

From the Institute of Medicine/  
National Research Council Report

**Confronting  
Commercial  
Sexual  
Exploitation  
and  
Sex Trafficking  
of Minors  
in the United States**

A Guide for the  
Legal Sector

INSTITUTE OF MEDICINE *AND*  
NATIONAL RESEARCH COUNCIL  
*OF THE NATIONAL ACADEMIES*

In 2013, the Institute of Medicine and the National Research Council published a report about commercial sexual exploitation and sex trafficking of minors in the United States. The report, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, was funded by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. It provides a comprehensive view of this issue and offers a detailed explanation of its findings and recommendations.

The content of this guide was derived entirely from the original report as an abridged version for professionals in the legal sector. This guide, which was also funded by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, was edited by Rona Briere and Patti Simon.

*Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* was authored by the IOM/NRC Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States:

**ELLEN WRIGHT CLAYTON** (*Co-Chair*), Craig-Weaver Professor of Pediatrics, Professor of Law, and Co-Founder, Center for Biomedical Ethics and Society, Vanderbilt University

**RICHARD D. KRUGMAN** (*Co-Chair*), Vice Chancellor for Health Affairs, University of Colorado School of Medicine

**TONYA CHAFFEE**, Medical Director of Child and Adolescent Support, Advocacy and Resource Center, University of California, San Francisco

**ANGELA DIAZ**, Jean C. and James W. Crystal Professor, Departments of Pediatrics and Preventive Medicine Icahn School of Medicine at Mount Sinai

**ABIGAIL ENGLISH**, Director, Center for Adolescent Health & the Law

**BARBARA GUTHRIE**, Associate Dean for Academic Affairs and Professor, Yale University School of Nursing

**SHARON LAMBERT**, Associate Professor of Clinical/Community Psychology, The George Washington University

**MARK LATONERO**, Research Director, Annenberg Center on Communication Leadership & Policy, University of Southern California

**NATALIE McCLAIN**, Assistant Professor, Boston College William F. Connell School of Nursing

**CALLIE MARIE RENNISON**, Associate Professor, School of Public Affairs, University of Colorado Denver

**JOHN A. RICH**, Professor and Chair of Health Management and Policy, Drexel University School of Public Health

**JONATHAN TODRES**, Professor of Law, Georgia State University College of Law

**PATTI TOTH**, Program Manager, Washington State Criminal Justice Training Commission

International Standard Book Number-13: 978-0-309-31340-7

International Standard Book Number-10: 0-309-31340-6

Additional copies of this report are available from the National Academies Press, 500 Fifth Street, NW, Keck 360, Washington, DC 20001; (800) 624-6242 or (202) 334-3313; <http://www.nap.edu>.

# Contents



<b>1</b>	<b>Introduction</b>	<b>1</b>
	Purpose of This Guide, 1	
	Intended Audience, 2	
	The Legal Framework, 2	
	How This Guide Is Organized, 3	
<b>2</b>	<b>The Problem</b>	<b>5</b>
	The Definition Issue, 5	
	Guiding Principles, 7	
	Extent of the Problem, 8	
	Risk Factors, 9	
	Consequences, 11	
<b>3</b>	<b>How Law Enforcement Professionals Can Help</b>	<b>13</b>
	State and Local Approaches, 13	
	Challenges, 14	
	Noteworthy Approaches, 15	
	Federal Law Enforcement Approaches, 16	
<b>4</b>	<b>How Attorneys Can Help</b>	<b>19</b>
	Prosecutors, 19	
	Challenges, 19	
	Noteworthy Approaches, 20	
	Defense Attorneys, 23	

<b>5</b>	<b>How the Juvenile Justice System, the Judiciary, and the Criminal Justice System Can Help</b>	<b>25</b>
	The Juvenile Justice System, 25	
	The Judiciary, 27	
	The Criminal Justice System, 29	
<b>6</b>	<b>Multisector Interagency Initiatives Addressing Commercial Sexual Exploitation and Sex Trafficking of Minors</b>	<b>31</b>
<b>7</b>	<b>Recommended Strategies</b>	<b>35</b>
	Increase Awareness and Understanding, 35	
	Training, 35	
	Public Awareness Campaigns, 36	
	Strategies for Awareness Among Children and Adolescents, 36	
	Strengthen the Law’s Response, 36	
	Strengthen Research on Prevention and Intervention, 37	
	Support Collaboration, 38	
	Support Information Sharing, 38	
	Final Thoughts, 39	
	<b>References</b>	<b>41</b>

# 1 Introduction



---

“Commercial sexual exploitation and sex trafficking of minors not only are illegal activities, but also result in immediate and long-term physical, mental, and emotional harm to victims and survivors.”

---

Commercial sexual exploitation and sex trafficking of minors in the United States are frequently overlooked, misunderstood, and unaddressed domestic problems. In the past decade, they have received increasing attention from advocates, the media, academics, and policy makers. However, much of this attention has focused internationally. This international focus has overshadowed the reality that commercial sexual exploitation and sex trafficking of minors also occur every day within the United States.

Commercial sexual exploitation and sex trafficking of minors not only are illegal activities, but also result in immediate and long-term physical, mental, and emotional harm to victims and survivors. A nation that is unaware of these problems or disengaged from solving them unwittingly contributes to the ongoing abuse of minors and all but ensures that these crimes will remain marginalized and misunderstood.

## **PURPOSE OF THIS GUIDE**

In September 2013, the Institute of Medicine (IOM) and the National Research Council (NRC) of the National Academies published the report *Confronting*

*Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* [1]. The purpose of that report is:

- to increase awareness and understanding of the crucial problem of commercial sexual exploitation and sex trafficking of minors in the United States;
- to examine emerging strategies for preventing and identifying these crimes, for assisting and supporting victims and survivors, and for addressing exploiters and traffickers; and
- to offer a path forward through recommendations designed to increase awareness and understanding and to support efforts to prevent, identify, and respond to these crimes.

The IOM/NRC report includes chapters on specific sectors with a role to play in addressing the problem. Because the report is lengthy and broad in its reach, the IOM/NRC, with the support of the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, decided to develop a series of guides offering a more concise and focused perspective on the problem and emerging solutions for several of these sectors.

## **INTENDED AUDIENCE**

The intended audience for this guide is the range of actors within the legal sector that may interact in some way with victims, survivors, and perpetrators of commercial sexual exploitation and sex trafficking of minors. The legal sector is understood to comprise two justice systems that operate in different but related realms: the adult criminal justice system and the juvenile justice system. Both systems encompass federal, state, county, local, and tribal law enforcement agencies; police officers and investigators; probation officers; parole officers; corrections officers; prosecutors and defense attorneys; victim advocates; and judges—all of whom have roles to play in responding to these crimes.

## **THE LEGAL FRAMEWORK**

*“The law in most states allows prostituted minors to continue to be arrested and charged with crimes instead of treating sexually exploited minors as victims of crimes.”*

An extensive body of federal and state laws is aimed at protecting children from abuse and exploitation. (Chapter 4 of the IOM/NRC report provides a detailed accounting of these laws.) All states, for example, have provisions in their criminal statutes, often referred to as “age-of-consent” and “statutory

rape” laws, specifying in effect that below a certain age, a child cannot legally consent to having sex and must be treated as a victim of a crime [2]. Federal law on sex trafficking similarly recognizes children as victims (for example, “consent” of a child is not a defense for sex trafficking charges under federal law). Nonetheless, commercial sexual exploitation of minors often has been viewed through the lens of prostitution laws, which have roots in societal efforts to prohibit and prevent commercial vice. As a result, the law in most states allows prostituted minors to continue to be arrested and charged with crimes instead of treating sexually exploited minors as victims of crimes.

As of 2013, nine states had adopted “safe harbor” laws to ensure that prostituted minors are treated as victims. This change in law is consistent with child protection principles enshrined in many other areas of law. The IOM/NRC report stresses that laws on commercial sexual exploitation and sex trafficking of minors and enforcement of these laws at the federal, state, and local levels should be based on a child protection framework. The report urges that such laws be crafted to provide as much protection as possible, such as by extending the reach of their protections to all minors under age 18 rather than limiting them to minors under age 16. The report also suggests that consideration should be given to a range of prosecutorial tools and services for minors that have been used to address other issues of harm against children. Such an approach would be consistent with child protection principles and goals of federal and state laws regulating treatment of minors. A more complete explanation of how to strengthen the law’s response to these crimes is included in Section 7 of this guide.

## **HOW THIS GUIDE IS ORGANIZED**

Following this introduction, Section 2 provides definitions of relevant terms, a set of guiding principles, a summary of what is known about the extent of the problem, and an overview of risk factors and consequences.

Sections 3 through 5 describe some noteworthy examples of how law enforcement personnel (Section 3), attorneys (Section 4), and the juvenile and criminal justice systems and the judiciary (Section 5) respond to commercial sexual exploitation and sex trafficking of minors—although the IOM/NRC report emphasizes the need for further research to determine the effectiveness and broader applicability of these approaches.

Section 6 describes multisector and interagency efforts to combat these crimes in which the legal sector plays an important role.

