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*.)

In addition, studies have found that DMST is demand-driven, rather than supply-driven.[11]

Victims of DMST are exploited by pimps/traffickers that may or may not operate as part of a criminal network. Of note, when referring to the trafficking of *minors*, the terms "pimp" and "trafficker" are synonymous. This is not necessarily the case when referring to the trafficking of adults. When referring to adults, a pimp who does not use force, fraud or coercion to induce adults to prostitute themselves would not be considered a trafficker. However, this distinction is moot when the prostituted individuals are minors, as a pimp need not use force, fraud or coercion to be considered a trafficker.[12] In the United States, traffickers range from teenage boys and young men who may work for older male pimps to organized criminal syndicates operating both within and across state and national lines.[13]

Studies Measuring Domestic Minor Sex Trafficking Victims

Comprehensive research on the number of children who are victims of DMST does not exist, but there are a few studies that attempt to measure the problem.[14] Notably, the studies are not comparable, measure different populations, and use different terminology. For example, one study used estimates of at-risk youth to create estimates of the number of child victims of commercial sexual exploitation, while another study sampled law enforcement agencies asking about detention of youths involved in prostitution. In addition, the studies do not use the term "trafficking" in a consistent manner. One study sees trafficking as a subset of commercial child sexual exploitation, another uses the term to refer to the commercial sexual exploitation of U.S. citizen children, and the third study does not use the term at all.

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[11] Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, Arlington, VA, July 2007. (Hereafter, Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*.) Note this report was supported by a grant from the Office to Monitor and Combat Trafficking in Persons, in the Department of State.

[12] Human Smuggling and Trafficking Center, *Domestic Human Trafficking -- An Internal Issue*, December 2008, p. 5, http://www.state.gov/documents/organization/113612.pdf. For the purposes of this memorandum, the terms "pimp" and "trafficker" are used interchangeably when referring to the trafficking of minors.

[13] Shared Hope International, *DEMAND: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 4. Also, the Federal Bureau of Investigation (FBI) has issued press releases regarding domestic minor sex trafficking cases involving individual perpetrators (e.g., http://atlanta.fbi.gov/dojpressrel/pressrel10/at042110.htm) and perpetrators acting within criminal organizations (e.g., http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo042010.htm).

[14] P.L. 109-164 (§201) requires biennial reporting on human trafficking, using available data from state and local authorities. In response to this requirement, DOJ funded the creation of the Human Trafficking Reporting System (HTRS). The data in the HTRS come from investigations opened by 38 federally-funded human trafficking task forces, and do not represent all incidences of human trafficking nationwide. In January 2008, the task forces began entering data into HTRS. Between January 1, 2007 and September 30, 2008, the task forces reported 34 confirmed cases of DMST and 341 cases where a determination was pending or where there was not enough information to confirm DMST. Tracey Kyckelhahn, Allen J. Beck, and Thomas Cohen, *Characteristics of Suspected Human Trafficking Incidents, 2007-08*, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Special Report, Washington, DC, January 2009, pp. 1-2, http://bjs.ojp.usdoj.gov/content/pub/pdf/cshti08.pdf.

Estes-Weiner Study

A 2001 study by researchers Richard J. Estes and Neil Alan Weiner estimated that 233,000 youth in the United States are at risk of becoming victims of DMST.[15] Importantly the authors noted that this number does not reflect the actual number of cases of DMST. The study noted that the majority of victims tend to be runaway or thrown-away youth who live on the streets and become victims of prostitution. Generally, these children come from homes where they have been abused or abandoned, and often become involved in prostitution as a way to support themselves.[16]

Estes and Weiner found that approximately 55% of girls living on the streets in the United States engage in formal prostitution, and of these girls approximately 75% work for a pimp/trafficker.[17] The average age at which girls first enter into prostitution is between 12 and 14 years, and the average age of entry into prostitution for boys is between 11 and 13 years. The researchers also estimated that in the United States, approximately 156,200 U.S. homeless youth[18] and 57,800 children who are not homeless are victims of DMST.

National Juvenile Prostitution Study

The National Juvenile Prostitution Study collected information from a sample of nearly 2,600 law enforcement agencies asking them whether they had made arrests or detained youth under age 18 or adults ages 18 or older in cases involving juvenile prostitution in 2005.[19] In total, the study calculated 1,450 arrests and detentions for crimes related to juvenile prostitution that year, including crimes committed by adults. The study further found that 95% of the law enforcement agencies sampled made no arrests in cases involving juvenile prostitution; in large jurisdictions where such cases would seem most likely, 56% of agencies reported no arrests or detentions. Based on these findings, the researchers suggest that at least in larger communities, police are not doing enough to address the problem of child prostitution.

Researchers followed up with law enforcement officials to ask about victim characteristics and other information regarding a random sample of the original data collected about arrests and detention. Victim

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[15] The researchers use the term commercial sexual exploitation rather than DMST. Their definition of commercial sexual exploitation of children includes child pornography, juvenile prostitution, and trafficking, all of which are considered DMST under the definition in this memorandum. Estes and Weiner estimate that 310,000 children in the United States are at risk of becoming victims of DMST, but then reduced the estimate by 25% to minimize duplications in the counts of runaway and thrown-away youth. Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, pp. 11-12, 146-149.

[16] Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, pp. 11-12.

[17] Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, p. 7.

[18] To calculate this estimate, the researchers used findings from their field research that 30% of shelter youth and 70% of homeless youth are victims of commercial sexual exploitation.

[19] Kimberly J. Mitchell, David Finklehor, and Janis Wola, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study," *Child Maltreatment*, vol. 15, no. 1 (February 2010), http://www.unh.edu/ccrc/pdf/Mitchell%202010%20conceptualizing.pdf. (Hereafter, Mitchell, Finklehor, and Wola, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study.")

cases were classified under three categories: third-party exploiters, solo juveniles, and child sexual abuse (CSA) cases with payment. Most of the cases (57%) were classified as third-party exploiters. This category involves pimps or others who profit financially from selling juveniles for sex, and include small-time or less formal operations and well-organized commercial and criminal enterprises, such as massage parlors. The solo juvenile category, which involved 31% of the cases, encompasses juveniles who offer themselves for sexual services (including pornography production) typically to people they do not know for money or other items of monetary value.[20] This group includes juveniles who lack a stable residence and juveniles living in a home or institution, such as a foster home. Finally, the remaining 12% of youth were engaged in CSA with payment cases, whereby children are sexually abused by family members, acquaintances, and caretakers and who are being paid money as inducements to engage in or continue these sexual acts. They found that of the sample, nine out of ten youth were female and more than half (55%) were ages 16 or 17. Most (60%) had a history of running away; in 12% of the cases, officials did not know about the runaway history.

Shared Hope International

In 2006, Shared Hope International began working with 10 of the Department of Justice-funded human trafficking task forces to assess the scope of DMST.[21] The study defines DMST as the commercial exploitation of American children within U.S. borders.[22] As part of their study, the researchers noted that an accurate count of the number of victims was not available due to many factors, including a lack of tracking protocols and misidentification of the victims. **Table 1** presents the findings from the 10 study sites. Notably, the data collected are not uniform and represent different time periods.

Table 1. Number of Suspected Child Trafficking Victims by Location

Shared Hope International Study

Research Site	State/Territory	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

[20] Although police did not find evidence for a third-party exploiter, some of these youth may have been exploited by a commercial operator.

[21] There are 41 task forces in total. The Department of Justice makes awards to law enforcement agencies to form victim centered human trafficking task forces. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, June 2009, p. 23. (Hereafter, DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 23.

[22] In other words, foreign children are not included in their definition of DMST victims. Smith, Vardaman, and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," p. iv.

Research Site	State/Territory	Number of Suspected DMST Victims	Time Period
Baton Rouge/New Orleans Area	Louisiana	105	2000-2007
Saipan/Rota/Tinian	Northern Mariana Islands	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

Source: Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," Shared Hope International, May 2009, p. 11.

Notes: Due to a lack of formal tracking protocols, some DMST victims may be duplicated within a city and some may not have been included in the counts. These numbers were obtained through an interview process in addition to official government records.

Ohio Trafficking in Persons Study Commission

Ohio Attorney General Richard Cordray tasked the Ohio Trafficking in Persons Study Commission to explore the scope of human trafficking within Ohio. Using methodologies developed in other studies — including the Estes and Weiner study discussed above — the Commission estimated that of the American-born youth in Ohio, 2,879 are at risk for DMST, and another 1,078 have been victims of DMST over the course of a year.[23] The researchers also estimated that 3,437 foreign born persons (adults and juveniles) in Ohio may be at risk for sex or labor trafficking, of which 783 are estimated to be trafficking victims.[24] Importantly, the report states, "due to the very nature of human trafficking, it is virtually impossible to determine the exact number of victims in Ohio at any given time and with any degree of certainty."[25]

Populations Vulnerable to DMST

Runaways are particularly vulnerable to DMST. A federal study found that approximately 1.7 million youth had run away from home or were forced to leave their homes at some point in 1999.[26] While away from home, an estimated 38,600 (2.2%) of these youth were sexually assaulted, were in the company of

[23] Celia Williamson, Sharvari Karandikar-Chheda, and Jeff Barrows, et al., *Report on the Prevalence of Human Trafficking in Ohio To Attorney General Richard Cordray*, Ohio Trafficking in Persons Study Commission, Research and Analysis Sub-Committee, Toledo, OH, February 10, 2010, http://www.ohioattorneygeneral.gov/TraffickingReport.

[24] Interestingly, the researchers identified four factors that may increase the risk of becoming a victim of DMST: (1) Ohio's weak response to trafficking victims; (2) evidence that first responders to DMST incidents in Ohio are unaware and unprepared; (3) customers who purchase youth receive minimal charges and are rarely prosecuted, while traffickers suffer minimal consequences; and (4) the high rates of vulnerable youth in Ohio. Ibid, p. 5.

[25] Ibid, p. 7.

[26] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Runaway/Thrownaway Children: National Estimates and Characteristics," by Heather Hammer, David Finkelhor, and Andrea J. Sedlak, OJJDP NISMART Bulletin, October 2002, http://www.missingkids.com/en_US/documents/nismart2_runaway.pdf. These are the most recent survey data available.

someone known to be sexually abusive, or were engaged in sexual activity in exchange for money, drug, food, or shelter. Runaways may be perceived as easy targets for traffickers/pimps because they often cannot go home and have few resources. A study that selected a nationally representative sample of shelter youth and interviewed street youth in multiple cities found that approximately 28% of street youth and 10% of youth in shelters reported selling sex to meet their basic needs (also known as survival sex).[27] The study also found that the odds of engaging in survival sex increased for youth who had been victimized (emotionally or physically),[28] participated in criminal behavior, had a history of substance abuse, attempted suicide, had a sexually transmitted disease (STD), or had been pregnant.

Also, the Dallas Police Department has found a strong correlation between DMST and runaway status: the more times a child runs away, the greater likelihood that they will be victimized.[29] The department also found that other risk factors among child trafficking victims are their young age, whether they previously have been sexually exploited, and whether they have previously been victims of prostitution. Other research, including studies that examined the histories of prostitutes in Boston, Chicago, and San Francisco, has found that the majority of prostituted women were runaways.[30]

According to a study funded by the HHS, between 21% and 42% of runaway and homeless youth were victims of sexual abuse before they left their homes;[31] compared to 1% to 3% of the general youth population. The Letot Center, a juvenile justice facility in Dallas that cares for youth victims, has found that about nine out of ten of the youth have been previously physically or sexually abused, and that 10% of the youth previously had been involved with child protective services (CPS).[32] According to the limited research literature on trafficking among youth in foster care, it appears that traffickers target group homes and other settings where foster youth congregate.[33]

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[27] Jody M. Greene, Susan T. Ennett, and Christopher Ringwalt, "Prevalence and Correlates of Survival Sex Among Runaway and Homeless Youth," *American Journal of Public Health*, vol. 89, no. 9 (September 1999), p. 1406. These youth were ages 12 to 21 and spent at least one night in the previous year in a youth or adult shelter, an improvised shelter, or with a stranger. Youth under age 18 who had spent one night in the past year away from home without the permission of their parents or legal guardians were also sampled.