Finally, Section 7 presents strategies for making progress in identifying, preventing, and responding to these crimes, based on the recommendations offered in the IOM/NRC report.





## 2 The Problem



---

“Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse and violence against children and adolescents.”

---

This section first defines terms relevant to the problem of commercial sexual exploitation and sex trafficking of minors in the United States. It then presents a set of guiding principles that should inform any efforts to address the problem. Next is a brief discussion of what is known about the extent of the problem. The final section summarizes the current understanding of risk factors and consequences. One of the messages that emerges from this discussion is that, while the gravity of the problem is clear, critical gaps in the knowledge base for understanding and addressing it need to be filled.

### THE DEFINITION ISSUE

The language used to describe aspects of commercial sexual exploitation and sex trafficking crimes and their victims and survivors—a collection of terms derived from the range of agencies, sectors, and individuals working to prevent and address these crimes—varies considerably. Some terms are diagnostic and scientific (e.g., *screening* and *medical forensic exam*). Others are legal terms (e.g., *trafficking*, *offender*, *perpetrator*). Some terms are used frequently in popular culture (e.g., *pimp*, *john*, *child prostitute*). Still others are focused on the experiences of exploited children (e.g., *victim*, *survivor*,

*modern-day slavery*). The result is the absence of a shared language regarding commercial sexual exploitation and sex trafficking of minors.

The implications of this absence of a common language can be significant. For example, a child or an adolescent victim identified as a prostitute may be treated as a criminal and detained, whereas the same youth identified as a victim of commercial sexual exploitation will be referred for a range of health and protective services. Box 1 provides the definition used in the IOM/NRC report for the commercial sexual exploitation and sex trafficking of minors. Box 2 presents the report's definitions for some of the more common terms related to these crimes.

*Commercial sexual exploitation* and *sex trafficking* of minors are distinct but overlapping terms. Indeed, disentangling commercial sexual exploitation from sex trafficking is impossible in many instances. Two points are particularly important for readers of this guide. First, programs designed for victims and survivors will need to account for a range of experiences and needs among those being served. Second, as reflected in the guiding principles presented in the next section, it is crucial to recognize and understand commercial sexual exploitation and sex trafficking of minors as part of a broader pattern of child abuse (as illustrated by Figure 1).

### **BOX 1** **Definition of Commercial Sexual Exploitation and Sex Trafficking of Minors**

*Commercial sexual exploitation* and *sex trafficking of minors* encompass a range of crimes of a sexual nature committed against children and adolescents, including

- recruiting, enticing, harboring, transporting, providing, obtaining, and/or maintaining (acts that constitute trafficking) a minor for the purpose of sexual exploitation;
- exploiting a minor through prostitution;
- exploiting a minor through survival sex (exchanging sex/sexual acts for money or something of value, such as shelter, food, or drugs);
- using a minor in pornography;
- exploiting a minor through sex tourism, mail order bride trade, and early marriage; and
- exploiting a minor by having her/him perform in sexual venues (e.g., peep shows or strip clubs).

## BOX 2 Definitions of Other Key Terms

*Minors*—Refers to individuals under age 18.

*Prostituted child*—Used instead of *child prostitute*, *juvenile prostitute*, and *adolescent prostitute*, which suggest that prostituted children are willing participants in an illegal activity. As stated in the guiding principles in the text below, these young people should be recognized as victims, not criminals.

*Traffickers, exploiters, and pimps*—Used to describe individuals who exploit children sexually for financial or other gain. In today's slang, pimp is often used to describe something as positive or glamorous. Therefore, the IOM/NRC report instead uses the terms trafficker and exploiter to describe individuals who sell children and adolescents for sex. It is also important to note that traffickers and exploiters come in many forms; they may be family members, intimate partners, or friends, as well as strangers.

*Victims and survivors*—Refers to minors who are commercially sexually exploited or trafficked for sexual purposes. The terms are not mutually exclusive, but can be applied to the same individual at different points along a continuum. The term *victim* indicates that a crime has occurred and that assistance is needed. Being able to identify an individual as a victim, even temporarily, can help activate responses—including direct services and legal protections—for an individual. The term *survivor* is also used because it can have therapeutic value, and the label *victim* may be counterproductive at times.

## GUIDING PRINCIPLES

**“Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.”**

The IOM/NRC report offers the following guiding principles as an essential foundation for understanding and responding to commercial sexual exploitation and sex trafficking of minors:

- Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse and violence against children and adolescents.
- Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
- Identification of victims and survivors and any intervention, above all, should do no further harm to any child or adolescent.



**FIGURE 1** Commercial sexual exploitation and sex trafficking of minors are forms of child abuse.

NOTE: This diagram is for illustrative purposes only; it does not indicate or imply percentages.

## EXTENT OF THE PROBLEM

*“Despite the current imperfect estimates, commercial sexual exploitation and sex trafficking of minors in the United States clearly are problems of grave concern.”*

Despite the gravity of commercial sexual exploitation and sex trafficking of minors in the United States, these crimes currently are not well understood or adequately addressed. Many factors contribute to this lack of understanding. For example:

- Commercial sexual exploitation and sex trafficking of minors in the United States may be overlooked and underreported because they frequently occur at the margins of society and behind closed doors. Their victims are often vulnerable to exploitation. They include children who are, or have been, neglected or abused; those in foster care or juvenile detention; and those who are homeless, runaways (i.e., children who leave home without permission), or so-called throw-aways (i.e., children and adolescents who are asked or told to leave home). Thus, children and adolescents affected by commercial sexual exploitation and sex trafficking can be difficult to reach.

- The absence of specific policies and protocols related to commercial sexual exploitation and sex trafficking of minors, coupled with a lack of specialized training, makes it difficult to identify—and thus count—victims and survivors of these crimes.
- Victims and survivors may be distrustful of law enforcement, may not view themselves as “victims,” or may be too traumatized to report or disclose the crimes committed against them.
- Most states continue to arrest commercially exploited children and adolescents as criminals instead of treating them as victims, and health care providers and educators have not widely adopted screening for commercial sexual exploitation and sex trafficking of minors. A lack of awareness among those who routinely interact with victims and survivors ensures that these crimes are not identified and properly addressed.

As a result of these factors, the true scope of commercial sexual exploitation and sex trafficking of minors within the United States is difficult to quantify, and estimates of the incidence and prevalence of commercial sexual exploitation and sex trafficking of minors in the United States are scarce. Further, there is little to no consensus on the value of existing estimates. This lack of consensus is not unusual and indeed is the case for estimates of other crimes as well (e.g., rape and intimate partner violence).

The IOM/NRC report maintains that, despite the current imperfect estimates, commercial sexual exploitation and sex trafficking of minors in the United States clearly are problems of grave concern. Therefore, the report’s recommendations go beyond refining national estimates of commercial sexual exploitation and sex trafficking of minors in the United States to emphasize that unless additional resources become available existing resources should be focused on what can be done to assist the victims of these crimes.

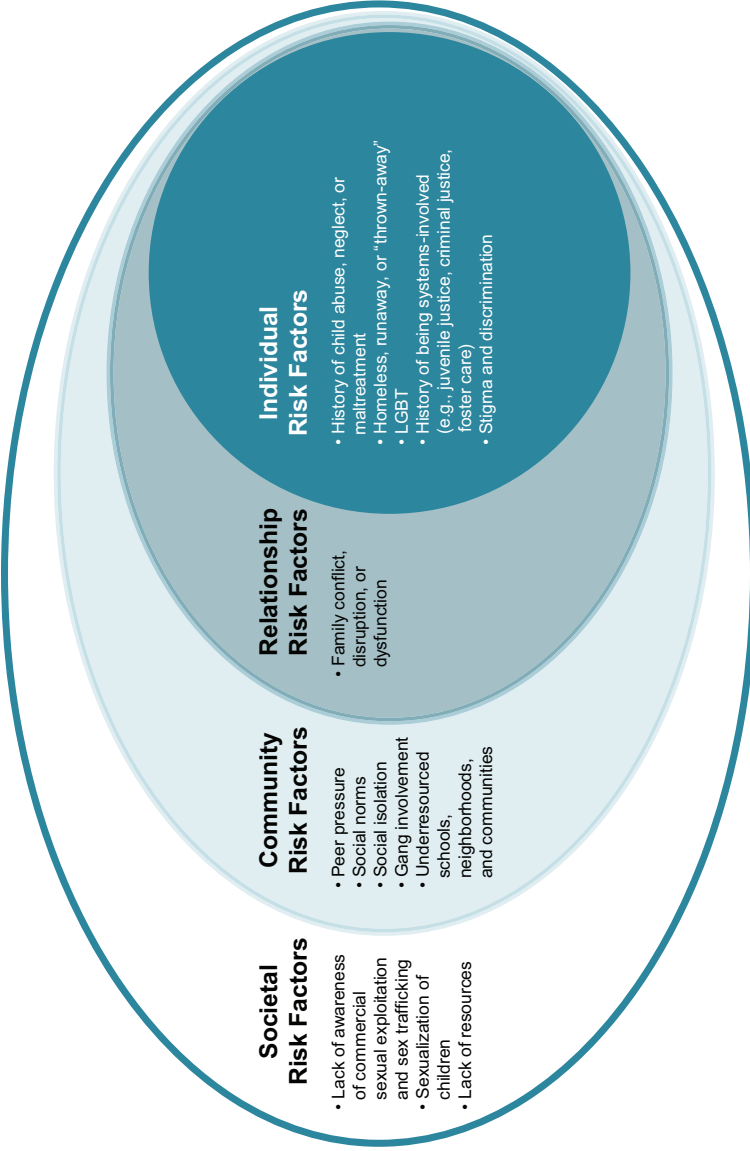
## RISK FACTORS

Risk factors for victims of commercial sexual exploitation and sex trafficking of minors have been identified at the individual, family, peer, neighborhood, and societal levels (see Figure 2).<sup>1</sup> Adding to this complexity, these risk factors, as well as corresponding protective factors, interact within and across levels.

Figure 2 highlights the complex and interconnected forces that contribute to commercial sexual exploitation and sex trafficking of minors. It should

---

<sup>1</sup>It should be noted that the evidence base for risk factors, as well as for consequences, is very limited. Therefore, the IOM/NRC report draws heavily on related literature (such as child maltreatment, sexual assault/rape, and trauma), as well as evidence gathered through workshops and site visits.



**FIGURE 2** Possible risk factors for commercial sexual exploitation and sex trafficking of minors.  
NOTE: LGBT = lesbian, gay, bisexual, or transgender.

be noted, however, that the factors shown are likely only a subset of the risk factors for these crimes. Moreover, these factors do not operate alone. For example, the presence of one or more risk factors would not result in the commercial sexual exploitation and sex trafficking of minors without the presence of an exploiter or a trafficker. The factors depicted in Figure 2 may function independently of one another or in combination. In addition, risk factors in one sphere may trigger a cascade of effects or initiate pathways into or out of commercial sexual exploitation and sex trafficking.

Finally, the factors in Figure 2 also may be risks for other types of adverse youth outcomes. Therefore, their presence does not necessarily signal commercial sexual exploitation and sex trafficking of minors, but should be considered as part of a more comprehensive assessment to determine youth at risk of or involved in these crimes.

Box 3 summarizes findings from the IOM/NRC report that highlight the risk factors depicted in Figure 2.

## CONSEQUENCES

*“Overall, research suggests that victims and survivors of commercial sexual exploitation and sex trafficking face developmental, social, societal, and legal consequences that have both short- and long-term impacts on their health and well-being.”*

The available literature shows that child maltreatment, particularly child sexual abuse, has significant negative impacts on the physical health, mental health, and social functioning of victims in adulthood, and leads to increased health risk behaviors and mental health problems among adolescents. While studies focused on consequences for commercially sexually exploited children and adolescents are rare, the data based on child sexual abuse are useful given evidence that these problems are linked in some cases. Overall, research suggests that victims and survivors of commercial sexual exploitation and sex trafficking face developmental, social, societal, and legal consequences that have both short- and long-term impacts on their health and well-being.

### BOX 3 Findings on Risk Factors

- Child maltreatment, particularly sexual abuse, is strongly associated with commercial sexual exploitation and sex trafficking of minors.
- Psychogenic factors, such as poor self-esteem, chronic depression, and external locus of control, in addition to low future orientation, may be risk factors for involvement in these crimes. This possible link is supported by the association between child maltreatment and these psychogenic factors.
- Off-schedule developmental phenomena, such as early pubertal maturation, early sexual participation, and early work initiation, have negative consequences for youth.
- While commercial sexual exploitation and sex trafficking can affect youth across the board, some groups are at higher risk, including those who lack stable housing (because of being homeless, runaways, or “thrown-aways”) and sexual and gender minority youth. In addition, some settings and situations—homelessness, foster care placement, and juvenile justice involvement—are particularly high risk under certain circumstances, providing opportunities for recruitment.
- Substance use/abuse is a risk factor for commercial sexual exploitation and sex trafficking of minors and also may perpetuate exploitation.
- The sexualization of children, particularly girls, in U.S. society and the perception that involvement in sex after puberty is consensual, contribute to the commercial sexual exploitation and sex trafficking of minors.
- Disability should be considered a vulnerability for involvement in these crimes given its association with child sexual abuse.
- Online and digital technologies are part of a complex social system that includes both risk factors (recruiting, grooming, and advertising victims) and protective factors (identifying, monitoring, and combating exploiters) for these crimes.
- Beyond child maltreatment, the experience of childhood adversity, such as growing up in a home with a family member with mental illness or substance abuse or having an incarcerated parent, may increase the risk for involvement in commercial sexual exploitation and sex trafficking of minors.
- Peer pressure and modeling can influence a youth’s entry into (or avoidance of) commercial sexual exploitation.
- The neighborhood context—such as community norms about sexual behavior and what constitutes consent and coercion, and whether the community is characterized by poverty, crime, police corruption, adult prostitution, and high numbers of transient males—can increase the risk for involvement in these crimes.



### 3 How Law Enforcement Professionals Can Help



---

“The knowledge and ability of law enforcement professionals to identify victims, investigate cases, and make appropriate referrals is crucial to the development of an overall response to commercial sexual exploitation and sex trafficking of minors.”

---

Law enforcement is often the first point of contact with the legal system for the victims, survivors, and perpetrators of commercial sexual exploitation and sex trafficking. This section describes some noteworthy current law enforcement approaches for responding to these crimes.

It should be noted that several of the law enforcement approaches described here apply to human trafficking broadly and are not specific to commercial sexual exploitation and sex trafficking of minors. Note also that while participation in task forces is one of the approaches discussed in this section, multisector and interagency task forces are covered in greater detail in Section 6.

#### **STATE AND LOCAL APPROACHES**

“An increasing number of police departments are moving away from arresting young victims suspected of engaging in prostitution and focusing on investigating exploiters and traffickers.”

The knowledge and ability of law enforcement professionals to identify victims, investigate cases, and make appropriate referrals is crucial to the development of an overall response to commercial sexual exploitation and sex trafficking of minors. Although law enforcement professionals face several challenges to carrying out these roles effectively, there are also a number of noteworthy approaches to overcoming these challenges.

## **Challenges**

One challenge entailed in an appropriate law enforcement response to commercial sexual exploitation and sex trafficking of minors is that, as noted in Section 1, law enforcement professionals can find it challenging to view behavior by youth that is technically criminal (prostitution) as part of the victimization of youth by the perpetrators of a more serious crime (commercial sexual exploitation or trafficking) [3]. Still, an increasing number of police departments are moving away from arresting young victims suspected of engaging in prostitution and focusing on investigating exploiters and traffickers [4, 5, 6].

A second challenge is that law enforcement professionals often find it difficult to identify minors involved in commercial sexual exploitation and sex trafficking. In addition to such indicators as not having control over identification or travel documents, makeshift living quarters, and frequent movements, they are likely to rely on an individual's demeanor (acting fearful or noncooperative) to identify trafficking victims. Yet lack of victim cooperation is common in trafficking cases [3, 7]. For one thing, youth involved in sex trafficking often do not identify themselves as crime victims [4], which may make them hesitant to cooperate with police investigations, and many officers report challenges in communicating with victims [7, 8]. Adolescents of color in particular often do not trust the legal system, believing that members of their racial/ethnic group will not be treated fairly [9]. Some police agencies and officers have responded to this hesitation to cooperate by detaining youth to ensure their cooperation [10, 11, 12, 13]. However, secure detention deprives youth of opportunities that are vital to their healthy development [9] and can be an additional trauma [12, 14, 15].

Still another challenge is that law enforcement professionals may not recognize commercial sexual exploitation and sex trafficking of minors as pressing criminal offenses [16]. Indeed, many law enforcement professionals, especially those in smaller agencies and those whose agency is not involved in a task force devoted to this issue, do not identify these crimes as a problem affecting their communities.

## **Noteworthy Approaches**

Police agencies can take several steps to overcome the above challenges. The first is for them to train their personnel to recognize the existence and seriousness of commercial sexual exploitation and sex trafficking of minors in the United States, identify victims, and respond appropriately. The Chicago Police Department, for example, provides roll-call training to its line officers to alert them to the fact that victims can be found in a variety of settings, such as massage parlors, brothels, escort services, and strip clubs, not just on the street [17]. And in Dallas, each of the 3,700 officers in the police department has received 3 hours of training in how to recognize and to identify children and adolescents most likely to become victims of these crimes [4]. Training in identifying victims is also available online, offered, for example, by Polaris Project [18] and the Department of Homeland Security [19].

In addition, training helps officers feel confident in carrying out a well-conducted investigation. Absent such training, law enforcement professionals often feel unprepared to initiate an investigation into commercial sexual exploitation and sex trafficking of minors [7], and such investigations are therefore unlikely to be conducted [8]. Training is particularly valuable to equip law enforcement investigators to work with prosecutors to pursue cases against exploiters that are “victim-driven, not victim-built,” or evidence-based [5, 20]. For such evidence-based approaches to work, law enforcement investigators must be aware of techniques that can be used to gather additional evidence so that cases are not completely dependent on victim testimony (see the discussion on page 16).