[28] This includes having been victims of assault or robbery.

[29] Smith, Vardaman, and. Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," p. 34.

[30] Heather J. Clawson and Lisa Goldblatt Grace, *Human Trafficking Into and Within the United States: Review of the Literature*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, August 2009, http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/index.shtml.

[31] U.S. Department of Health and Human Services, "Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae," Administration for Children and Families, Administration on Children, Youth, and Families, Commissioner's Office of Research & Evaluation and the Family and Youth Services Bureau, November 2002, http://www.acf.hhs.gov/programs/opre/fys/sex_abuse/reports/sexabuse_hmless/sex_abuse_hmless.pdf. (Hereafter, HHS, "Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae.")

[32] HHS, "Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae," p. 35.

[33] Ibid.

Human Trafficking in the United States

The trafficking of individuals within U.S borders is commonly referred to as domestic or "internal" human trafficking.[34] Human trafficking happens in the United States to both U.S. citizens and noncitizens, and occurs in every state.[35] Research indicates that most of the victims of sexual trafficking into and within the United States are women and children, and the victims include U.S. citizens and noncitizens.[36] Before 2000, U.S. laws were widely believed to be inadequate to deal with trafficking in women and children or to protect and assist victims. Anti-trafficking legislation and programs have since been implemented with the hope of improving the situation.

Legislation

The Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386)[37] was enacted on October 28, 2000. Congress reauthorized TVPA in 2003 (P.L. 108-193), in 2006 (P.L. 109-164), and most recently in 2008 (P.L. 110-457). The Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164), signed into law on January 10, 2006, attempted to address the special needs of child victims, as well as the plight of U.S. citizens and legal permanent residents (LPRs) trafficked within the United States. The Act attempted to remedy a perceived inequality between the services available to foreign and domestic victims, by creating grant programs specifically to address the needs of U.S. citizen and LPR victims.[38] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457)[39] also created a new grant program for U.S. citizen and LPR victims, and required a study identifying any gaps between services provided to U.S. citizen and noncitizen victims of trafficking.

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[34] As many as 17,500 people are trafficked into the United States each year, according to U.S. government estimates. (In other words, as many as 17,500 foreign nationals are brought to the United States, by force, coercion, or fraud, and are victims of human trafficking within the United States.) For more on these estimates see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Liana Sun Wyler and Alison Siskin, the section entitled, "Official Estimates of Human Trafficking into the United States." Department of Justice, Department of Health and Human Services, Department of State, Department of Labor, Department of Homeland Security, and U.S. Agency of International Development, Assessment of U.S. Government Efforts to Combat Trafficking in Persons, June 2004, p. 4.

[35] Human Smuggling and Trafficking Center, *Domestic Human Trafficking: An Internal Issue*, Washington, DC, December 2008, p. 2, http://www.state.gov/documents/organization/113612.pdf. (Hereafter HSTC, *Domestic Human Trafficking: An Internal Issue*.)

[36] Although labor trafficking can happen to U.S. citizens, noncitizens are more susceptible to this type of trafficking. Migrant labor camps tend to be common settings for labor exploitation and domestic trafficking. Internal human trafficking of migrant labor is primarily occurring in the Southeast and Central regions of the United States, although such conduct has been identified in other places. HSTC, *Domestic Human Trafficking: An Internal Issue*, pp. 3-6.

[37] This Act is also called the Trafficking Victims Protection Act.

[38] See U.S. Congress, *Report to Accompany H.R. 972*, 109th Cong., 1st sess., November 18, 2005, H.Rept 109-317, p. 11.

[39] P.L. 110-457 was signed into law on December 23, 2008.

Definition of Human Trafficking

The TVPA, as amended, does not define human trafficking per se. However, it does define "severe forms of human trafficking" as:

> Sex trafficking in which a commercial sex 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 ... 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.[40]

In the case of minors, there is general agreement in the United States and much of the international community that the trafficking term applies whether the child's actions were forced or voluntary.[41] As part of this term, "commercial sex act" means "any sex act, on account of which anything of value[42] is given to or received by any person."[43] The commercial aspect of the sexual exploitation is critical to separating trafficking from other crimes such as molestation, sexual assault, and rape.[44] There appears to be a consensus among experts that prostitution of minors fits the definition of "severe forms of human trafficking" as defined under the TVPA.[45]

Authorized Services Specifically for U.S. Citizen and LPR Trafficking Victims

For several years, Congress has been aware of possible inequities between services provided to U.S. citizen and noncitizen trafficking victims. Although there is disagreement, it appears that U.S. citizen and LPR trafficking victims are not eligible for some of the victims' service programs that were created in TVPA as enacted in 2000. As a result, in The Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164),[46] Congress authorized programs specifically to provide services to U.S. citizen and LPR trafficking victims.[47] P.L. 109-164 directs the Secretary of HHS to provide grants to states, tribal

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[40] Sec. 103(8) of Div. A of P.L. 106-386, *Victims of Trafficking and Violence Protection Act of 2000*, approved October 28, 2000; 22 U.S.C. §7102.

[41] Smith, Vardaman, and. Snow, *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. iv.

[42] Examples include money, drugs, shelter, and food.

[43] P.L. 106-386, §103(3); 22 U.S.C. §7102. The money or item of value given for the sex act does not need to be received by the child (i.e., can be received by a trafficker/pimp).

[44] Smith, Vardaman, and. Snow, *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 5.

[45] Child pornography and stripping would also fall under the definition of severe forms of trafficking.

[46] The act was signed into law on January 10, 2006.

[47] Section 2 of P.L. 109-164 states:

> Congress finds the following:
>
> (1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000…and the Trafficking Victims Protection Reauthorization Act of 2003...
>
> (2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation.

(continued...)

governments, local governments, and nonprofit, nongovernmental victims' service organizations to establish, develop, expand, and strengthen assistance programs for U.S. citizens or LPRs who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the United States.[48] P.L. 109-164 also directs the Secretary of HHS to establish a pilot program to establish residential treatment facilities in the United States for U.S. citizen and LPR juveniles subjected to trafficking within the United States.[49] In addition, P.L. 109-164 also directs the Attorney General to make grants to state and local law enforcement agencies to establish, develop, expand, or strengthen programs to investigate and prosecute acts of severe forms of trafficking in persons which involve United States citizens, or LPRs and that occur in the United States, including investigating and prosecuting persons who engage in the purchase of commercial sex acts.[50] These three grant programs are authorized through FY2011.[51]

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457) reauthorized the grant programs created in P.L. 109-164. In addition, the act also created a new grant program to be administered jointly by the Secretary of HHS and the Attorney General to provide services to U.S. citizen victims of severe forms of trafficking.[52]

Actual Services Provided for U.S. Citizen/LPR and Noncitizen Victims

The Departments of Justice (DOJ), HHS, and Labor (DOL) have programs or administer grants to non-profit organizations and other entities to provide services to trafficking victims.[53] There is confusion over

(...continued)

An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18…

[48] §202, 42 U.S.C. §14044a.

[49] §203, 42 U.S.C. §14044b.

[50] §204, 22 U.S.C. §7105(f).

[51] The current authorization levels for each year, FY2008 through FY2011 are: $8 million for HHS grants for victims' services for U.S. citizens and LPRs; $5 million for the residential treatment pilot program; and $20 million to DOJ grants for law enforcement.

[52] P.L. 110-457, §213.

[53] In addition, the Legal Services Corporation has instructed its lawyers to provide legal assistance to trafficking victims. The Legal Services Corporation (LSC), established by Congress, is a private, nonprofit, federally funded corporation that helps (continued...)

whether U.S. citizens as well as noncitizens are eligible for services under all the anti-trafficking grant programs, and whether Congress has provided funding for programs that target U.S. citizen and LPR victims. Notably, the *FY2008 Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons* states, "the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not currently be used to assist U.S. citizen victims."[54] Nonetheless, each year since FY2008, Congress has appropriated approximately $10 million to HHS to "carry out the Trafficking Victims Protection Act of 2000."[55] Thus, it appears likely that the funding would be available for benefits and programs specifically for U.S. citizens that were authorized under the reauthorization acts.

Regardless of funding, there seems to be disagreement over whether U.S. citizen and noncitizen victims of trafficking are eligible for each of the programs discussed below. Certification by HHS appears to be a necessary condition of receiving trafficking victims' services from HHS, DOL, and the Legal Services Corporation, under the programs created in the Victims of Trafficking and Violence Protection Act (P.L. 106-386, §107(b)(1), 22 U.S.C. §7105(b)(1)), as enacted in 2000.[56] As discussed below, certification is a process that enables noncitizen trafficking victims to be classified as such, and therefore eligible for services. U.S. citizen and LPR trafficking victims are not required to be certified by HHS, and indeed would not meet the criteria to be certified since certification applies only to foreign nationals who need an immigration status (e.g. T status or continued presence)[57] to remain in the United States. Nonetheless, a 2007 report by the Senior Policy Operating Group on Trafficking in Persons (SPOG) states "...there are not many differences in trafficking victims' eligibility for the services we reviewed when one looks at the relevant statutes..." However, the report does note that U.S. citizen victims may have less intensive case

(...continued)

provide legal assistance to low-income people in civil (i.e., non-criminal) matters. DOJ, *Assessment of U.S. Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p.7.

[54] Ibid, p. 9.

[55] (P.L. 111-117, P.L. 111-8, P.L. 110-161). For FY2005 through FY2007, money was appropriated to, "carry out the Trafficking Victims Protection Act of 2003 (P.L. 108-193)." (P.L. 110-5, P.L. 109-149, P.L. 108-447.)

[56] "[in] the case of noncntitlement programs, subject to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States,... without regard to the immigration status of such victims....For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person—(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and (ii)(I) who has not attained 18 years of age; or (II) who is the subject of a certification.... [C]ertification... is a certification by the Secretary of Health and Human Services...that the person...(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons or is unable to cooperate with such a request due to physical or psychological trauma; and (II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act... that has not been denied; or (bb) is a person whose continued presence in the United States the Secretary of Homeland Security is ensuring in order to effectuate prosecution of traffickers in persons."

[57] TVPA of 2000 created a new nonimmigrant category, known as T status or T-visa, for aliens who are victims of severe forms of human trafficking. Federal law enforcement officials who encounter victims of severe forms of trafficking and are potential witnesses to that trafficking may request that DHS grant the continued presence of the alien in the United States. Historically, the Attorney General has had the discretionary authority to use a variety of statutory and administrative mechanisms to ensure the alien's continued presence. For more on immigration relief for trafficking victims, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Liana Sun Wyler and Alison Siskin.

management services compared to noncitizens.[58] In addition, only noncitizen trafficking victims are eligible for refugee-specific programs.[59]

Department of Health and Human Services (HHS)

The TVPA requires HHS to expand benefits and services to victims of severe forms of trafficking in the United States, without regard to the immigration status of such victims.[60] HHS administers grant programs to non-profit and other organizations that directly serve trafficking victims and provides information to the public about trafficking. The grants for victims' services, as well as certain benefits solely for noncitizen victims, are provided by the Office of Refugee Resettlement (ORR) in the Administration of Children and Families. According to ORR, the office does not provide any services to U.S. citizen victims of trafficking, although such services are authorized under TVPA, as discussed above. The director of ORR's Anti-Trafficking in Persons Division notes that this is because Congress has not appropriated any money specifically towards these services.[61]

As discussed above, each year since FY2008, Congress has appropriated approximately $10 million to HHS to "carry out the Trafficking Victims Protection Act of 2000."[62] Thus, it is unclear whether the appropriated funds are just for the original victims' service program created in P.L. 106-386 or includes funding for the programs for U.S. citizens, created in P.L. 109-164 and P.L. 110-457. (As discussed in the Issues section below, it appears likely that the funding would be available for benefits and programs that were authorized under the reauthorization laws.)