Finally, training can equip officers to better understand the roles of victim services and federal law enforcement in trafficking investigations, and to make appropriate referrals for services.

Beyond training, additional steps that police agencies can take include dedicating a unit or personnel to deal with human trafficking cases [3] and developing policies or protocols for handling such cases [3, 7]. Participation in human trafficking task forces, mentioned above and discussed in greater detail in Section 6, also increases the likelihood that an agency will investigate and appropriately handle cases of commercial sexual exploitation and sex trafficking of minors.

Finally, state and local law enforcement agencies can use several approaches to intervene with perpetrators of commercial sexual exploitation and sex trafficking of minors and gather corroborative evidence for criminal cases so as to minimize the reliance on victims’ cooperation and testimony. Investigations undertaken by the Boston Police Department’s Human Trafficking Unit, for example, focus on holding the buyers of sex accountable by conducting undercover stings and by reaching out to hotels where commercial sexual exploitation and sex trafficking of minors are taking place [5].

In Chicago, police work closely with staff from the Salvation Army's STOP-IT program, who accompany them on investigations and help manage street outreach to victims when a "takedown" occurs. Investigators monitor calls to victims and others made by exploiters and traffickers from jail and report that some of their strongest evidence comes from these recordings. They also use wiretaps to gather evidence against buyers, traffickers, and exploiters under an Illinois law that specifically allows use of this technique in these investigations [21, 22, 23]. Other possible sources of evidence include

- journals, letters, and other written communications between victims and traffickers;
- information in police records regarding traffic stops involving victims and traffickers;
- website ads, including BackPage or Craigslist postings;
- bond receipts (useful in cases in which a trafficker may have bailed out the victim);
- credit card records and receipts;
- cell phones with walkie-talkie functions and chirp phones that can connect a victim to the trafficker;
- data on cell phones that may show text or voice messages between victims and traffickers;
- pretext or "one-party consent" recordings in appropriate cases;
- photos of injuries, tattoos, or other branding of victims by traffickers;
- clothing, jewelry, or other items provided to victims by traffickers;
- careful documentation of the content and circumstances of out-of-court statements made by victims; and
- financial records, electronic or otherwise, that may provide evidence of money laundering or a "financial footprint" indicating suspicious or criminal activity [17, 21, 22, 23, 24, 25, 26].

All of these sources are used to reduce reliance on victims' cooperation and testimony to build and prove cases against traffickers and suggest areas for specialized training of law enforcement investigators.

## **FEDERAL LAW ENFORCEMENT APPROACHES**

*"Federal agencies typically involve state and local law enforcement professionals in their investigations and task forces with the goal of building stronger cases at those levels as well."*

Although only 9 percent of law enforcement agencies in the United States operate at the federal level, a considerable amount of activity related to the commercial sexual exploitation and sex trafficking of minors takes place at

## **BOX 4**

### **Federal Bureau of Investigation (FBI) Responses to Commercial Sexual Exploitation and Sex Trafficking of Minors**

#### **Innocent Images National Initiative Unit**

The Innocent Images National Initiative Unit focuses on crimes against children that are facilitated through the use of technology such as computers, digital cameras, and audio equipment. It encompasses online sexual exploitation of children, activities by traffickers and exploiters who entice minors through online activities, and online entities that profit from crimes against children [27, 28, 29, 30].

#### **Violent Crimes Against Children Unit**

The FBI's Violent Crimes Against Children Unit has oversight over a variety of crimes against children, including child abduction and interstate transportation of and obscene matter involving children [27]. This unit also has oversight over the sexual exploitation and sex trafficking of children.

#### **FOR MORE INFORMATION:**

[http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/crimes\\_against\\_children](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/crimes_against_children)

#### **Innocence Lost National Initiative**

Innocence Lost is a national initiative launched by the FBI in 2003. Working together with the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice and the National Center for Missing and Exploited Children, this initiative specifically addresses domestic sex trafficking of minors in the United States through 47 dedicated task forces and working groups that meet regularly and share information [29]. The task forces include representatives of law enforcement agencies at the local, state, and federal levels; prosecutors; representatives of U.S. Attorney's Offices; social service providers; and others.

#### **FOR MORE INFORMATION:**

[http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

this level. The Federal Bureau of Investigation (FBI), for example, responds to these crimes in several ways. Three examples are described in Box 4.

In addition, federal agencies typically involve state and local law enforcement professionals in their investigations and task forces with the goal of building stronger cases at those levels as well (see Section 6). One example of a federal initiative explicitly aimed at supporting state and local law enforcement efforts to investigate and hold perpetrators accountable is described in Box 5.

**BOX 5**  
**The Internet Crimes Against Children**  
**(ICAC) Task Force Program**

Sponsored by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, the ICAC Task Force Program provides federal resources to improve the ability of state and local law enforcement agencies to coordinate their efforts and respond to offenders who use the Internet, online communication systems, or computer technology to exploit children sexually. The program, begun in 1998, has expanded from 10 regional task forces to a current national network of 61 coordinated task forces across the United States that involve more than 3,000 federal, state, and local law enforcement and prosecutorial agencies.

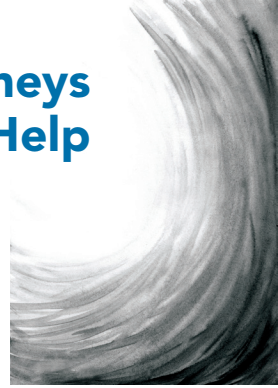
Historically, the ICAC Task Forces have focused on child pornography and online enticement of children by sexual predators. Although still a small percentage of the total number of complaints reviewed by the ICAC Task Forces, however, documented complaints of commercial sexual exploitation of children more than tripled from fiscal year 2010 to fiscal year 2011 [31].

The experience of the ICAC Task Forces may make them especially well suited to becoming more involved in these cases because the sale of children for sexual purposes has moved “behind closed doors” because of the Internet instead of occurring primarily “on the streets” [5, 32]. The ICAC Task Forces’ technical expertise, well-established collaborative multijurisdictional partnerships, and availability to a large number of state and local agencies are advantages that within the constraints of available funding present opportunities for increasing the success of law enforcement throughout the United States in addressing the commercial sexual exploitation and sex trafficking of minors.

**FOR MORE INFORMATION:**

<http://www.ojjdp.gov/programs/progsummary.asp?pi=3>

## 4 How Attorneys Can Help



**B**oth prosecutors and defense attorneys play roles in responding to commercial sexual exploitation and sex trafficking of minors. Prosecutors work with law enforcement to develop sex trafficking cases and charge offenders, while defense attorneys represent victims of these crimes who have not been recognized as such by law enforcement.

### PROSECUTORS

*“Police and prosecutors are increasingly attempting to employ a philosophy of presenting ‘victim-centered, not victim-built’ cases by corroborating victims’ testimony with other evidence.”*

Like law enforcement professionals, prosecutors face a number of challenges in responding effectively to commercial sexual exploitation and sex trafficking of minors. And as with law enforcement, a number of noteworthy approaches may offer opportunities for overcoming these challenges.

### Challenges

Sex trafficking is a federal crime and in almost all states is also a state crime, so federal, state, and local prosecutors all work sex trafficking cases. The nature of trafficking cases may require prosecutors to work with numerous other agencies within and outside the legal system, including local, state, and federal law enforcement; the juvenile justice system; federal and state criminal justice systems; federal and state judiciaries; child welfare departments; and

victim service organizations. Navigating this multiagency, multijurisdictional system and achieving effective collaboration can be challenging.

Additional challenges to prosecuting human trafficking cases cited by prosecutors include the length of investigations, lack of knowledge about trafficking issues, lack of victim cooperation, unavailability of victims and witnesses, lack of collaboration, lack of training, lack of institutional support, and lack of funding [13, 24].

Prosecutors also cite as major barriers to charging cases the lack of precedent on human trafficking case law; the lack of clarity in the relevant statutes as to elements they would be required to prove and evidentiary standards; and the lack of guidance on prosecutorial techniques, common defense tactics, or jury instructions for such cases. The ambiguity and difficulty entailed in prosecuting trafficking cases may make prosecutors reluctant to charge cases, which in turn may make police less likely to investigate them [8]. Another potential challenge for prosecutors is the difficulty of overcoming a defense of “mistake of age,” in which a defendant argues he had a reasonable belief that the victim was not a minor [23]. While no longer a defense at the federal level, mistake of age can be an impediment to prosecution at the state level.

The lack of knowledge about elements that must be proven, evidentiary standards, and effective prosecution techniques indicates that prosecutors at all levels would benefit from further training in this area. Yet state prosecutors have noted that most of this training, while useful, is led by federal prosecutors whose cases appear to differ significantly from local cases (for example, they include foreign victims with immigration-related issues) [8].

### **Noteworthy Approaches**

Prosecutors have used a number of approaches to overcome the challenges entailed in prosecuting cases of commercial sexual exploitation and sex trafficking of minors.

First, in addition to or instead of the numerous laws at both the state and federal levels that are potentially applicable to these crimes, prosecutors have the option of charging defendants with various other crimes, including human trafficking, compelling/promoting prostitution, kidnapping, sexual exploitation of a minor, and transport for purposes of prostitution. These other crimes may have lower evidentiary standards, and judges may be more familiar with them, although their use may result in more lenient sentences [8]. Prosecutors also can make creative use of existing laws. For example, they might consider using statutory rape laws to charge perpetrators so there is no need to prove knowledge of the victim’s age, or they might approach trafficking as organized crime [21, 33]. With respect to mistake of age, it may be possible to prevent this defense at the state level through legislation making it clear that crimes involving the commercial sexual exploitation and sex



trafficking of minors are strict liability offenses—that is, that mistake of age is not allowed as a defense.

The array of potentially applicable laws can be a benefit, but can also create confusion, conflict, and a lack of accountability. This drawback can be overcome through the participation of law enforcement professionals and prosecutors on multiagency, multijurisdictional task forces (discussed in Section 6).

Prosecutors in Dallas have responded to the challenge of noncooperative victims by recognizing that forcing them to participate in multiple trials increases their trauma and is a discouraging factor. They now try to implement a “one child, one trial” rule and carefully plan how they will work together to bring perpetrators to justice and to prioritize cases so as not to subject victims to more than one trial [4].

In another approach, discussed in Section 3, police and prosecutors are increasingly attempting to employ a philosophy of presenting “victim-centered, not victim-built” cases by corroborating victims’ testimony with other evidence. Corroboration may be sought because the victim’s testimony is deemed unreliable, but also because corroborative evidence results in stronger cases that do not rely solely on victims to testify against their exploiters [8, 20]. This approach is widely supported because testifying often is difficult for victims and survivors of these crimes and can make them feel criminalized [34].

Prosecutors can use additional creative strategies to help prove these cases, depending on applicable law and resources in their jurisdictions. For example, they can:

- seek to admit evidence of the victim’s prior testimony or out-of-court statements in lieu of having the victim testify at trial by establishing that “forfeiture by wrongdoing” applies—that is, that the defendant’s actions to intimidate the victim are the reason the victim is unable or unwilling to testify, so the defendant has forfeited his constitutional right to confront the victim at trial;
- introduce any available evidence that shows overt or subtle intimidation employed by the defendant to explain why the victim is absent from the trial, unwilling to testify, or testifying on behalf of the defendant;
- introduce expert testimony to explain victim behavior and the dynamics of child sexual exploitation and sex trafficking cases that might otherwise be misunderstood by jurors or interpreted as damaging the victim’s credibility;
- use technology and the private sector to assist in gathering and presenting evidence of money laundering, to mine cell phone data, and/

or to identify a “financial footprint” that corroborates the victim’s testimony or indicates suspicious or criminal behavior;

- seek forfeiture of assets (e.g., money, houses, cars, other property) gained by the offender as a result of engaging in commercial sexual exploitation or sex trafficking of minors; and
- pursue restitution orders to make offenders pay for victim services [17, 21, 22, 23, 24, 25, 26].

Finally, Box 6 describes a toolkit developed to assist prosecutors in one state in prosecuting these crimes.

### **BOX 6** **A Toolkit for Prosecutors**

The Barton Child Law and Policy Center at Emory University School of Law developed a toolkit for prosecutors to improve accountability of offenders and to help overcome some of the challenges related to pursuing cases of commercial sexual exploitation and sex trafficking of minors. This toolkit provides strategies for building a case, including how to obtain evidence, how to educate a jury to understand the crimes of commercial sexual exploitation and sex trafficking of minors and their victims, and how to build a case that is victim centered and protects the minor during the prosecution process [35]. The toolkit offers prosecutors specific guidance on pursuing the range of offenses related to the exploitation and/or trafficking of a child or adolescent to maximize the likelihood of conviction and substantial sentencing [35]. These offenses include pimping, pandering and trafficking, human trafficking, other sexual offenses, related violent offenses, kidnapping, child pornography, organized crime and gang involvement, false identification, and obstruction of justice. Guidance also is offered on determining whether there is federal jurisdiction over the case.

Even though state laws related to commercial sexual exploitation and sex trafficking of minors vary, this toolkit can provide guidance for prosecutors outside of Georgia. Additional research may be necessary to determine its acceptability and utility for prosecutors in Georgia and in other states that are interested in providing similar guidance for their prosecutors.

#### **FOR MORE INFORMATION:**

[http://bartoncenter.net/uploads/publications\\_staff/2012ProsecutorsToolkitFINAL.pdf](http://bartoncenter.net/uploads/publications_staff/2012ProsecutorsToolkitFINAL.pdf)

## **DEFENSE ATTORNEYS**

“With appropriate training, defense attorneys may be well positioned to identify victims of commercial sexual exploitation and sex trafficking among those arrested for prostitution and other offenses.”

Criminal defense attorneys, and juvenile defense attorneys in particular (in delinquency, status offense, and child protection cases), may be instrumental in identifying and assisting victims of commercial sexual exploitation and sex trafficking [11]. In Suffolk County, Massachusetts, for example, members of the defense bar are active participants in the SEEN (Support to End Exploitation Now) Coalition and are recognized as critical partners in the multisector response to these crimes [15].

With appropriate training, defense attorneys may be well positioned to identify victims of commercial sexual exploitation and sex trafficking among those arrested for prostitution and other offenses. One former public defender suggests that all defendants arrested for prostitution be considered potential victims of these crimes [11]. In some jurisdictions, victim and support service providers have partnered with defender organizations to provide training for defense attorneys that can enhance their ability to screen defendants, identify victims, provide referrals for services, and prepare robust legal defenses on behalf of victims [11, 15, 36].

In addition to training for attorneys, opportunities exist to train and educate law students about commercial sexual exploitation and sex trafficking of minors. Box 7 describes one such effort.

**BOX 7**  
**University of Michigan Law School: Training  
Students and Providing Legal Services to Victims  
and Survivors of Human Trafficking**

The University of Michigan Law School operates a legal clinic to train students and provide legal services to victims and survivors of human trafficking, including commercial sexual exploitation and sex trafficking. The clinic provides a variety of services, including direct representation of and advocacy for victims and survivors, as well as community education and training [37].

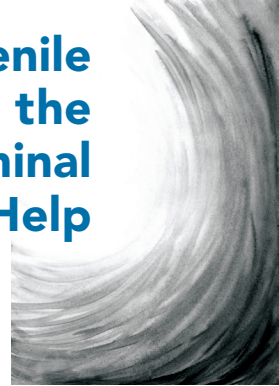
In addition to its legal clinic, the University of Michigan Law School maintains the Human Trafficking Law Project as a resource for individuals and entities working to address human trafficking and to strengthen the law's response to this problem. To that end, the project maintains a searchable database of human trafficking cases within the United States [37]. This database includes federal and state human trafficking cases, both criminal and civil, within the United States since 1980.<sup>a</sup> The project gathers details on cases from a range of sources (e.g., case opinion and news databases on the LexisNexis search engine; government websites, such as those maintained by the U.S. Departments of Justice and State; Internet search engines; and legal research services such as Bloomberg Law and Westlaw). Each case is reviewed before being added to the database.

---

<sup>a</sup>According to the Human Trafficking Law Project website: "Although the comprehensive federal anti-trafficking law, the Trafficking Victims Protection Act (TVPA), was enacted in 2000, the database includes cases going further back in time to offer a fuller view of trafficking in the United States. To achieve a thorough and consistent review, HTLP [Human Trafficking Law Project] researchers analyze not only cases prosecuted under the TVPA, but also apply the TVPA standard to evaluate other potential human trafficking cases from 1980 to the present" [38].

SOURCE: [37].

## 5 How the Juvenile Justice System, the Judiciary, and the Criminal Justice System Can Help



**A**s discussed in Section 3, minors who are victims of commercial sexual exploitation and sex trafficking may instead be treated—inappropriately—as delinquents or criminals. Thus, the juvenile justice system, the judiciary, and the criminal justice system all have roles to play in responding to these crimes.

### THE JUVENILE JUSTICE SYSTEM

Given the fundamental differences between youth and adults, the approach to violations of the law by juveniles historically has been to treat and rehabilitate the youth while ensuring public safety [9]. Although juvenile court judges have considerable discretion and authority over the outcome of juvenile cases, the preferences and actions of police, attorneys, court staff, and probation staff all can influence whether and how youth proceed through the system. The discretion and preferences of each of these actors are often driven by their role or their function within the legal system. For example, judges and probation staff may be considering the rehabilitation role of the system, whereas police and prosecutors may be aligned around public safety responsibilities. In addition, decisions by each of these actors are influenced not just by the nature of an offense committed by a juvenile, but also by the youth's personal characteristics [9].