Certification

Under the law, to receive these benefits and services, victims of severe forms of trafficking who are at least 18 years of age must be certified by the Secretary of HHS, after consultation with the Secretary of Homeland Security,[63] as willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking, having made a bona fide application for a T-visa that has not been denied, and being granted continued presence in the United States by the Secretary of Homeland Security to effectuate

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[58] Senior Policy Operating Group on Trafficking in Persons: Subcommittee on Domestic Trafficking, *Final Report and Recommendations*, Washington, DC, August 2007, http://www.acf.hhs.gov/trafficking/SPOGReport-Final9-5-07.pdf.

[59] Personal conversation with the Department of Health and Human Services, Administration for Children and Families, Congressional Affairs, April 2, 2007.

[60] "...agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims." P.L. 106-386, §107(b)(2), 22 U.S.C. §7105(b)(2).

[61] Personal Communication with U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Director, Anti-Trafficking in Persons Division, April 14, 2010.

[62] P.L. 111-117, P.L. 111-8, P.L. 110-161.

[63] The Homeland Security Act of 2002 (HSA; P.L. 107-296) abolished the Immigration and Naturalization Service (INS) and transferred most of its functions to various bureaus in the new Department of Homeland Security (DHS) effective March 1, 2003. In addition, due to HSA, much of the Attorney General's authority in immigration law is currently vested in or shared with the Secretary of Homeland Security. For more information on the role of the Attorney General and Secretary of Homeland Security over immigration law, see CRS Report RL31997, *Authority to Enforce the Immigration and Nationality Act (INA) in the Wake of the Homeland Security Act: Legal Issues*, by Stephen R. Vina.

the prosecution of traffickers in persons.[64] Under the law, trafficking victims under the age of 18 do not have to be certified to receive benefits and services, but it is HHS policy to issue eligibility letters to such victims. Although the law does not differentiate between U.S. citizen and noncitizen trafficking victims, according to HHS, U.S. citizen trafficking victims do not have to be certified to receive services.[65] As discussed above, the concept of certification does not apply to U.S. citizen and LPR victims. ORR provides certification and eligibility letters for victims.

Victims' Services Through The Office of Refugee Resettlement (ORR)

ORR funds and facilitates a variety of programs to help refugees achieve "economic and social self-sufficiency in their new homes in the United States," and only noncitizen victims of severe forms of trafficking are eligible for these programs that are intended to help needy refugees who are ineligible to receive benefits from mainstream federal assistance programs.[66] In addition, minor noncitizen victims can participate in the Unaccompanied Refugee Minor (URM) Program.[67] As discussed above, TVPA as amended, authorized funds for HHS to provide similar assistance to U.S. citizen trafficking victims (but it is unclear if this program has been funded). While both U.S. citizen and noncitizen trafficking victims are eligible for the general federal public benefits (e.g., Medicaid), only noncitizen trafficking victims are eligible for the benefits specifically designed for refugees.[68]

ORR also provides grants to organizations that render assistance specific to the needs of victims of trafficking, such as temporary housing, independent living skills, cultural orientation, transportation needs, access to appropriate educational programs, and legal assistance and referrals. ORR may also supply trafficking victims with intensive case management programs to help the victim find housing and employment, and provide mental health counseling and specialized foster care programs for children. These services are currently not available to U.S. citizen trafficking victims.

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[64] TVPA §107(b)(1)(E); 22 U.S.C. §7105(b)(1)(E).

[65] Personal conversation, Department of Health and Human Services, Administration for Children and Families, Congressional Affairs, April 2, 2007.

[66] P.L. 106-386, §107(b)(1)(A), 22 U.S.C. §7105(b)(1)(A).ORR-funded activities include cash and medical assistance, social services to help refugees become socially and economically self-sufficient, and targeted assistance for impacted areas (i.e., areas where refugees have been resettled). Special refugee cash assistance (RCA) and refugee medical assistance (RMA) are the heart of the refugee program. RCA and RMA are administered by the states. The eligibility of noncitizens for public assistance programs is based on a complex set of rules that are determined largely by the type of noncitizen in question and the nature of services being offered. For example, refugees are eligible for Medicaid for five years after entry/grant of status, then made ineligible (unless they became citizens or qualified under another status). For a discussion of the eligibility of trafficking victims for state and federal means tested benefits see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Ruth Ellen Wasem.

[67] This provision was added in P.L. 110-457, §235(b)(2). Through the URM program, ORR works with state and local service providers, as well as volunteer agencies, to provide URMs with foster placement, services, and any needed care. Unaccompanied refugee minors (URMs) are refugee children in the United States under the age of 18, without a parent or close relative who is willing or able to care for them. For more on URMs, see CRS Report RL34414, *Unaccompanied Refugee Minors*, by Chad C. Haddal.

[68] For additional information on programs for refugees see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

In addition, ORR provides grants to organizations to provide street outreach services to help identify victims of trafficking among populations they already service. In FY2008, these grantees made contact with approximately 1,660 victims or suspected victims: 1,209 U.S. citizens, 373 foreign citizens, and 78 persons whose citizenship could not be determined.[69] ORR piloted a program during which community outreach workers who located a U.S. citizen DMST victim were given a letter from ORR to give to the child stating that the child may be a victim of human trafficking and might qualify for services as such. Nonetheless, ORR does not provide any services to U.S. citizen or LPR child victims of trafficking.[70]

Rescue and Restore Victims of Human Trafficking Campaign

HHS, through ORR, also conducts outreach to inform victims of services and to educate the public about trafficking.[71] HHS has established the Rescue and Restore Victims of Human Trafficking public awareness campaign, which promotes public awareness about trafficking and the protections available for trafficking victims. The goal of the campaign is to help communities identify and serve victims of trafficking, supporting them in coming forward to receive services and aid law enforcement. HHS funded three contracts to "intermediary" organizations to foster connections between the Rescue and Restore campaign and local service provision. These intermediaries serve as the focal points for regional public awareness campaign activities and aid in victim identification. In FY2008, intermediaries made contact with at least 568 victims or suspected victims: 319 U.S. citizens, 210 foreign citizens, and 39 persons whose citizenship could not be determined.[72]

In addition to promoting public awareness about trafficking, HHS through the Rescue and Restore campaign has established anti-trafficking coalitions in 25 areas.[73] Another component of the campaign is the creation of a toll-free National Human Trafficking Resource Center (NHTRC) available for advice and victim care referrals 24-hours a day. It is unknown how many of the 398 requests made to NHTRC for victim care referrals in FY2008 were for U.S. citizen victims. In addition, of the calls referencing potential trafficking situations, 40% referenced trafficking of foreign nationals while nearly 18% referenced trafficking of U.S. citizens or LPRs.[74]

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[69] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 19.

[70] Personal Communication with U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Director, Anti-Trafficking in Persons Division, April 14, 2010.

[71] Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2007*, May 2008: p. 10.

[72] Ibid, p. 16.

[73] These areas are: Houston, Texas; Las Vegas, Nevada; New York, New York; Milwaukee, Wisconsin; Newark, New Jersey; Philadelphia, Pennsylvania; Phoenix, Arizona; Portland, Oregon; St. Louis, Missouri; San Francisco, California; Sacramento, California; Louisville, Kentucky; Nashville, Tennessee; Columbus, Ohio; Cincinnati, Ohio; San Diego, Los Angeles, and Orange Counties in California; and statewide in Colorado, Idaho, Florida, Georgia, Illinois, Minnesota, and North Carolina. DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 14.

[74] Department of Health and Human Services, "About Human Trafficking," available at http://www.acf.hhs.gov/trafficking/about/index.html#wwd.

Department of Justice (DOJ)

Office of Victims of Crime

The TVPA of 2000 created a grant program administered by the Attorney General (AG) to provide grants to states, Indian tribes, local governments, and nonprofit victims' services organizations to develop, expand or strengthen victims' service programs for trafficking victims.[75] This grant program is administered through DOJ's Office for Victims of Crime (OVC) and provides emergency services, including temporary housing, medical care, crisis counseling and legal assistance, to victims as soon as they have been identified, prior to certification by HHS (discussed above).[76] According to DOJ, OVC awards grants to non-governmental organizations to provide trafficking victims with comprehensive or specialized services, and training and technical assistance to grantees for program support and enhancement.[77] According to the *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, the overall goals of this program are to "address the effect of the 1996 Welfare Reform Act's restrictions on [non-U.S. citizen, non-LPR status trafficking victims'] access to public benefits."[78] While this goal would imply that only noncitizens are eligible for this grant program, since certification is not a requirement to receive services, U.S. citizens and noncitizens may also be eligible for services. Additionally, U.S. citizen and LPR trafficking victims may be eligible for victims' assistance and compensation from OVC through the Crime Victims Fund.[79]

In FY2009, OVC began funding a grant for DMST victims – Services for Domestic Minor Victims of Human Trafficking.[80] The purposes of the grant are to (1) provide a comprehensive array of timely and high quality services, including intensive case management and shelter, to victims of sex and labor trafficking who are U.S. citizens or lawful permanent residents under the age of 18; (2) develop, enhance, or expand the community response to domestic minor victims of all forms of human trafficking; and (3) produce a final report about the implementation of the project so that lessons can be disseminated through the OVC to the field of trafficking.[81]

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[75] P.L. 106-386, §107(b)(2); 22 U.S.C §F7105(b)(2)(A).

[76] The program is known as the Services for Trafficking Victims Discretionary Grant Program.

[77] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 22.

[78] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 24.

[79] For a description of services offered by OVC, see CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

[80] The grant is authorized under 22 U.S.C 7105(b)(2)(A), pertaining to grants made by the Attorney General to develop, expand or strengthen victim service programs for victims of trafficking in the United States.

[81] OVC awarded cooperative agreements, each for $800,000, for a period of three years to three organizations: Safe Horizon, a youth-service provider for runaway and homeless youth and other vulnerable youth in New York; Salvation Army in Chicago, which seeks to combat sex trafficking of children; and Standing Against Global Exploitation (SAGE), a provider of services to minor and adult victims of commercial sexual exploitation in San Francisco. The grants have demonstrated how comprehensive services will be provided to both male and female victims of sex and labor trafficking; and documented how they will work collaboratively with juvenile justice system professionals, child welfare service providers, and other youth-serving organizations to ensure that a comprehensive array of services are provided to victims. U.S. Department of Justice, Office of Justice Programs, (continued...)

In addition, the Bureau of Justice Assistance (BJA) began the Anti-Human Trafficking Task Force Initiative in 2004. Currently, there are 41 task forces funded through this initiative. As of the end of December 2008, OVC had 36 active grants to victims' services organizations working in collaboration with these task forces to coordinate services on behalf of the victims.

Department of Labor (DOL)

DOL's Employment and Training Administration (ETA) One-Stop Career Centers provide job search assistance, career counseling, and occupational skills training to trafficking victims. Under TVPA these victims must be certified as trafficking victims. In addition, victims between the ages of 16 and 24—both U.S. citizen victims and noncitizen victims who have work authorization—may be eligible to participate in Job Corps.[82] Job Corps is a program for vulnerable young people ages 16 through 24 that provides job training and related services primarily at residential centers maintained by organizations that contract with DOL.

Domestic Investigations of Trafficking Offenses[83]

Human trafficking investigations are often complicated by language and humanitarian issues (e.g., the victim has been traumatized and is unable to aid in the investigation), as well as logistical challenges and difficulties (e.g., transporting, housing, and processing the victims). In addition, certain types of investigative techniques, such as controlled delivery operations,[84] cannot be used. Moreover, unlike drug trafficking cases where the contraband itself is proof of the illegal activity, the successful prosecution of trafficking cases relies on the availability of witnesses who may refuse to testify because of fear of retribution against themselves or their families.[85]

Within the United States, the Departments of Justice (DOJ) and Homeland Security (DHS) have primary responsibility for investigating and prosecuting sex traffickers. The majority of the cases are investigated by agents in DHS's U.S. Immigration and Customs Enforcement (ICE) and DOJ's Federal Bureau of

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Office for Victims of Crime, "Announcing the Awardees from OVC's Services for Domestic Minor Victims," press release, 2009; and U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *OVC FY09 Services for Domestic Minor Victims of Human Trafficking Funding Announcement*, 2009.

[82] Catholic Bishops, *A Guide for Legal Advocates Providing Services to Victims of Human Trafficking*, p. Appendix 1-6.

[83] This section is based on the information in Department of Justice, Department of Health and Human Services, Department of State, Department of Labor, Department of Homeland Security, and U.S. Agency of International Development, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, September 2007, and on Department of Justice, DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*.

[84] Controlled delivery is an investigative technique in which law enforcement knowingly allows a shipment to travel to its destination so that law enforcement can learn more about a criminal enterprise and the people involved.

[85] U.S. Government Accountability Office, *Combating Alien Smuggling, Opportunities Exist to Improve the Federal Response*, GAO-05-305, May 2005, p. 10. (Hereafter cited as GAO, *Combating Alien Smuggling, Opportunities Exist to Improve the Federal Response*.)

Investigation (FBI), who coordinate as appropriate.[86] In addition, DOJ, through the Child Exploitation and Obscenities Section (CEOS) and the U.S. Attorneys' Offices, prosecutes sex traffickers under the TVPA and other laws relating to child sexual exploitation.

Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (ICE)

The Human Smuggling and Trafficking Unit (HSTU) in ICE is primarily responsible for child sex trafficking investigations. HSTU coordinates with other units within ICE – such as the Cyber Crimes Center, the Law Enforcement Support Center, and the Financial, Narcotics, and Public Safety Division – and units in other agencies to combat this form of trafficking. In FY2008, ICE arrested 189 individuals for human trafficking offenses, 128 of which were related to sexual exploitation. The data do not, however, distinguish the proportion of arrests that were made for violations related to minors or adults.[87]

Department of Justice (DOJ)

Federal Bureau of Investigation (FBI), Civil Rights Unit

The Civil Rights Unit (CRU) of the FBI is responsible for investigating cases of domestic child sex trafficking as well as other trafficking offenses. The CRU coordinates with other FBI units such as the Organized Crime and Crimes Against Children Units to investigate these sex trafficking cases. In 2005, the FBI launched a Human Trafficking Initiative. This initiative employs the FBI field offices to use a threat assessment to determine the existence and scope of trafficking in their region, participate in the anti-trafficking task force, as well as conduct investigations and report significant case developments to the CRU. According to the most recent data, between FY2001 and FY2008, the CRU opened 787 trafficking cases, resulting in 308 convictions.[88]

The FBI, along with the Child Exploitation and Obscenities Section of DOJ and the National Center for Missing and Exploited Children (NCMEC), both discussed below, participates in the Innocence Lost Initiative, an Initiative dedicated specifically to combating domestic minor sex trafficking. The FBI has

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[86] The division of responsibilities between these two agencies is not clearly delineated which may lead to a lack of coordination between the agencies as well as possibly some duplicative efforts. In addition, according to an ICE Office of Investigations (OI) official, the Border Patrol only has a minor role in alien smuggling and trafficking investigations and is required to coordinate with OI before initiating anti-smuggling investigations. GAO, *Immigration Enforcement: DHS Has Incorporated Immigration Enforcement Objectives and Is Addressing Future Planning Requirements (2004)*, p. 9.

[87] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, pp. 37-38.

[88] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, pp. 35-36.

established 34 Innocence Lost Task Forces around the country. This has led to the prosecution of over 500 perpetrators – pimps and organized criminals – as well as the rescue of nearly 900 children.[89]

Child Exploitation and Obscenities Section (CEOS)

The Child Exploitation and Obscenities Section of the DOJ works with the U.S. Attorneys' Offices to prosecute individuals who violate federal laws relating to child pornography, child prostitution, obscenity, trafficking, child sex tourism, and international parental kidnapping. With specific respect to prosecuting domestic minor sex trafficking, statues available to prosecute such crimes include but are not limited to:

- 18 U.S.C. §1591 – Recruiting, enticing, or obtaining (including via force, fraud, or coercion) individuals to engage in commercial sex acts, or benefiting from such activities;
- 18 U.S.C. §2421 – Transporting individuals across state or international lines for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2422 – Enticing or coercing an individual to cross a state or international line for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2423 – Transporting a minor across state or international lines for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2424 – Keeping an alien in a house or place of prostitution; and
- 18 U.S.C. §2241(c) – Engaging in interstate travel for sexual activities with a child under 12; and sexual activities with a child under 16.

Notably, only 18 U.S.C. §1591 is an anti-trafficking statute created in TVPA. In addition, the provisions that were created in other laws reference that the crime is prosecutable so long as the victim is brought across states lines; however, victims do not have to be removed from their communities in order to be considered eligible under TVPA.

Human Smuggling and Trafficking Center

In July 2004, the Secretaries of the Departments of State (DOS) and Homeland Security, and the Attorney General signed a charter to establish the Human Smuggling and Trafficking Center (HSTC). The Intelligence Reform and Terrorism Protection Act of 2004 (P.L. 108-458, §7202), signed into law on December 17, 2004, formalized the HSTC. The HSTC serves as the federal government's information clearinghouse and intelligence center for all federal agencies addressing human smuggling, human trafficking, and the potential use of smuggling routes by terrorists. It is unclear how much of the HSTC's resources are focused on DMST.

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[89] National Center for Missing and Exploited Children (NCMEC), *Statement of Ernie Allen, President and CEO, NCMEC*, For the Congressional Human Trafficking Caucus, "Child Sex Trafficking in America", February 18, 2010, http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4219.

Other Responses to Domestic Minor Sex Trafficking

Recently policy makers and researchers have begun viewing commercial child sexual exploitation as human trafficking. Nonetheless, while anti-trafficking statutes are fairly new, having first been enacted in 2000, the issue of commercial child sexual exploitation is not. Thus, there are other laws and programs that attempt to address the issues surrounding the commercial sexual exploitation of children, some of which have been in existence for several decades.

Department of Health and Human Services (HHS)

Runaway and Homeless Youth Program

As discussed above, runaway youth are particularly at risk for becoming victimized by sex traffickers. From the early 20th century through the 1960s, the needs of runaway and homeless youth were handled locally through child welfare agencies, juvenile justice courts, or both. The 1970s marked a shift toward federal oversight of programs that help youth who had run afoul of the law, including those who committed status offenses.[90] In 1974, Congress passed the Runaway Youth Act of 1974 as Title III of the Juvenile Justice and Delinquency Prevention Act (P.L. 93-415) to assist runaways outside of the juvenile justice and child welfare systems. The federal Runaway and Homeless Youth (RHY) program has since been expanded through reauthorization laws enacted approximately every five years since the 1970s, most recently by the Reconnecting Homeless Youth Act (P.L. 110-378).

The RHY program, administered by the Family and Youth Services Bureau (FYSB) of HHS, includes three programs to assist runaway and homeless youth. Two of the programs—the Basic Center program (BCP) and Transitional Living program (TLP)—provide shelter, counseling, and related services to youth.[91] While the BCP and TLP generally do not specialize in services for runaway and homeless DMST victims, a small number of BCP and TLP grantees provide services for these victims. For example, YouthCare, a TLP grantee in Seattle, provides four beds and services specifically for runaway and homeless youth who are victims of commercial sexual exploitation.[92]

The third RHY program, the Street Outreach program (SOP), provides street-based outreach and education, including treatment, counseling, provision of information, and referrals for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse and exploitation. Trained workers, some of whom are employed by BCPs and TLPs (and other runaway and

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[90] A status offense is an offense that would not be considered a crime if committed by an adult (e.g., truancy or underage drinking).

[91] Congress appropriated $97.7 million for the two programs in FY2009, which funded 373 BCP shelters and 215 TLPs in all 50 states, the District of Columbia, America Samoa, Guam, and Puerto Rico. That same year, over 40,000 youth received BCP services and nearly 4,000 received TLP services.

[92] This information was provided by the U.S. Department of Health and Human Services, Administration for Children and Families, Adminstration on Children, Youth, and Families, Family and Youth Services Bureau, March 2010.

homeless youth shelters that are not federally funded), visit youth on the street to provide these services and referrals.[93]

The RHY program also funds the National Runaway Switchboard (NRS) which serves as the national communication system for runaway and homeless youth. The NRS mission is to keep runaway and at-risk youth safe and off the streets. NRS operates a 24-hour hotline to provide crisis intervention, referrals to community resources, and family reunification. NRS staff are trained on issues around child sexual exploitation and provide training to RHY and other grantees about the forms of sexual exploitation among runaway and homeless youth.[94]

Office of Refugee Resettlement (ORR) and Family and Youth Services Bureau (FYSB) Coordination

In 2008, staff from Family and Youth Services Bureau (FYSB) and Office of Refugee Resettlement (ORR) provided training to five RHY grantee sites.[95] The grantees were funded under the BCP, TLP, and/or SOP. The purpose of the training was to familiarize ORR staff with the work of FYSB grantees and to develop and field test a training module for new ORR and FYSB grantees on ORR procedures in processing or certifying trafficked youth. The training highlighted the differences between domestic and foreign trafficking victims, the different services they can receive, as well as emerging issues related to providing services to these youth such as labeling youth as victims or offenders and defining trafficking. According to ORR, this training did not result in identifying youth as victims of trafficking.[96]

Department of Justice (DOJ)

Missing and Exploited Children's Program

The Missing Children's Assistance Act (P.L. 98-473), as amended, authorizes funding for the Missing and Exploited Children's (MEC) program. The act is the centerpiece of federal efforts to prevent the abduction and sexual exploitation of children, and to recover those children who go missing. The act directed DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish both a toll-free number to report missing and exploited children and a national resource center for missing and exploited children; coordinate public and private missing and exploited children's programs; and provide

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[93] Approximately $17.7 million was appropriated to fund 164 grantees in FY2009, many of operate in coordination with the two shelter programs. In FY2009, street workers with the grantee organizations made 812,418 contacts with street youth. Most of these received written materials about referral services, health and hygiene products, and food and drink items. No other information is collected about the youth who receive assistance through SOP.

[94] This information was provided by the National Runaway Switchboard, April 2010.

[95] The sites were in San Diego, CA, and Austin, Galveston, and San Antonio, Texas. This information was provided by the U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Family and Youth Services Bureau, March 2010.

[96] Personal Communication with U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Director, Anti-Trafficking in Persons Division, April 14, 2010.

training and technical assistance to recover missing children and to assist law enforcement entities in combating child exploitation. For FY2010, Congress appropriated $70 million for the MEC program.

Since 1984, the National Center for Missing and Exploited Children (NCMEC) has served as the national resource center and has carried out many of the objectives of the act in collaboration with OJJDP. NCMEC operates the CyberTipline, which allows the public and electronic communication service providers to report the enticement of children for sexual acts, child sexual molestation not in the family, child pornography, sex tourism of children, and child victims of prostitution. NCMEC analysts from the Exploited Children's Unit send verified reports to the appropriate Internet Crimes Against Children Task Forces (see below) or, when appropriate, the local police agencies. The CyberTipline also accepts reports of misleading domain names and unsolicited materials sent to children, which are then referred to the Child Exploitation and Obscenities Section (CEOS). Federal law enforcement agents and analysts co-located at NCMEC prepare and serve subpoenas based on leads from the CyberTipline, and reported leads are referred to field offices.[97] The FBI uses CyberTipline reports to gain leads for their Innocence Lost Project on domestic child trafficking.