When youth are prostituted, the juvenile justice system typically approaches them in one of three ways, depending on state law: (1) prostitution of a juvenile is recognized as harm against children, so a youth should never enter the juvenile justice system on a prostitution charge; (2) **juvenile prosti-**

**BOX 8**  
**Los Angeles County Probation Department:  
An Example of a Juvenile Justice Response to Sex Trafficking**

In 2011, the Los Angeles County Probation Department received grant funding from the State of California to enhance the services provided to domestic sex trafficking victims and to collaborate with several other county agencies to address the county's trafficking problem. California has not enacted a safe harbor law, so the juvenile justice system has jurisdiction over sex trafficking victims. In 2010, 174 girls under age 18 and 2,351 women between the ages of 18 and 24 were arrested for prostitution [39]. Although most juvenile suspects are not detained upon arrest, girls arrested for prostitution spent, on average, 25 days in custody between arrest and adjudication [36]. County officials were concerned about these statistics, as well as the disproportionate representation of minorities and the involvement of multiple systems (e.g., child welfare and juvenile justice) among the juveniles arrested for prostitution [39, 40].

The grant funding allowed the Probation Department to hire two full-time staff who coordinate the department's activities, which include training, a pilot program within the district attorney's office, a domestic minor sex trafficking subcommittee of the Los Angeles County Inter-Agency Council on Child Abuse and Neglect, development of a protocol with the Departments of Mental Health and Health Services, and collaboration with the Department of Child and Family Services [41]. The Probation Department provided training on sex trafficking of youth to at least 1,000 county staff, including 3 deputy probation officers who provide full-time supervision, court support, assessment, and aftercare to victims of sex trafficking and at least 350 other department staff [39, 41]. The department also is working to prevent trafficking within the county by offering a 10-week My Life, My Choice curriculum in four communities and a 5-week workshop within the detention center [39].

**FOR MORE INFORMATION:**

<http://probation.lacounty.gov/wps/portal/probation/home>

tution is deemed a status offense, so the juvenile justice system will work to obtain services and avoid detention for a youth; or (3) juvenile prostitution is a crime, so a youth will enter the juvenile delinquency system. As of this writing, one state, Illinois, had adopted the first approach. Other states, with "safe harbor" laws (see Section 1), had adopted the second approach; in these states, if a youth does not cooperate with services, a juvenile delinquency case can be reopened. Most other states had adopted the third approach, treating commercially sexually exploited and trafficked youth as delinquents so they enter the traditional juvenile justice system. Some of these states and localities within them have diversion programs so that, as in states adopting the second

approach, youth identified as victims of trafficking can receive treatment as part of their rehabilitation or in lieu of punishment, but must cooperate with these services or the juvenile delinquency case will proceed or be reopened.

Finally, the juvenile justice system has opportunities to identify victims of trafficking who are in the system on charges unrelated to prostitution through intake screenings, runaway and homeless programs, and programming in juvenile detention centers [39, 42, 43, 44]. See Box 8 for an example of a juvenile justice response to sex trafficking.

## THE JUDICIARY

“Although many states continue to criminalize juvenile prostitution, judges have considerable discretion over how they approach these cases.”

The judiciary can promote an appropriate response to commercial sexual exploitation and sex trafficking of minors in two ways: by recognizing and treating juveniles involved in trafficking or prostitution as victims rather than delinquents or criminals, and by providing adequate sentences for traffickers and purchasers of sex. Although many states continue to criminalize juvenile prostitution, judges have considerable discretion over how they approach these cases. Boxes 9-11 describe three examples of courts that treat youth

### BOX 9 Midtown Community Court Services to Access Resources and Safety (STARS) Program

The Midtown Community Court in New York City has jurisdiction over all prostitution offenses in Manhattan for children and adults aged 16 and over. The STARS program was developed to address the physical, sexual, and emotional trauma experienced by defendants with a history of abuse and trafficking. Through this program, case managers at the court screen each client for a history of trafficking and trauma. If the case manager identifies such a history, the client is referred to on-site services, including a multisession counseling group that covers such topics as staying safe on the street, trauma regulation, and healthy relationships. Girls aged 16 to 19 are often referred for services to Girls Educational and Mentoring Services (GEMS) (<http://www.gems-girls.org>) and other off-site service providers [11]. Successful completion of the STARS program serves as an alternative to adjudication or detention.

#### FOR MORE INFORMATION:

<http://www.courtinnovation.org/project/midtown-community-court>

### **BOX 10**

#### **Queens County Prostitution Diversion Court**

The Queens County Prostitution Diversion Court began in 2004 when Judge Fernando Camacho noticed that many defendants in his court had a history of trauma, and some did not appear to be engaging in prostitution voluntarily [45]. He partnered with GEMS (see Box 9) to provide services to girls under age 21 and with the Mount Sinai Sexual Assault and Violence Intervention Program for women over age 21 [11, 14], among other organizations. When the court identifies girls and women as victims of abuse or trafficking, it diverts them to services at one of its partner organizations instead of placing them in detention or confinement.

#### **FOR MORE INFORMATION:**

<http://www.courtinnovation.org/research/prostitution-diversion-programs>

### **BOX 11**

#### **Los Angeles County Succeed Through Achievement and Resilience (STAR) Court**

In 2011, the Los Angeles County Juvenile Court received funding for the STAR Court, a collaborative court designed to provide enhanced supervision of youth arrested for prostitution and collaborate with the Probation Department to improve services to those youth. Instead of engaging youth arrested for prostitution in an adversarial court process, the STAR Court works with the district attorney and defense counsel to defer prosecution while youth are engaged in treatment. The court meets weekly with the youth and their service providers (including the district attorney, defense counsel, physical and mental health care providers, and victim service providers) to monitor and facilitate progress. The court plans to work with the school district to address educational needs and help youth approaching age 18 find transitional housing [36]. After successful completion of a treatment program, the court dismisses prostitution charges. Importantly, the court's grant includes funding for evaluation.

charged with prostitution as crime victims in need of services. These programs have not been formally evaluated, so the IOM/NRC report does not endorse them; nonetheless, they appear to be a positive development worthy of evaluation and further exploration.



## **THE CRIMINAL JUSTICE SYSTEM**

Federal legislation appears to have provided the criminal justice system with means of dealing more harshly with those convicted of commercial sexual exploitation and sex trafficking of minors, including increased prison sentences. One study found that the average sentence for these crimes was 53 months in 1999, before the Victims of Trafficking and Violence Prevention Act was passed, and 80 months in 2005, after the 2013 Trafficking Victims Protection Reauthorization Act was passed [34].

Looking at deterrence rather than punishment, another study found that men who purchased sex viewed the following as deterrents:

- being embarrassed in front of their families,
- being embarrassed in front of their work colleagues,
- being fined, and
- having their property (e.g., automobile) confiscated [46].

Still another study found that individuals who purchase sex are most deterred if:

- they are required to register as sex offenders,
- their photo/name is made public, and
- they are incarcerated [47].

Additional research is needed to understand effective deterrents for different types of exploiters. For example, one recent study suggests that individuals who habitually buy sex are less likely to be deterred by legal sanctions than those who purchase sex infrequently [48].



## 6 Multisector and Interagency Initiatives Addressing Commercial Sexual Exploitation and Sex Trafficking of Minors



All of the sectors involved in responding to commercial sexual exploitation and sex trafficking of minors—victim and support services, health care, education, the legal sector, and the commercial sector—have specific roles to play. However, an adequate response to these crimes requires collaboration and coordination among all of these sectors, as well as at all levels—federal, state, and local. Yet the efforts of individuals, groups, and organizations in different sectors and with different areas of expertise tend to be disconnected. The IOM/NRC report highlights a number of examples of initiatives that have overcome this barrier to a comprehensive response.

Multisector and interagency efforts to address commercial sexual exploitation and sex trafficking of minors at the federal level include task forces and other partnerships, such as those mandated by the 2013 Trafficking Victims Protection Reauthorization Act [21, 22, 23, 49].

### FOR MORE INFORMATION:

*BJA (Bureau of Justice Assistance). 2013. Anti-Human Trafficking Task Force Initiative.*

[https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=51](https://www.bja.gov/ProgramDetails.aspx?Program_ID=51)

*Cook County Human Trafficking Task Force.*

<http://www.cookcountytaskforce.org>

*OVC (Office for Victims of Crime) and BJA. 2011. Anti-Human Trafficking Task Force Strategy and Operations E-guide.*

<https://www.ovcttac.gov/TaskForceGuide/EGuide/Default.aspx>

*OVC and BJA. 2013. Enhanced Collaborative Model to Combat Human Trafficking FY 2013 Competitive Grant Announcement.*

<https://www.bja.gov/Funding/13HumanTraffickingSol.pdf>

*OVC. 2013. OVC-Funded Grantee Programs to Help Victims of Trafficking.*

<http://www.ojp.gov/ovc/grants/traffickingmatrix.html>

*President's Interagency Task Force to Monitor and Combat Trafficking in Persons. 2013. Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017.*

<http://ideascale.com//userimages/accounts/91/912839/Victim-Services-SAP-2013-04-09-Public-Comment-B.pdf>

*U.S. Attorney's Office for the District of Columbia. 2013. The D.C. Human Trafficking Task Force.*

[http://www.justice.gov/usao/dc/programs/cp/human\\_trafficking.html](http://www.justice.gov/usao/dc/programs/cp/human_trafficking.html)

*U.S. Department of State. 2012. Annual Meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.*

<http://www.state.gov/j/tip/rls/reports/pitf>

Examples of state and local efforts include the following:

- Washington State**—Washington State's Model Protocol for Commercially Sexually Exploited Children is focused on fostering collaboration and coordination among agencies, improving identification of these crimes, providing services to victims and survivors, holding exploiters accountable, and working toward ending these crimes in the state [50]. The protocol calls for use of a victim-centered approach by law enforcement, the courts, victim advocacy organizations, youth service agencies, and other youth-serving professionals to ensure that victims of these crimes are treated as such rather than as criminals. The protocol encourages multisector collaboration through state, regional, and local efforts. For example, it calls for the use of multidisciplinary teams to provide immediate consultation on cases of commercial sexual exploitation and sex trafficking of minors as they arise and to participate in meetings to share information and collaborate in the management of each ongoing case.