In addition to funding NCMEC, the MEC program currently supports (1) the Internet Crimes Against Children (ICAC) Task Force program to assist state and local law enforcement cyber units investigate possible incidents of online child sexual exploitation; (2) technical assistance for the AMBER Alert System, which coordinates state efforts to broadcast bulletins in the most serious child abduction cases; and (3) grant programs for researching and combating child sexual exploitation and promoting child safety in general.[98] According to the funding announcement for the grants, commercial sexual exploitation describes a range of crimes of a sexual natural committed against victims younger than age 18, primarily or entirely for financial or other economic reasons, including trafficking for sexual purposes, prostitution, sex tourism, mail-order bride trades and early marriage, pornography, stripping, and sexual performances.[100] In FY2009, the two grants for researching and combating sexual exploitation are as follows:

- Improving Community Response to the Commercial Sexual Exploitation of Children (CSEC): This program supports three communities in combating the commercial sexual

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[97] Federal law enforcement officials from five agencies (FBI, US Postal Inspection Service, U.S. Marshals Service, Immigration and Customs Enforcement Agency, and the State Department) work full- or part-time at NCMEC investigating missing and exploited children cases, as they pertain to their federal jurisdiction.

[98] For example, Girls Educational and Mentoring Services (GEMS), Inc., a non-profit organization that provides shelter, counseling, and other services to victims of sex trafficking, received funding from OJJDP to assist the three communities receiving the Improving Community Response grant with increasing and improving their capacity to provide services to sexually exploited and trafficked youth. GEMS also received funding under the American Recovery and Reinvestment Act (P.L. 111-5) that was appropriated to the Missing and Exploited Children's ICAC program and the Department of Justice's Office of Victims of Crime (OVC). Under the ICAC grant, GEMS is to provide training to ICC task forces in five cities, including training on internet facilitated crimes against youth victims of commercial sexual exploitation.

[100] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *FY 09 Improving Community Response to the Commercial Sexual Exploitation of Children and Research on the Commercial Sexual Exploitation of Children, Funding Announcements*, 2009.

exploitation of children under the age of 18 by improving training and coordination activities within the community. OJJDP assists communities in developing policies and procedures to identify CSEC victims, adopting best practices for addressing CSEC, and completing a needs assessment to identify and fill gaps in local service provision to victims, such as mental and physical health services and temporary shelter.

- Research on the Commercial Sexual Exploitation of Children: This program supports research on the scope and consequences of commercial sexual exploitation of children and youth.

Issues

Funding and Authority to Assist U.S. Citizen and LPR Victims of Trafficking

An overriding issue concerning victims of DMST is the extent to which the agencies can provide services to U.S. citizen and LPR trafficking victims who do not receive certification. As discussed above, a 2007 report by the Senior Policy Operating Group on Trafficking in Persons (SPOG) states "...there are not many differences in trafficking victims' eligibility for the services we reviewed when one looks at the relevant statutes..." However, the report does note that U.S. citizen victims may have less intensive case management services compared to noncitizens.[101] Conversely, the AG's FY2008 report on anti-trafficking efforts states, "the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not currently be used to assist U.S. citizen victims."[102] More recently, ORR has stated that they do not provide services to U.S. citizen trafficking victims.[103] Nonetheless, the language in the appropriation acts may give the HHS the authority to provide some services to U.S. citizen trafficking victims. The appropriation acts since FY2008 state that the money appropriated to HHS is to "carry out the Trafficking Victims Protection Act of 2000."[104]

In addition, as discussed above, beginning in FY2009, OVC is funding a grant, Services for Domestic Minor Victims of Human Trafficking, which includes U.S. citizen and LPR victims.[105] According to DOJ, this grant is authorized under 22 U.S.C §7105(b)(2)(A), which was included in the TVPA as enacted in

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[101] Senior Policy Operating Group on Trafficking in Persons: Subcommittee on Domestic Trafficking, *Final Report and Recommendations*, Washington, DC, August 2007, http://www.acf.hhs.gov/trafficking/SPOGReport-Final9-5-07.pdf.

[102] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 9.

[103] Personal Communication with U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Director, Anti-Trafficking in Persons Division, April 14, 2010.

[104] P.L. 111-117, P.L. 111-8, P.L. 110-161.

[105] The grant is authorized under 22 U.S.C 7105(b)(2)(A), pertaining to grants made by the Attorney General to develop, expand or strengthen victim service programs for victims of trafficking in the United States. It is a program that was in TVPA as enacted in 2000. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, "Announcing the Awardees from OVC's Services for Domestic Minor Victims," press release, 2009.

2000. The authorizing language of this grant program does not appear to differentiate between U.S. citizen and noncitizen victims. 22 U.S.C §7105(b)(2)(A) states:

> IN GENERAL.—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.[106]

The funding of this grant appears to be inconsistent with the statement in the FY2008 AG's report that the funds appropriated under TVPA can only be used for noncitizen victims. Due to the apparent confusion over the authority and funding available to provide services to U.S. citizen trafficking victims, Congress may choose to clarify the authorities to provide services under the TVPA.

Resources for Trafficking Victims' Services

A corollary issue is the overall amount of funding for victim services, especially as the focus on sex trafficking is broadening to include DMST victims. In FY2010, Congress appropriated approximately $22.5 million for services to trafficking victims. It is estimated that there are approximately 14,000 noncitizens trafficked into the United States each year.[107] As discussed above, it is estimated that the number of DMST victims could be in the hundreds of thousands. This raises several questions: Are the resources for trafficking victims, both citizen and noncitizens, adequate? If funds were allocated based on estimated citizen populations and noncitizen populations, would certain victims have more trouble getting services? To what extent are the needs of U.S. citizen and noncitizen victims similar and to what extent do they differ? For example, are noncitizen victims more likely than U.S. citizen victims to identify themselves as victims?[108]

Trafficking Victims Treated as Criminals

Through the Trafficking Victims Protection Act of 2000, Congress legislated that juveniles who are involved in commercial sexual crimes are to be considered the *victims* of these crimes.[109] However, researchers have cited disparities in the ways that exploited children are labeled at the state and local levels. It has been suggested that DMST victims– even though these children are too young to consent to sexual activity with adults – may at times be labeled as child prostitutes or juvenile delinquents and treated as criminals rather than being labeled and treated as victims.[110] These children who are arrested

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[106] 22 U.S.C §7105(b)(2)(A).

[107] Department of Justice, Department of Health and Human Services, Department of State, Department of Labor, Department of Homeland Security, and U.S. Agency of International Development, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, June 2004, p. 4.

[108] Victims of DMST often do not self-identify as victims due to fear of the physical and psychological abuse inflicted by the trafficker, or due to the trauma bonds developed through the victimization process. Smith, Vardaman, and Snow, *Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 41.

[109] See remarks by Senator Richard Durbin before the U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, *In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States*, 111th Cong., 1st sess., February 24, 2010.

[110] Juveniles under the age of 18 – or in some states, this age is 16 or 17 – cannot legally consent to have sexual relations, and (continued...)

may then be placed in juvenile detention facilities with juveniles who have committed serious crimes instead of in environments where they can receive needed social and protective services.[111]

DMST victims may enter into the juvenile justice system in situations where law enforcement does not know that the juvenile is a trafficking victim as well as in situations where law enforcement *is* aware that the juvenile is a victim. For instance, a law enforcement officer who has not been trained in identifying children as DMST victims may mistakenly charge these children with a crime. On the other hand, an officer who recognizes that an individual is a victim may charge the individual with a crime so as to place the victim into one of the only available safe and secure environments – a detention facility within the juvenile justice system.[112]

Results from a 2009 study conducted by Shared Hope International suggest that in nine out of 10 U.S. cities evaluated with respect to domestic minor sex trafficking, victims had been placed in juvenile detention centers.[113] There is no comprehensive data, however, that address the number of prostituted or sexually trafficked juveniles who are treated as offenders. Two studies, however, provide some insight into this number and how law enforcement agencies process children who are prostituted. One of the only studies that has attempted to gather this data relies on National Incident-Based Reporting System (NIBRS)[114] data from 76 law enforcement agencies in 13 states. Findings from this study, conducted by OJJDP, revealed that between 1997 and 2000, 229 juveniles were implicated as offenders in prostitution incidents, and arrests were made in about 74% of those cases.[115] Although this percentage of juveniles involved in prostitution who were arrested is lower than the percentage of adult prostitutes arrested (90%),[116] this nonetheless suggests that in the sample examined, juveniles were more likely to be treated as offenders than as victims.

In addition, as part of the National Juvenile Prostitution Study (discussed above),[117] juveniles were categorized as victims, delinquents, or both victims and delinquents, based on how they were treated by

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thus cannot be charged with prostitution as a crime. See Shared Hope International, ECPAT-USA, and The Protection Project of the Johns Hopkins University School of Advanced International Studies, *Report from the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America*, September 2006, p. 15, http://www.sharedhope.org/images/US_MTR_of_CSEC.PDF.

[111] Smith, Vardaman, and Snow, *Domestic Minor Sex Trafficking: America's Prostituted Children*.

[112] More information on the lack of safe facilities for victims of trafficking is detailed elsewhere in this memorandum.

[113] Smith, Vardaman, and Snow, *Domestic Minor Sex Trafficking: America's Prostituted Children*.p. 54.

[114] NIBRS is part of the FBI's Uniform Crime Reporting (UCR) program. Although both incident-based reporting systems, NIBRS presents more detailed information about crime incidents than does the UCR. NIBRS does not have as widespread participation from state and local police, and the FBI has indicated that the data is not sufficiently robust to make broad generalizations about crime in the United States. See the FBI's website at http://www.fbi.gov/ucr/ucr.htm#nibrs. For more information about UCR and NIBRS, see archived CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council.

[115] David Finkelhor and Richard Ormrod, *Prostitution of Juveniles: Patterns From NIBRS*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, June 2004, p. 5.

[116] Ibid.

[117] Mitchell, Finklehor, and Wola, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study."

the police. Juveniles were categorized as being treated as victims if (1) only the exploiter was arrested or (2) the juvenile and exploiter were arrested but the charge against the juvenile was not a prostitution-related charge (e.g., disturbing the peace or a drug charge). Juveniles were categorized as being treated as delinquents if they were the only person arrested or detained. They were categorized as being treated as both victims and delinquents if the exploiter was arrested on a charge specific to a sexual assault against a minor and the juvenile was also arrested on a prostitution-related charge. Based on this classification, 53% of juveniles were classified as victims, 31% as delinquents, and 16% as both victims and delinquents. For the cases where a child was classified as both a victim and delinquent, researchers examined the case summaries more carefully to see whether they could be classified more accurately as a victim or as a delinquent. In all cases, researchers were prompted to change the status to victim only because either (1) the initial charges were dropped or (2) there was a specific comment from the investigator that the only reason the juvenile was charged was so they could get needed services. Overall, 69% of juveniles were ultimately classified as victims and 31% as delinquents.

The study found a strong and significant association in how the case came to the police's attention and how the juvenile was treated by law enforcement. Cases that began through a police report (i.e., report by the juvenile, a family member, social service provider, or others) were almost eight times more likely to have the juvenile treated as a victim than cases that began through action taken by the police (i.e., surveillance or undercover operations). Juveniles were also more likely to be treated as victims if they were younger, female, frightened, or were dirty or had body odor at the time of the initial encounter with police.