**FOR MORE INFORMATION:**

*Washington State Model Protocol for Commercially Sexually Exploited Children.*

<http://www.ccyj.org/Project%20Respect%20protocol.pdf>

- **Multnomah County, Oregon**—In 2008, Multnomah County initiated a coordinated multisector response to commercial sexual exploitation and sex trafficking of minors. Specific work groups focus on legislation, assistance for victims and survivors, law enforcement practices (e.g., arrests, investigation, and prosecution of exploiters and traffickers), and physical and mental health care. Steering committee members include law enforcement; the district attorney's office; the Departments of Health, Community Justice, and Human Services; survivors; and nongovernmental service providers. Several strategies are used to ensure collaboration across agencies and among various systems. For example, the county created a special unit within the state child welfare agency for victims and survivors of these crimes [51, 52].

**FOR MORE INFORMATION:**

*Multnomah County Community Response to Commercial Sexual Exploitation of Children.*

<https://multco.us/csec>

- **Suffolk County, Massachusetts**—In Suffolk County, more than 35 public and private agencies participate in the SEEN Coalition. SEEN's multisector, coordinated approach to identifying and serving high-risk and sexually exploited minors includes three components: (1) cross-system collaboration, (2) a trauma-informed continuum of care (see Section 4), and (3) training for professionals who work with children and adolescents. To facilitate collaboration and communication among coalition members, SEEN established formal relationships and protocols, including a steering committee and advisory group, multidisciplinary teams of professionals, and a case coordinator who serves as the central point of contact for all reported victims of commercial sexual exploitation and sex trafficking [53].

**FOR MORE INFORMATION:**

*Support to End Exploitation Now (SEEN) Coalition.*  
<http://www.suffolkcac.org/programs/seen>

- **Alameda County, California**—H.E.A.T. (Human Exploitation and Trafficking) Watch is a multidisciplinary, multisystem program that brings together individuals and agencies from law enforcement, health care, advocacy, victim and support services, the courts, probation agencies, the commercial sector, and the community to (1) ensure the safety of victims and survivors and (2) pursue accountability for exploiters and traffickers. Strategies employed by H.E.A.T. Watch include, among others, stimulating community engagement, coordinating training and information sharing, and coordinating the delivery of victim and support services. The program uses a multisector approach to coordinate the delivery of support services. For example, multidisciplinary case review (modeled on the multidisciplinary team approach) is used to create emergency and long-term safety plans. Referrals for case review are made by law enforcement, prosecutors, probation officials, and social service organizations that have come into contact with these youth. This approach enables members of the multidisciplinary team to share confidential information with agencies that can assist youth in need of services and support.

**FOR MORE INFORMATION:**

*Alameda County District Attorney's Office. 2012. H.E.A.T. Watch Program Blueprint.*  
[http://www.heat-watch.org/heat\\_watch](http://www.heat-watch.org/heat_watch)

## 7 Recommended Strategies



---

“The human cost of the status quo is simply unacceptable.”

---

**T**he IOM/NRC report concludes with a series of recommendations for making progress toward preventing and responding to commercial sexual exploitation and sex trafficking of minors in the United States. The priorities for progress articulated in the report’s recommendations are summarized in this section.

### **INCREASE AWARENESS AND UNDERSTANDING**

A lack of training among professionals who interact with children and adolescents—especially those who are vulnerable—is a barrier to timely and appropriate action to assist victims and survivors of commercial sexual exploitation and sex trafficking and prevent these crimes among youth at risk. These professionals are often dismayed to learn that they have missed opportunities to help these youth, and want to know more about how to identify and assist them.

#### **Training**

Training for professionals and others who interact with young people needs to target and reach a range of audiences in a variety of settings (e.g., urban

### **RECOMMENDATION TO INCREASE AWARENESS AND UNDERSTANDING**

Develop, implement, and evaluate:

- training for professionals and others who routinely interact with children and adolescents,
- public awareness campaigns, and
- specific strategies for children and adolescents.

and rural; tribal lands, territories, and states). Relevant sectors (e.g., health care, law enforcement, victim and support services) should participate in the development, implementation, and evaluation of training activities that use evidence-based methods. Further, each sector should be consulted to determine the best methods for that sector, given that needs may vary, for example, between law enforcement personnel and health care providers.

### **Public Awareness Campaigns**

A lack of public awareness is a significant barrier to preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States. To address this gap, existing public awareness initiatives could be expanded to encompass these crimes.

### **Strategies for Awareness Among Children and Adolescents**

Child and adolescent victims and survivors of commercial sexual exploitation and sex trafficking may not view themselves as victims, and youth who are at risk for this kind of exploitation may not recognize their individual risk. Therefore, special efforts are needed to increase the awareness of children and adolescents to help them avoid becoming victims and to help victims and survivors obtain the assistance they need.

### **STRENGTHEN THE LAW'S RESPONSE**

*“Individuals who sexually exploit children and adolescents have largely escaped accountability.”*

A small but growing number of states have enacted laws—sometimes referred to as “safe harbor” laws—designed to redirect young victims of commercial



sexual exploitation and sex trafficking from the criminal or juvenile justice system to child welfare or other agencies to receive supportive services. While recognizing that additional time and research are needed to assess the effectiveness of specific state laws, the IOM/NRC report recommends that the core principle underlying these safe harbor laws—that children and adolescents who are survivors of sexual exploitation and sex trafficking must be treated as victims, not criminals—should be advanced without delay.

In addition, despite laws in every state that enable the prosecution of individuals who purchase sex with a minor, function as exploiters and traffickers, or otherwise sexually exploit children and adolescents, and despite the hard work of prosecutors and law enforcement in many jurisdictions, individuals who sexually exploit children and adolescents have largely escaped accountability.

### RECOMMENDATIONS TO STRENGTHEN THE LAW'S RESPONSE

Develop laws and policies that **redirect** young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution to systems, agencies, and services that are equipped to meet their needs. *Such laws should apply to all children and adolescents under age 18.*

Review, strengthen, and implement laws that hold exploiters, traffickers, and solicitors **accountable** for their role in commercial sexual exploitation and sex trafficking of minors. *These laws should include a particular emphasis on deterring demand.*

These laws should include a particular emphasis on deterring demand.

### STRENGTHEN RESEARCH ON PREVENTION AND INTERVENTION

As noted previously, the evidence base on strategies and approaches for preventing and responding to commercial sexual exploitation and sex trafficking of minors in the United States is extremely limited.

### RECOMMENDATION TO STRENGTHEN RESEARCH ON PREVENTION AND INTERVENTION

Implement a national research agenda focused on:

- advancing knowledge and understanding;
- developing effective interventions; and
- evaluating the effectiveness of prevention and intervention laws, policies, and programs.

### SUPPORT COLLABORATION

As discussed in Section 3, collaborative, coordinated approaches that bring together resources from multiple sectors will be most effective in identifying victims and survivors and in meeting their challenging needs.

### RECOMMENDATION TO SUPPORT COLLABORATION AND COORDINATION

Develop **guidelines** on and provide **technical assistance** to support multisector collaboration and coordination.

### SUPPORT INFORMATION SHARING

“The difficulty of locating services and programs available to victims is a very real obstacle for children and adolescents seeking to access services and for professionals and caregivers trying to help them.”

One of the most significant barriers to preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors is a lack of reliable, timely information. A number of organizations maintain lists of services available to child and adolescent victims of commercial sexual exploitation and sex trafficking. However, there is no exhaustive list of national-, state-, local-, and tribal-level resources for victim and support services. The difficulty of locating services and programs available to victims is a very real

obstacle for children and adolescents seeking to access services and for professionals and caregivers trying to help them.

### **RECOMMENDATION TO SUPPORT INFORMATION SHARING**

Create and maintain a digital information-sharing platform to deliver **reliable, real-time information** on how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States.

### **FINAL THOUGHTS**

Efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States are in the same developmental stage that efforts to deal with physical and sexual abuse of children were in during the 1970s, when a handful of multidisciplinary approaches for addressing those problems were emerging around the country. Approaches to domestic and interpersonal violence were at a similar stage in the early 1980s. The nation today has a real opportunity to build on lessons from those earlier efforts, as well as current noteworthy practices, to address the problem of commercial sexual exploitation and sex trafficking of minors, and the legal sector has a crucial role to play in achieving this goal. The children and adolescents who are at risk and are victims and survivors of these crimes cannot wait. The human cost of the status quo is simply unacceptable.