Several policy options exist to address the issues in labeling victims of trafficking as perpetrators of crimes. For one, Congress may consider whether to provide grant money for the purposes of researching or establishing alternatives to detention for victims of child sex trafficking. A related question that may arise is whether these alternatives should be available for domestic victims, international victims, or whether this distinction should be made at all. Another option Congress may consider is whether to provide funding for programs to train law enforcement and social service providers to recognize possible indicators of trafficking and subsequently identify the victims. If Congress decided to appropriate funds for these types of programs, research would be needed to assess the reliability and validity of any trainings utilized. For instance, according to Shared Hope International, after receiving training on identifiers of domestic minor sex trafficking, one runaway youth shelter in Louisiana identified 57% of the youth in the shelter as trafficking victims.[118] It is unknown, however, how these results may generalize to other social service and law enforcement agencies that may receive such training.

Lack of Adequate Shelter and Services

In recent congressional hearings and briefings, stakeholders—including anti-trafficking groups such as Shared Hope International and Polaris Project; social service providers such as Girls Empowerment & Mentoring (GEMS), which provides counseling and shelter to victims of sex trafficking; officials with the Department of Justice and State Department; and law enforcement agencies, including the Dallas Police Department—discussed that specialized services and support for victims of DMST are limited. These

[118] Smith, Vardaman, and Snow, *Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 50.

specialized services include shelters that have security and controlled entry so that pimps/traffickers and others cannot coerce or threaten youth. Services also include qualified staff to provide intensive therapy and support to the youth as they transition (or consider transitioning) into new pathways.

At the February 24, 2010 hearing before the Senate Judiciary Committee's Subcommittee on Human Rights and the Law, a social service provider of sex-trafficked youth stated that 12 organizations throughout the country specialize in sex trafficking, and collectively have fewer than 50 beds.[119] In its report on domestic child sex trafficking, Shared Hope International identified five residential facilities nationwide that provide protective shelter, defined as a facility with the ability to separate a victim from a trafficker/pimp and provide the victim a restorative home.[120] According to Shared Hope, the facilities are able to provide youth protection because they often are isolated from major transportation centers and common trafficking/pimping areas; a large ratio of staff to minors can help keep a minor from being re-trafficked and hinder running away; and a security system, such as outdoor and indoor cameras can hinder outsiders from gaining entry and discourage youth from running away.

Other facilities, such as runaway and homeless youth shelters and child welfare group homes and other foster care settings, may not be able to adequately meet the needs of youth or keep them from pimps/traffickers and other abusers.[121] In addition, these settings are not often equipped to provide intensive services for victims or recognize the trauma they have experienced. Runaway shelters often have time restrictions on the length of stay imposed by funding sources, which makes serving victims of DMST difficult. Runaway shelter providers and other providers may not recognize the signs of sex trafficking or that trafficking is a crime altogether. Yet if they do, youth may choose to leave, given that shelter providers are required to report suspected abuse and neglect, including sexual exploitation.[122] In an HHS study, contractors with the department found that HHS-funded Runaway and Homeless Youth (RHY) providers tended to report that they served no DMST victims, citizen and noncitizen, and often equated trafficking victims with being foreign born.[123] Other research has shown that child protective services (CPS) workers are not familiar with human trafficking terms and laws, but they are aware of familial prostitution.[124] However, such cases are classified as sexual abuse and not DMST.

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[119] U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, *Child Prostitution and Sex Trafficking*, testimony of Rachel Lloyd, Executive Director and Founder of Girls Educational & Mentoring Services (GEMS), 111th Cong., 2nd sess., February 24, 2010.

[120] Smith, Vardaman, and Snow, *Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 67.

[121] Heather J. Clawson and Lisa Goldblatt Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, September 2007, http://aspe.hhs.gov/hsp/07/humantrafficking/ResFac/ib.htm. (Hereafter, Heather J. Clawson and Lisa Goldblatt Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*.)

[122] Heather J. Clawson et al., *Study of HHS Programs Serving Human Trafficking Victims*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, December 2009, p. iv, http://aspe.hhs.gov/hsp/07/HumanTrafficking/Final/index.pdf.

[123] Ibid.

[124] Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," Shared Hope International, May 2009.

As discussed above, one response to the lack of social services is to arrest youth who are DMST victims. These victims may be temporarily placed in secure juvenile justice system facilities so they are physically removed from their pimps/traffickers and acquaintances. As Shared Hope International observes, "while this sometimes is 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 [the young person], and hinders access to service."[125] Like runaway and homeless youth shelters, juvenile detention facilities provide treatment and services that are aligned with a youth's pending charges often unrelated to sex trafficking and therefore are ineffective at addressing the deeper issues facing victims.[126]

As part of HHS's work on DMST, contracted researchers identified promising elements for a residential facility for victims.[127] These elements were identified based on discussions with shelter providers, law enforcement officials, case workers, and the directors and staff of four residential facilities that serve minor victims of domestic sex trafficking.[128] Some of the elements are as follows:

- Residential facilities should be designed to serve homogenous populations that include victims of domestic trafficking. Victims need, and are likely to benefit from, a smaller, more intimate setting so they can develop relationships with staff and other victims more easily.
- The facility must be secure in order to establish physical and emotional safety, and should include an undisclosed location, security cameras and alarm systems, 24-hour staffing and presence of security guards, unannounced room searchers and drug screens, and limited phone use.
- Services must be available to victims of minor sex trafficking, including basic needs such as clothing, food, and shelter; intensive case management; mental health counseling and treatment; medical screenings and routine care; life skills and job training programs; youth development programming; educational programming; and services to assist youth reunify with their families or other appropriate support people, as appropriate.

Congress may wish to consider explicitly designating trafficking or other funds altogether for DMST victim services. There appear to be examples in federal law where individuals were specifically classified as victims in order to receive shelter and other services. For example, before the Violence Against Women Act (VAWA) was enacted, law enforcement officials did not know how to adequately respond to victims of domestic violence and often did not protect victims from their abusers. With VAWA, law enforcement officials received training on domestic violence, and the law authorized federal funding for domestic violence shelters. Similarly, prior to the enactment of the Juvenile Justice and Delinquency Prevention Act

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[125] Heather J. Clawson and Lisa Goldblatt Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*.

[126] Ibid, p. 2.

[127] Ibid.

[128] At the time of the study in 2007, the researchers identified only four facilities specific to the population across the country: Girls Educational and Mentoring Services (GEMS) Transition to Independent Living (TIL) program in New York; Standing Against Global Exploitation (SAGE) Safe House in San Francisco; Children of the Night in Los Angeles County, California; and Angela's House in a rural community outside Atlanta.

(JJDPA), runaways were generally processed through the juvenile justice system, rather than referred for social services to address the reasons they ran away and to provide needed services.

Efforts are underway at the state level to provide unique responses to victims of DMST. These responses seek to extend greater social service support to youth victims, in combination with assistance from other stakeholders, including law enforcement. At least one state, New York, has passed a law that would provide certain protections for DMST victims. The Safe Harbor for Exploited Children Act requires that children under age 18 who engage in prostitution are to be considered victims of sexual exploitation.[129] This presumption permits the child to avoid criminal charges of prostitution and instead be considered a person in need of supervision by the state. The statute also provides support and services to sexually exploited youth. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify sexually exploited youth.

Reducing Demand for Minor Sex Trafficking in the United States

It is widely agreed upon that any efforts to reduce the prevalence of child sex trafficking – as well as other forms of trafficking – must include efforts to reduce not only the supply, but the *demand*. Research has identified various factors that contribute to the demand for commercial sex including DMST. One such factor contributing to the demand for younger girls is that buyers believe they are less likely to contract a sexually transmitted disease from a younger girl.[130] Another factor influencing the demand for commercial sex is the technology boom; commercial sex is advertised extensively over the Internet, and buyers are connected with victims through cell phones – allowing traffickers to conduct business quickly and anonymously over the phone rather than face-to-face.

Experts have provided recommendations for demand reduction strategies that involve increasing public awareness and prevention, bolstering investigations and prosecutions of those buying illegal commercial sex ("johns"), enhancing victim services, and enacting legislation to enhance these efforts. The federal government has already taken steps to address demand reduction. For example, in FY2008, the Office of Justice Programs funded a national assessment of sex trafficking reduction efforts. This program plans to assess over 435 national sites that have engaged in some form of demand reduction programs in order to assess their effectiveness and inform future programs.[131]

Policy makers may consider other policy options to reduce the demand for commercial sex with minors. For instance, Congress may consider whether to provide further grant money designated specifically for campaigns to increase public awareness of the issue. Also, some researchers have suggested that increasing the age of consent in all commercial sex activities would be an effective means of reducing the risk of misidentifying a minor as an adult and subsequently decreasing the rate at which minors are

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[129] Sections 447A and 447B of the New York State Social Services Law.

[130] Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 5.

[131] DOJ, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons*, pp. 78 - 79.

involved in commercial sex activities.[132] Congress may debate whether this would also decrease the rate at which johns seek out minors for commercial sex or whether it would only decrease the genuine misidentification of a minor as an adult. Yet another option that Congress may consider is whether strengthening the federal anti-trafficking laws or encouraging states to strengthen their laws to provide harsher penalties for engaging in commercial sex activities with minors would deter individuals from doing so. Policy makers may also debate whether providing funding to assist states with investigations and prosecutions of these crimes would in turn reduce the prevalence by which buyers are willing to engage in commercial sex with minors.

[132] Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 148.

The New York Times

April 25, 2010

Sex Ads Seen Adding Revenue to Craigslist

By BRAD STONE

Craigslist, one of the most popular Web sites in the United States, is on track to increase its revenue 22 percent this year, largely from its controversial sex advertisements. That financial success is reviving scrutiny from law-enforcement officials who say the ads are still being used for illegal ends.

The ads, many of which blatantly advertise prostitution, are expected to bring $36 million this year, according to a new projection of Craigslist's income. That is three times the revenue in last year's projection.

Law-enforcement officials have been fighting a mostly losing battle to get Craigslist to rein in the sex ads. At the same time, officials of organizations that oppose human trafficking say the site remains the biggest online hub for selling women against their will.

Last week, in the latest example, the Federal Bureau of Investigation arrested 14 members of the Gambino crime family on charges of, among other things, selling the sexual services of girls ages 15 to 19 on Craigslist.

The company that provided the revenue projection, the Advanced Interactive Media Group, has been preparing such analyses since 2003. Followers of Craigslist consider AIM's work to be the most comprehensive estimates of the fiercely private company's finances. The estimate was calculated based on the number of sex ads counted on Craigslist over the month of February and the fees for posting such ads — $10 initially and $5 for repeat postings.

James Buckmaster, Craigslist's chief executive, said in an e-mail message that the site would not confirm the figures because it is private and does not discuss its finances. Of the sex ads, he wrote, "Of the thousands of U.S. venues that carry adult service ads, including venues operated by some of the largest and best known companies in the U.S., Craigslist has done the best and most responsible job of combating child exploitation and human trafficking."

Mr. Buckmaster was referring to alternative newspapers, phone directories and sex Web sites that carry ads for prostitution, although authorities say that Craigslist is the largest place for such ads.

Craigslist, based in San Francisco, had seemed to put the conflict over its sex ads to rest. Attorneys general in 40 states, including New Jersey, Illinois and Connecticut, investigated the company for facilitating criminal activity, after a wave of publicity about prostitution and violent crimes linked to the site.

Although Craigslist has continually argued that it is legally protected by the Communications Decency Act against liability for what its users post — an analysis that judges and legal experts generally agree with it promised last May to begin manually monitoring these posts for illegal activity.

But it also decided to stop committing to donate the profits from sex ads to charity, saying it would make no further comment on how that money would be used.

In a private letter sent to Craigslist's lawyer on Thursday, Richard Blumenthal, attorney general of Connecticut, complained about the continued presence of prostitution ads on the site and asked what additional steps Craigslist was taking to keep such solicitations off the site.

He also asked the company to reveal precisely how much money those ads generate, and criticized the company's announcement last May that it would no longer commit to donate those profits to charity.

"I believe Craigslist acted irresponsibly when it unilaterally decided to keep the profits from these posts," Mr. Blumenthal wrote in the letter, a copy of which was obtained by The New York Times.

In the e-mail message, Mr. Buckmaster said, "Misuse of Craigslist for criminal purposes is utterly unacceptable, and Craigslist will continue to work with its partners in law enforcement and at nongovernmental organizations until it is eliminated."

He declined to say whether the company was continuing to donate revenue from sex ads to charity, but he said the company was continuing to develop its charitable initiatives.

The company has two charitable organizations; one, the nine-year-old Craigslist Foundation, which received $648,000 in contributions in 2008, according to public documents, does not make any donations. It "connects people and organizations to the resources they need to strengthen communities," according to its Web site.

There is also a newer organization, the Craigslist Charitable Trust, which was capitalized in 2008 with $2.7 million by Mr. Buckmaster and Craig Newmark, the company's founder, according to public documents. But little else is known about it, and Mr. Buckmaster declined to comment further on the organization or say whether say whether that was the money from the sex ads.

Meanwhile, staff members for Illinois's attorney general, Lisa Madigan, have counted more than 200,000 sex ads since late 2008 posted to Craigslist in Chicago alone — which they estimate have generated $1.7 million for the company. Officials in Illinois and Connecticut, as well as South Carolina, are leading the effort to get the site to improve its monitoring of sex ads.

Cara Smith, Ms. Madigan's deputy chief of staff, said Craigslist's manual review of the ads had had a minimal impact. "Certainly the manual monitoring has tempered the photos posted along with the ads, but I think there's no question that the site continues to facilitate prostitution," she said.

The AIM Group, which sells research on the advertising market to newspapers and Web sites, conducts its annual Craigslist study by tabulating all the posts to Craigslist in 39 major United States cities over a 30-day period, and then extrapolating to reach a final revenue figure.

This year, the study showed Craigslist on track to bring in $122 million in 2010, a 22 percent increase over its projected revenue last year. Though the site is largely free, it does charge people to post job listings in 19 major United States cities, and real estate listings in New York City, in addition to sex listings in all 438 markets in the United States. Revenue in those other categories remained largely unchanged since last year, according to AIM.

The increase in revenue from sex ads to $36.3 million for the year, according to AIM, was largely caused by Craigslist's decision last May to double the rate for these ads in all of its American markets to $10.

The windfall from sex ads has touched a raw nerve with groups that oppose human trafficking, who are typically heated in their discussion of the company.

"Craigslist has not given any indication that they are outraged and disturbed that their site is the primary way children are bought in the country," said Rachel Lloyd, executive director of Girls Educational and Mentoring Services, which provides assistance to sexually exploited and trafficked women. "All they have done is made cosmetic changes."

Craigslist's reliance on the Communications Decency Act has also angered law-enforcement officials, who complain that the law could not have been drafted with this particular example in mind. But the company has repeatedly won rulings in cases brought against it, including one in 2008 over discriminatory housing ads. A federal appeals court said Craigslist was an online service provider, not a publisher, and so was protected by federal law.

Questions about where that revenue is going are sure to arise from this latest financial analysis of Craigslist. In an accompanying report, the AIM Group estimated Craigslist's expenses at under $50 million, though it acknowledged that this particular calculation involved "educated guesses." The analysis took into account estimates of salaries, server and bandwidth costs, and the lawyer fees associated with Craigslist's continuing legal battle with a minority shareholder, eBay.

Even if the numbers are slightly off, that leaves a lot of room for big profits. Mr. Buckmaster and Mr. Newmark own a majority of the company's shares and by all accounts do not live flashy lifestyles.

The New York Times

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May 14, 2009

2009 Article

Under Pressure, Craigslist to Remove 'Erotic' Ads

By BRAD STONE

Craigslist, the Web's largest classified advertising site, said on Wednesday that it would close its erotic services category, which critics have said is a forum that fosters prostitution and other illegal activities.

To replace it, the company has created a category called adult services, in which postings will be reviewed by employees who will look for indications of activity that is illegal or violates the site's guidelines. The erotic services category would be deleted next Wednesday, Craigslist said.

Craigslist has been under increasing pressure from officials in several states, as violent crimes involving people who had made contact through the site made national headlines. But the changes did not appear to go far enough to satisfy everyone in the growing ranks of Craigslist's detractors.

Andrew M. Cuomo, New York's attorney general, said his office had recently notified Craigslist about an impending prostitution case that involved the erotic services category.

"Rather than work with this office to prevent further abuses, in the middle of the night, Craigslist took unilateral action which we suspect will prove to be half-baked," Mr. Cuomo said in a statement.

Jim Buckmaster, chief executive of Craigslist, said the move was not made under any legal pressure.

"In striking this new balance we have sought to incorporate important feedback from all the groups that have expressed strongly held views on this subject, including some of the state A.G.'s, free speech advocates and legal businesses who are accustomed to being entitled to advertise," Mr. Buckmaster said.

He said Craigslist, which is based in San Francisco and has 30 employees, would hire enough new employees to be able to review adult services ads for indications of violations of the site's terms of service, which prohibit sexually explicit images and offers of sex for money, among other things. Postings to the new category would cost $10 and can be renewed for $5.

Mr. Buckmaster said the move was "strictly voluntary" and that Craigslist has always been on solid legal footing under the Communications Decency Act of 1996, which says that Web sites are not legally responsible for material contributed by their users.

Craigslist has long cultivated a permissive environment where a range of products and services, some sexual in nature, are offered and solicited. It has largely relied on its community of users to flag objectionable or illegal content.

Attorney General Richard Blumenthal of Connecticut, who has been a leading critic of Web sites that can be used to initiate offline sexual encounters with minors, said state investigators would continue to monitor Craigslist to make sure illicit postings did not simply migrate to other portions of the site that are not reviewed by employees.

"We are going to be extraordinarily watchful," he said. "We are concerned about any possible new area where ads may migrate. We are not going away."

Craigslist announced the changes just as several highly publicized cases have converged to put the 14-year-old site under intense scrutiny. The case of Philip Markoff, a 23-year-old medical student in Boston accused of killing a woman who offered masseuse services through Craigslist, has received national attention.

In March, the sheriff of Cook County in Illinois, which includes Chicago, sued Craigslist in federal court, saying that the site was "facilitating prostitution" and asking the court to force the company to close the erotic services category.

Last week, South Carolina's attorney general, Henry McMaster, threatened the management of Craigslist with criminal prosecution if it did not remove the local erotic services postings within 10 days.

Mr. McMaster said on Wednesday that he believed the Communications Decency Act allowed states to enforce their own laws, and that he would still consider bringing a lawsuit against Craigslist executives if erotic services postings were not removed by the end of Friday.

People with knowledge of investigations in other states said state officials had been looking for creative ways to charge the company, like using state antifraud laws that can be used to prosecute misconduct by consumer-oriented companies.

Last year, Craigslist took several measures to curb sex ads on the site. In November, as part of negotiations with 40 state attorneys general, it said it would start charging for erotic services ads and require advertisers to use a credit card for payment, theoretically allowing the company or authorities to track users down.

But state investigators said the provision proved to be inadequate, as erotic services advertisers simply used fake credit cards or untraceable debit cards.

Mr. Blumenthal of Connecticut said last Tuesday he and representatives from four other states met with a lawyer for Craigslist in New York and demanded that the company eliminate the erotic services section of the Web site by this Wednesday.

A person familiar with the negotiations, who spoke on condition of anonymity because there is tension over the issue among the various attorneys general, said Craigslist made its latest changes without fully consulting any of the state officials.

The new adult services category appeared on the site late Tuesday night, and is already home to ads

for things like masseuse and escort services, similar to those that appear in alternative newspapers and the Yellow Pages.

Mr. Buckmaster of Craigslist said the criticism and the press coverage had exaggerated the threat of violence.

"The danger posed with using print classified ads has been 1,000 times as great as the danger associated with Craigslist," Mr. Buckmaster said, pointing to a post on the company's blog that refers to a Wikipedia entry about violent crimes linked to print classified advertising. "To trumpet one or two or three incidents and characterize them as being dangerous, or Craigslist as a place that breeds crime or where killers are on the loose, is sensationalistic when actually the complete opposite is the truth."

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Craigslist is hub for child prostitution, allege trafficked women

Open letter to founder Craig Newmark in Washington Post tells stories of young women sold for sex through 'adult services' ads

Chris McGreal in Washington
guardian.co.uk, Sunday 8 August 2010 18.46 BST

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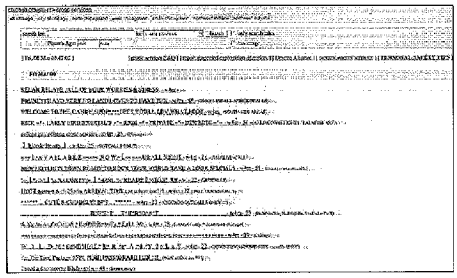

Adult listings on Craigslist have long caused controversy. Photograph: Public Domain

The online classified advertising site, Craigslist, is facing accusations that it has become a hub for underage prostitution after two young women placed an advertisement in the Washington Post saying they were repeatedly sold through the site to men who "paid to rape" them.

The allegations came as a federal judge threw out an attempt by Craigslist – named after its owner, Craig Newmark – to stop a criminal investigation over its "adult services" section which is alleged to carry thousands of prostitution ads daily.

In an open letter to Newmark placed in the Washington Post, the two women appealed for him to shut Craigslist's adult services section.

One of the women, who identified herself as MC, said she was forced into prostitution at the age of 11 by a man who trafficked "many girls my age".

"All day, me and other girls sat with our laptops, pasting pictures and answering ads on Craigslist, he made $1,500 a night selling my body, dragging me to Los Angeles,

Houston, Little Rock – and on one trip to Las Vegas in the trunk of a car," the ad said. "Craig we write this letter so you will know from our personal experiences how Craigslist makes horrific acts like this so easy to carry out ... and the men who arrange them very rich."

The second woman, identified as AK, said that last year she met a man twice her age who pretended to be her boyfriend. "He put my picture on Craigslist, and I was sold for sex by the hour at truck stops and cheap motels, 10 hours with 10 different men every night. This became my life," the ad said. "Men answered the Craigslist advertisements and paid to rape me. The $30,000 he pocketed each month was facilitated by Craigslist 300 times."

AK said she knew of more than 20 girls who were trafficked on the site: "Like me, they were taken from city to city, each time sold on a different Craigslist site."

The ad was partly paid for by Fair Fund, a group working with young women who have been sold for sex. It described Craigslist as "the Wal-Mart of online sex trafficking". Fair Fund said it had checked the women's accounts and could vouch for them. It said AK had met the US attorney general, Eric Holder.

Craigslist's chief executive, Jim Buckmaster, said it worked tirelessly with law enforcement agencies to identify ads that exploited children, manually reviewed every adult service ad before posting and required phone verification by the person placing it.

Two years ago, under the threat of legal action by about 40 US states, Craigslist began charging $10 (£6.25) per posting for adult services ads, whereas most of the site is free. Some of the revenue goes to charity. That did not reassure groups working with children forced into the sex trade.

Thousands of ads continue to be placed each day that list charges for encounters. Many include words that the Fair Fund says are flags for underage prostitution such as "fresh" and "inexperienced".

Last month, dozens of anti-prostitution groups led protests outside Craigslist's San Francisco HQ to demand an end to sex trade ads.

Several days before the Washington Post advert appeared,

Last week, Newmark was confronted in the street by a CNN reporter with ads from Craigslist that appeared to offer girls for sex, and the case of a 12-year-old girl forced into prostitution and sold on the site until she was freed in a police raid north of Washington in June. A 42-year-old man was charged with human trafficking. Newmark declined to respond.