## References



1. IOM (Institute of Medicine) and NRC (National Research Council). 2013. *Confronting commercial sexual exploitation and sex trafficking of minors in the United States*. Washington, DC: The National Academies Press.
2. Glosser, A., K. Gardiner, and M. Fishman. 2004. *Statutory rape: A guide to state laws and reporting requirements*. <http://aspe.hhs.gov/hsp/08/SR/StateLaws/report.pdf> (accessed April 10, 2013).
3. Farrell, A., J. McDevitt, and S. Fahy. 2008. *Understanding and improving law enforcement responses to human trafficking, final report, 2008, June*. Boston, MA: The Institute on Race and Justice, Northeastern University.
4. Fassett, B. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, Dallas Police Department's approach to commercial sexual exploitation of children, February 29, 2012, Washington, DC.
5. Gavin, D. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Boston Police Department's approach to commercial sexual exploitation of children, February 29, 2012, Washington, DC.
6. Goldfarb, S. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on Support to End Exploitation Now, March 23, 2012, Boston, MA.
7. Clawson, H. J., N. Dutch, and M. Cummings. 2006. *Law enforcement response to human trafficking and the implications for victims: Current practices and lessons learned*. Fairfax, VA: Caliber Associates, Inc.
8. Farrell, A., J. McDevitt, R. Pfeffer, S. Fahy, C. Owens, M. Dank, and W. Adams. 2012. *Identifying challenges to improve the investigation and prosecution of state and local human trafficking cases*. Washington, DC: Northeastern University and Urban Institute.

9. NRC. 2012. *Reforming juvenile justice: A developmental approach*. Washington, DC: The National Academies Press.
10. Brickhead, T. R. 2011. The “youngest profession”: Consent, autonomy, and prostituted children. *Washington University Law Review* 88(5):1055-1115.
11. Bryan, C. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Center for Court Innovation, February 29, 2012, Washington, DC.
12. Puig-Lugo, H. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Superior Court of the District of Columbia, February 29, 2012, Washington, DC.
13. Bortel, A., M. Ellingen, M. C. Ellison, R. Phillips, and C. Thomas. 2008. *Sex trafficking needs assessment for the state of Minnesota*. Minneapolis, MN: The Advocates for Human Rights.
14. Serita, T. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Criminal Court of the City of New York, Queens County, February 29, 2012, Washington, DC.
15. Sherman, F. T. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, Criminal Court of the City of New York, Queens County, March 23, 2012, Boston, MA.
16. Clawson, H. J., N. Dutch, A. Solomon, and L. Goldblatt Grace. 2009. *Human trafficking into and within the United States: A review of the literature*. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.
17. Walker, T. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Chicago Police Department, July 11, 2012, Chicago, IL.
18. Polaris Project. 2013. *Online training*. <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/access-training/online-training> (accessed April 11, 2013).
19. U.S. Department of Homeland Security. 2013. *Federal law enforcement training center*. <http://www.fletc.gov/search?SearchableText=trafficking> (accessed April 11, 2013).
20. Hersh, L. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, King’s County District Attorney’s Office, February 29, 2012, Washington, DC.
21. Greene, J. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on Cook County State’s Attorney’s Office, Human Trafficking Task Force, July 11, 2012, Chicago, IL.
22. Knowles-Wirsing, E. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on Salvation Army STOP-IT, July 11, 2012, Chicago, IL.
23. Nasser, M. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the U.S. Attorney’s Office, Northern District of Illinois, July 11, 2012, Chicago, IL.

24. Clawson, H. J., and N. Dutch. 2008. *Identifying victims of human trafficking: Inherent challenges and promising strategies from the field*. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.
25. Gentile Long, J., and T. Garvey. 2012. No victim? Don't give up: Creative strategies in prosecuting human trafficking cases using forfeiture by wrongdoing and other evidence-based techniques. *Strategies: The Prosecutor's Newsletter on Violence Against Women* 7:1-7.
26. Koch, B. 2012. *Identifying a financial footprint for human trafficking*. Presentation at meeting of the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, May 12, 2012, San Francisco, CA.
27. DOJ (U.S. Department of Justice). 2009. *The Federal Bureau of Investigation's efforts to combat crimes against children*. Washington, DC: DOJ.
28. DOJ. 2010. *The national strategy for child exploitation prevention and interdiction: A report to Congress*. Washington, DC: DOJ.
29. FBI (Federal Bureau of Investigation). 2012. *Innocence lost national initiative*. [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost) (accessed September 17, 2012).
30. FBI. undated. *Overview and history: Online child pornography/child sexual exploitation investigations*. <http://www.fbi.gov/stats-services/publications/innocent-images-1> (accessed March 11, 2013).
31. OJJDP (Office of Juvenile Justice and Delinquency Prevention). 2010. *OJJDP FY 2010 ICAC Program—law enforcement strategies for protecting children from commercial sexual exploitation*. Washington, DC: DOJ.
32. Allen, B., L. Gharagozloo, and J. C. Johnson. 2012. Clinician knowledge and utilization of empirically-supported treatments for maltreated children. *Child Maltreatment* 17(1):11-21.
33. Gelber, A. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice, February 29, 2012, Washington, DC.
34. Adams, W., C. Owens, and K. Small. 2010. Effects of federal legislation on the commercial sexual exploitation of children. *Juvenile Justice Bulletin* 1-10.
35. Lynch, D. C., K. Tucker, and K. Widner. 2012. *Improving offender accountability in CSEC cases: Tools for investigating and prosecuting adult exploiters*. Atlanta, GA: Emory University School of Law Barton Child Law and Policy Center.
36. Los Angeles County Juvenile Court. 2011. *Title II formula block grant application: California Department of Corrections and Rehabilitation*.
37. University of Michigan Law School. 2013a. *Human trafficking clinic*. <http://www.law.umich.edu/clinical/humantraffickingclinicalprogram/Pages/humantraffickingclinic.aspx> (accessed April 11, 2013).
38. University of Michigan Law School. 2013b. *Human trafficking law project*. <http://www.law.umich.edu/clinical/humantraffickingclinicalprogram/humantraffickingproject/Pages/default.aspx> (accessed May 7, 2013).

39. Guymon, M. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Los Angeles County Probation Department, May 9, 2012, San Francisco, CA.
40. Herz, D., and J. Ryan. 2010. *Summary of Los Angeles County prostitution arrest statistics*.
41. Powers, J. E. 2012. *County's aggressive strategy to combat domestic minor sex trafficking*. <http://file.lacounty.gov/bos/supdocs/70403.pdf> (accessed April 24, 2013).
42. Castro Rodriguez, G. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the Youth Justice Institute, May 11, 2012, San Francisco, CA.
43. Siffermann, W. P. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, San Francisco Juvenile Probation Department, May 11, 2012, San Francisco, CA.
44. Taniguchi, C., and R. White. 2012. Site visit presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on the San Francisco Juvenile Hall, May 11, 2013.
45. Schweig, S. 2012. *Changing perceptions: A conversation on prostitution diversion with judge Fernando Camacho*. <http://www.courtinnovation.org/research/changing-perceptions-conversation-prostitution-diversion-judge-fernando-camacho-0?url=research%2F11%2Finterview&mode=11&type=interview> (accessed October 26, 2012).
46. Durchslag, A. M., and S. Goswami. 2008. *Deconstructing the demand for prostitution: Preliminary insights from interviews with Chicago men who purchase sex*. Chicago, IL: Chicago Alliance Against Sexual Exploitation.
47. Cedenio, M. 2012. Pimps, johns, and juvenile prostitutes: Is New York doing enough to combat the commercial sexual exploitation of children. *Cornell Journal of Law and Public Policy* 22(153):153-179.
48. Yen, I. 2008. Of vice and men: A new approach to eradicating sex trafficking by reducing male demand through educational programs and abolitionist legislation. *Journal of Criminal Law and Criminology* 98:653-686.
49. Walts, K. K., S. French, H. Moore, and S. Ashai. 2011. *Building child welfare response to child trafficking*. Chicago, IL: Loyola University Chicago, Center for the Human Rights of Children.
50. Bridge, B. J., N. Oakley, L. Briner, and B. Graef. 2012. *Washington state model protocol for commercially sexually exploited children*. Seattle, WA: Center for Children and Youth Justice.
51. Baker, J., and E. Nelson. 2012. Workshop presentation to the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, on multi-disciplinary responses, May 9, 2012, San Francisco, CA.
52. Multnomah County. 2012. *Multnomah County: Community response to Commercial Sexual Exploitation of Children (CSEC)*. Multnomah County, OR: Department of Community Justice.
53. Piening, S., and T. Cross. 2012. *From "the life" to my life: Sexually exploited children reclaiming their futures Suffolk County Massachusetts' response to Commercial Sexual Exploitation of Children (CSEC)*. Boston, MA: Children's Advocacy Center of Suffolk County.