The website is under criminal investigation in South Carolina, where the attorney general, Henry McMaster, described Craigslist's alleged promotion of prostitution as a "very serious matter". On Friday, a federal judge threw out an attempt by Craigslist to

block the investigation. The same day, the attorney general of Connecticut, Richard Blumenthal, called for Craigslist to scrap sex adverts.

Buckmaster has accused McMaster and other law enforcement officials of "grandstanding" and attempting to impose an outdated sexual moral code.

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CNN.com

Online sex ads complicate crackdowns on teen trafficking

By **Steve Turnham** and **Amber Lyon** , CNN Special Investigations Unit
September 15, 2010 9:52 a.m. EDT

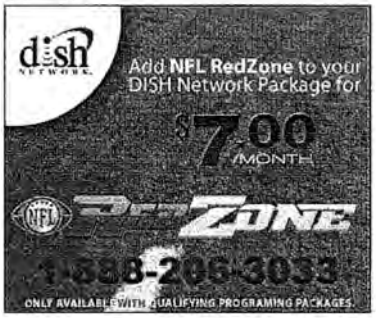
Underage sex for sale on internet

(CNN) -- Behind every adult service ad on the internet is a story.

Sometimes it's a story of a grown woman who has chosen prostitution as a path to a better life. More often, it's a story of a woman being forced to sell her body by a pimp.

And then there are the children, and the mothers that miss them.

"They told me to look on Craigslist and it almost blew my mind," the mother of one missing 12-year-old told CNN. "She was there with a wig on. She was there in a purple negligee.



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"She's a normal 12-year-old – Hannah Montana, the Jonas Brothers, they're her favorite," the mother said. "She's always screaming and hollering and singing. She's a great young lady."

The same day the woman spoke to CNN, her daughter was rescued by police at a seedy hotel near Washington where she was being sold for sex. And she's not alone.

The National Center for Missing and Exploited Children's website contains thousands of posters of missing children. Many are girls, classified as "endangered runaways," and the center says more than fifty of them have been pushed into the sex trade. But that's just a snapshot, a tiny indicator of the true scale of the problem.

"Nobody knows what the real numbers are," said Ernie Allen, the NCMEC's chief executive. "I'm also confident that the internet has changed the dynamic of this whole problem. We're finding an astounding number of kids being sold for sex on the internet."

Allen said the best source of information on the number of underage girls being trafficked online are websites themselves. While online classified giant Craigslist shut down its "adult services" pages in early September, other sites like Backpage.com are filling the vacuum left behind, he said. And while there are clues in the way the ads are written, only a small fraction of them get referred to law enforcement or organizations like the NCMEC.

Backpage.com told CNN that it promptly responds to law enforcement inquiries, and says the site includes links to help users notify the NCMEC if they identify potential abuses.

Craigslist argues it has had a vigorous approach to vetting adult services ads. It says that in the 15 months before closing the adult services section altogether, it rejected 700,000 ads because they violated the website's rules, including advertising prostitution and ads "indicative of an underage person." Craigslist says ads are reported to NCMEC "when our manual reviewers see anything falling within NCMEC Cybertipline reporting guidelines."

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But Allen said his organization, which is the nation's primary reporting agency for missing kids, received just 132 referrals from Craigslist over that same 15-month period.

"The small number of reports makes it difficult to get a sense of the true scope of the problem," Allen said. "We've seen lots of ads where there is obviously a young person in the ad. Now is she 18 or 17? Is she 22 or 12?"

Craigslist has done more than any other website with an adult services section to try to combat the problem of underage sex trafficking. It has cooperated with the FBI by providing evidence against pimps and required phone and credit card verification, so ads left a paper trail for the police to follow.

"Our frustration is that we've said to them if the person in the photo looks young, report it. If there's language in the ad that suggests that there may be the use of young people for prostitution, report it," Allen said. "It's eliminated the graphic pornography in the ads, it's eliminated blatant nudity. What it has not done is put a significant dent in the problem with child prostitution and child trafficking and that was the goal."

The other problem facing NCMEC and police departments across America is that the internet has changed the business of prostitution. Craigslist's decision to shut down adult services -- which followed pressure from the attorneys general in nearly 20 states -- will do little to alter that fundamental fact.

In Atlanta, Georgia, one of the country's busiest prostitution markets due to its position as a highway and air travel hub, police and prosecutors witnessed the effect of the internet on the business of prostitution firsthand.

Fulton County District Attorney Paul Howard told CNN that eight years ago, law enforcement began a serious crackdown on the pimps that control most underage victims, until the pimps vanished.

"At that time, we saw a number of underage girls

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standing on street corners, and they were usually standing there because a pimp had placed them there," Howard said. "After we started our crackdown, we began to notice that the numbers became fewer and fewer, and we were wondering, 'What's going on?'

"What we found is that there was a wholesale transformation from young girls standing on the streets to those same young girls being sold through Craigslist and other internet vendors," Howard said. "That has put us in a terrible position, because much of the illegal sex activity now goes on almost undetected by the police. The numbers we believe remain the same, but what has happened is that they are now out of sight."

A Georgia advocacy group called "A Future Not A Past" commissioned a research firm to survey men who admit to buying sex over the internet, and the results were staggering. Based on interviews with more than 200 men, the research study projected that 7,200 men a month were buying sex from adolescent girls in Georgia alone.

"It just took my breath away," said Kaffie McCullough, the group's director. "The buyers are able to go on computers in the privacy of their own house or home or apartment or hotel room, and just dial up and have the girl come to them. So you don't have to have the more unsafe part of driving in neighborhoods that aren't maybe your best neighborhoods."

Allen, McCullough and others believe the best way to combat the problem of online underage sex trafficking isn't through better screening tools, but through fear. As long as p

imps and the men who buy girls for sex feel protected by the anonymity of the web, the trade will continue.

"Our goal in this from the beginning has been to dramatically increase the risk and eliminate the profitability because this is the treatment of children as commodities for sex sale, this is 21st-century slavery," Allen said. "It would be progress if pressure on this end had the effect of moving this problem back onto the streets."

That is a measure of how dangerous and widespread online trafficking of underage sex has become -- that the group leading the

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CNN.com

campaign to protect children would prefer to see the problem back on the streets.

"It's an outrageous thing to say, but one of our goals is to move these operators into some other illicit enterprise -- to get them out of the trafficking of human beings and into some other illegal business," Allen said.

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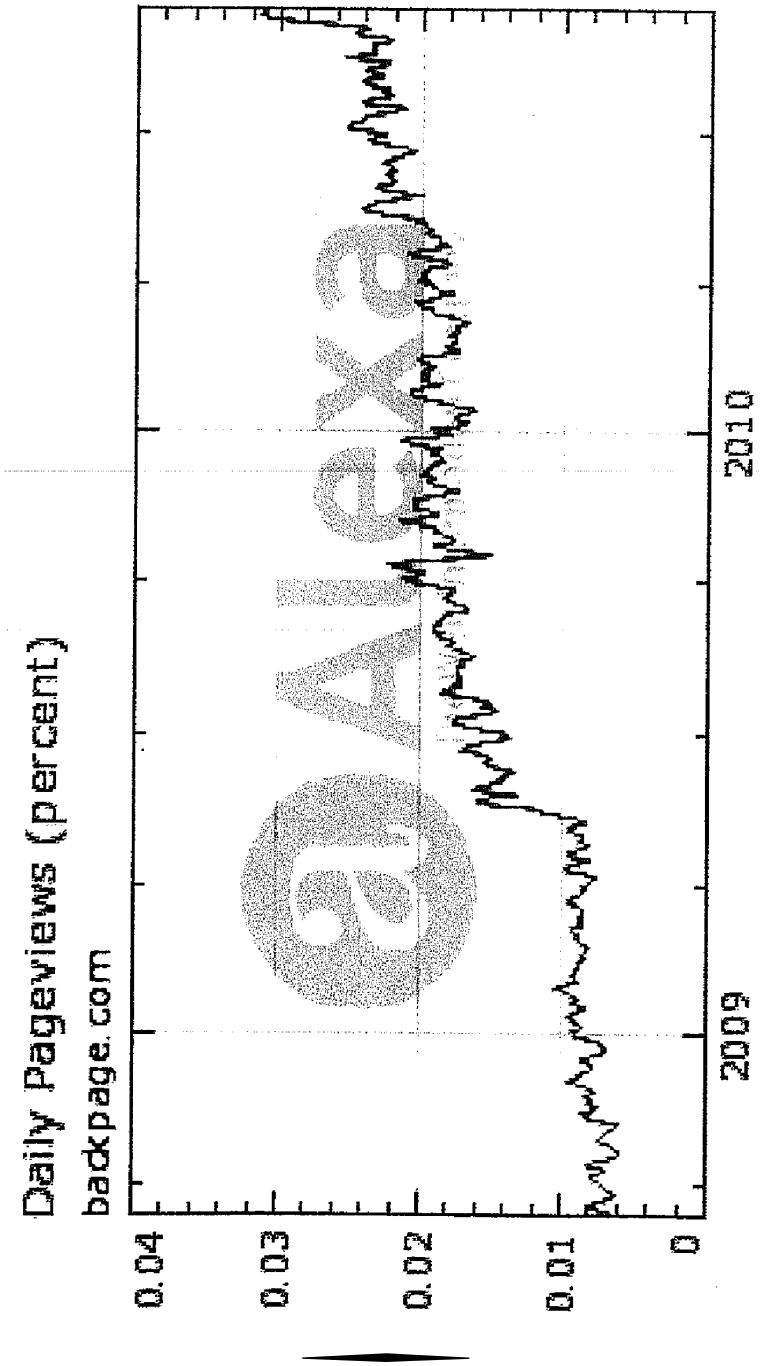
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Contact:
Andrea Austin
202-425-2307
aaustin@polarisproject.org

Craigslist Must Complete the Job

In Advance of Congressional Hearing Where Craigslist Will Testify, 100 Experts Send Letter to Craigslist Insisting It Close Erotic Sections Worldwide

WASHINGTON, September 14, 2010—On the eve of a Congressional hearing on the sex trafficking of children, 100 leading anti-trafficking experts and organizations sent a letter to Craigslist founder Craig Newmark and CEO Jim Buckmaster calling for the immediate, permanent and complete removal of all Craigslist Adult and Erotic Services sections, worldwide. While these sections were closed in the United States, they remain open in more than 250 cities around the world.

Tomorrow, September 15, 2010, the House of Representatives' Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will hear testimony from law enforcement, advocacy groups, and Members of Congress who will speak on child sex trafficking in general and Craigslist's continuing role as a platform that enables it. William Powell, Director of Customer Service and Law Enforcement Relations for Craigslist, and Elizabeth McDougall, Craigslist's legal counsel, are scheduled to testify at the hearing.

Here are some highlights from the letter:

We thank you for voluntarily closing the Adult Services section of Craigslist in the United States. While this is a positive step, Craigslist is a global company, and it has a global responsibility. More than 250 Craigslist sites exist around the world that still feature "Erotic" sections where trafficked children and women are being sold for sex.

That you have not made the same improvements globally across your site reveals a disingenuous and inconsistent response on your part. Moreover, the few helpful actions you have taken do not measure up to the amount of

daily harm being facilitated by Craigslist through the thousands of Erotic Services ads around the world each day.

The anti-trafficking field is standing with solidarity and unity, and collectively asking you to take down all the Adult and Erotic sections worldwide, completely and permanently.

The letter comes as international law enforcement officials have begun calling on Craigslist to follow through on its commitment to end the sexual trafficking of children and women. Last week, the Royal Canadian Mounted Police called on Craigslist to close the section in Canada:http://www.ctv.ca/CTVNews/Canada/20100907/rcmp-pushes-craigslist-100907/.

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